



Parent - Student Handbook
2023-2024

Eastern Panhandle Preparatory Academy
<https://eppacademy.org/>

The **mission** of Eastern Panhandle Preparatory Academy is to provide a public K-12 educational opportunity that conforms to the needs of unique students of the Eastern Panhandle Area. We strive to ensure that every student is empowered with the skills, direction, and character to pursue excellence in their lives and careers and play effective roles in their families and communities. To help our students achieve their potential in preparation to support a diverse community, the Academy weaves together research-based best practices in education with community partnerships for labs, service opportunities, and skill development through a comprehensive career and early college program – a true village approach to preparing and integrating our youth.

Note: The Eastern Panhandle Preparatory Academy Parent-Student Handbook is developed in partnership with parents and the Eastern Panhandle Preparatory Academy staff and is approved by the school's Board. This Handbook does not constitute a contract between the school and the student or parent, and the school reserves the right at its discretion to change or amend the handbook at any time in the future. This Parent-Student Handbook is based in significant part on policies adopted by the Board of Directors. Those Board Policies are incorporated by reference into the provisions of this Handbook. The Policies are periodically updated in response to changes in the law and other circumstances. Therefore, there may have been changes to the policies provided in this Handbook since it was printed and disseminated in August 2023. If anything in this Parent-Student Handbook conflicts with a Board Policy, the Board Policy shall supersede the Parent -Student Handbook. If you have questions or would like more information about a specific policy or document, contact the principal.

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Appendix 1: Anti-Harassment, Anti-Intimidation, and Anti-Bullying Policy

Appendix 2: Technology & Internet Safety Policy

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****NOTICE****

The school is established under W. Va. Code §18-5G, *et seq.* and Title 126 CSR 79 Charter Public Schools as promulgated by the West Virginia Department of Education. The school is a public charter school and students enrolled in and attending the school are required to take summative assessments and other examinations prescribed by law. In addition, there may be other requirements for students at the school that is prescribed by law. See, W. Va. Code §18-5G-3(a)(1), §18-5G-3(c)(6), and W. Va. Code §18-5G-3(c)(9). For more information about this matter contact the school administration or the West Virginia Department of Education.

I. Introduction

This Handbook was developed to answer many of the commonly asked questions that students and parents may have during the school year. Become familiar with the following information and keep the Handbook available for reference. The term “parent,” when used herein, means an official caregiver of a minor child, including, but not limited to, mother, father, stepparent, grandparent, foster parent, or court-appointed guardian. If you have any questions about this Handbook, please contact the principal. This Handbook does not constitute a contract between the school and the student or parent, and the school reserves the right at its discretion to change or amend the handbook at any time in the future. Please consult the school website to view the most up-to-date version of this handbook.

Cooperation, respect for others, and a sense of wonder are essential to learning. For this reason, the following regulations and guidelines have been outlined in this manual to assist in maintaining a positive learning environment.

School Hours

Breakfast: 7:15 am-8:15 am

Instructional Times:

MS/HS: 7:45 am-2:50 pm

K-5: 8:15 am-3:15 pm

PK: 8:15 am-2:30 pm

Siblings with differing pick-up times may be picked up at the latest pick-up time of the siblings.

After School Care: MS/HS 3:15-5:00 pm; PK-5 3:45 – 5:00 (Daily fees are charged for afterschool care. Please see Principal for registration).

Parents of students picked up after 5:00 pm may incur a late pick-up charge per Board Policy. For students not picked up after 6:00 pm, the School may contact the appropriate authorities.

Definitions

“Parent” refers to any parent, guardian, foster caregiver, or caretaker.

“Board,” “Board of Directors,” and “Governing Board” refer to the Governing Board of the School.

“ESP” refers to the School’s Educational Service Provider.

II. Admission Information

A. Preference for Admission

Participation in a public charter school is based on parent choice. Each year, Eastern Panhandle Preparatory Academy will announce its open enrollment period for any West Virginia parents or guardians who would like to apply for their student(s). If the number of applicants exceeds the capacity of the school or grade level, Eastern Panhandle Preparatory Academy will conduct a random selection lottery after first granting enrollment preferences. As a statewide school, Eastern Panhandle Preparatory Academy will admit all students who reside in the state, provided there is the capacity to serve that student’s grade level per the annual enrollment goals for each year. All students are welcome.

The pool of applications will be sorted according to admissions’ preferences provided for by statute and by grade level. Within each grade level, applications will be sorted according to the following categories arranged in order of admissions preference: 1) students currently enrolled; 2) siblings of enrolled students, and 3) students whose parent or guardian is a member of the governing board or is a full-time teacher, professional, or other employee at the school.

B. Enrollment Process

- A parent or legal guardian must complete the digital or paper Application for Admission to Eastern Panhandle Preparatory Academy to be considered in the lottery process.
- Open enrollment begins each year in February.
- Applications submitted up to the announced enrollment decision date will be reviewed for completeness, legal residence, and age/grade of the student. Incomplete application forms will not be considered.
- A child must be five (5) years of age on or before July 1 in the school year enrollment is being applied for kindergarten.
- Notification of the lottery will serve as public notice of an official meeting of the Governing Board of the school, even if no action(s) are anticipated to be taken by members of the Board at the time of the lottery.
- If an enrollment lottery is required, it will be conducted as described herein.
- Once the lottery is complete, applicants will be notified of their status.
- Digital registration will be made accessible to applicants who received enrollment offers in the lottery process. If a family requires a paper enrollment form, they will be provided.

one. Families will have two weeks to complete the registration accurately and thoroughly, including the submission of all compliance-related documentation.

- Registrations that are not completed within the designated time, or applicants that cannot produce appropriate priority information, will forfeit enrollment offers.
- Seat placement determinations are made following receipt of the completed, compliant registration.
- If the number of lottery applications does NOT exceed seats available, parents/guardians that have submitted a lottery application have 1 week to complete registration. At the end of that week, the registration opens to the public and the school enrolls until capacity.
- As openings occur post lottery, applicants on the grade level waitlist will be contacted in the established order as determined under paragraph C of this section – Waitlist. Registration process access will be provided. Completion of the registration process is expected in two weeks to prompt a seat placement determination.
- Eastern Panhandle Preparatory Academy will continue to enroll students using this process until the established enrollment number is met and maintained.
- Provision shall be made for children with a sibling enrolled at Eastern Panhandle Preparatory Academy. If a child must be placed on a waitlist due to capacity issues, the child with an enrolled sibling will be granted priority.

C. Waitlist

The waitlist is the ordered list of applicant students without enrollment offers. The waitlist for each school year is initiated through the lottery process. Once all available enrollment opportunities are offered, the remaining applicant students will be added to the waitlist in the order drawn. The waitlist remains active through the academic year. The waitlist for a given year is not carried over to the next school year. A new enrollment application is required for each school year for which a student is seeking a new enrollment.

Students who wish to transfer to Eastern Panhandle Preparatory Academy mid-school year may do so if the school has the capacity to serve that student in that grade level. Otherwise, the student will be added to a waitlist for that grade level.

D. Kindergarten Entrance and Screening

Children entering the kindergarten program must be five years of age on or before July 1st or qualify for entrance under the school's policy. All children enrolling for the first time must be screened for vision, hearing, or speech and language disabilities. If the screening reveals the possibility of potential learning needs, the school must provide a further assessment. A child's screening and assessment data cannot be used to determine eligibility to enter kindergarten. Furthermore, the screenings are not intended to diagnose an educational disability or to be used for placement procedures. Screening results help identify areas of individual development that require further assessment for educational programming, particularly for students who might benefit from early intervention, prevention, acceleration, and enrichment programs.

E. Pre-Kindergarten Entrance and Screening

Children entering the pre-kindergarten program must be four years of age on or before July 1st or qualify for entrance under the school's policy. All children enrolling for the first time must be screened for vision, hearing, or speech and language disabilities. If the screening reveals the possibility of potential learning needs, the school must provide a further assessment. A child's screening and assessment data cannot be used to determine eligibility to enter kindergarten. Furthermore, the screenings are not intended to diagnose an educational disability or to be used for placement procedures. Screening results help identify areas of individual development that require further assessment for educational programming, particularly for students who might benefit from early intervention, prevention, acceleration, and enrichment programs.

F. Registration and Enrollment

Registration and enrollment are two different steps in the process of becoming a student at the school.

Registration initiates the first step in the two-step process. By registering, the parent expresses a desire to have their child attend the school. It does not mean the child will be enrolled in the school.

Parents express the desire to have their child attend by:

- Completing and submitting the Registration Form.
- Providing the child's:
 - Birth Certificate or other certification permitted by state law.
 - Proof of Residency
 - Current Immunization Record; and
 - Last Report Card, when appropriate

Annual Verification Information:

- Parent/guardians/students 18 years of age and older are required to provide the school with proof of residency/Address Verification annually and at any time a change of address, residency, or custody changes.

The second step is enrollment. After the registration period, as described above, is completed and the lottery process is completed, enrollment can begin. The child is not officially a student at the school until the second step, enrollment, is completed.

The child is enrolled when:

- All the registration steps are complete.
- The enrollment packet including all required documents is completed and submitted; and
- Grade placement is assigned.

Enrollment of students shall comply with the admissions procedures specified in the West Virginia Code and the school's Admission and Enrollment Policy.

G. Re-Enrollment

For those students presently attending the school, re-enrollment starts at the end of March or during the first week of April. **Students are not automatically re-enrolled from school year to school year. All parents must state their intention to have their child re-enrolled each school year.** It is the responsibility of the parents to inform the school of any changes to their residency or contact information.

H. Non-Discrimination Policy

Enrollment will not be denied to any eligible applicant based on gender, age, race, religion, color, national origin, ancestry, pregnancy, marital or parental status, economic status, sexual orientation, or physical, homelessness, mental, emotional or learning disability. The school will also not discriminate in its pupil admissions policies or practices whether based on intellectual or athletic ability, measures of achievement or aptitude, or any other basis that would be illegal if used by any public school.

I. Health Certification and Immunization Requirements

State of West Virginia Immunization Requirements for School Attendance

All new students are required to submit a copy of their Immunization Records prior to enrollment. No student shall be permitted to remain in school if the student has not met the minimum immunization requirements established by the West Virginia department of health (WV Code §16-3-4 and 64CSR95) which may be accessed at https://oepe.wv.gov/immunizations/Documents/school/New_School_Entry.pdf.

| Vaccine | Requirements | Provisional Enrollment | Additional Information |
|-----------------------------------|--|---|---|
| DTaP/DTP Td/Tdap | Before admission, four doses required. One dose must be after the 4 th birthday. | After one dose, student may be allowed up 8 months to complete the series if necessitated by the minimum intervals of the vaccine schedule. | <ul style="list-style-type: none">Three doses only for children completing primary series at age 7 years and older.Children exempted from the pertussis component of DTaP vaccine should receive DT vaccine instead, or if past 7th birthday, Td / Tdap vaccine, as applicable. |
| Polio (IPV) | Before admission, three doses required. One dose must be after the 4 th birthday. | After one dose, student may be allowed up 7 months to complete the series if necessitated by the minimum intervals of the vaccine schedule. | <ul style="list-style-type: none">If polio immunization series included both OPV and IPV, then a total 3 of 4 doses are required depending upon the age of the child. |
| Measles, Mumps & Rubella (MMR) | Before admission, two doses required. First dose must be after the 1 st birthday. | After one dose, student may be allowed up to 30 days to complete the series. | <ul style="list-style-type: none">Doses should be a minimum of 28 days apart. |
| Varicella | Before admission, two doses required. First dose must be after the 1 st birthday. | After one dose, children less than 13 years of age may be allowed up to 90 days to obtain 2 nd dose; children aged 13 years and older may be allowed up to 30 days to obtain the 2 nd dose. | <ul style="list-style-type: none">Children less than 13 years of age must have a minimum interval of 12 weeks between the 1st and 2nd doses.Children aged 13 years and older may receive the 2nd dose 28 days after the first dose.Immunity may also be demonstrated through the legal guardian's written or verbal attestation of varicella (chickenpox) disease. |
| Hepatitis B | Before admission, three doses required. Last dose must be after the age of 6 months. | After one dose, student may be allowed up to 4 months to complete the series if necessitated by the minimum intervals of the vaccine schedule. | <ul style="list-style-type: none">Final dose is not valid if administered before 24 weeks / 6 months of age. |

Medical authorities and school educators urge that every child have a complete medical examination before entering school so that the child may be physically ready to accept all the advantages which education has to offer.

J. Change of Address / Phone Number / Custody

It is the parents' responsibility to inform the school office of any change of address, phone number or custody. For changes of address, a new proof of residence will be required. For a change of custody, parents will be required to provide a copy of the custody order to the school.

III. Student and Parent Responsibilities

A. Behavior Guidelines

Eastern Panhandle Preparatory Academy expects positive behavior from all students, teachers, staff, and parents. Effective learning occurs with an approach to student behavior that stresses self-discipline, consistent with the maturity level of the students. Discipline, which reflects the school's policy of non-violence, exists to promote an atmosphere favorable to concentration, attention, and creativity. In addition, discipline is a positive attempt to help all students realize that they are important, worthwhile, and capable of learning. In classroom management, teachers shall be fair, firm, consistent, and impartial, displaying sensitivity to the needs of the individual child.

The following are the main ideas basic to the school's system of discipline. Students will be successful by:

- ☐ Knowing and obeying the rules,
- ☐ Accepting responsibility for their behavior, and
- ☐ Engaging in their learning daily.

Corporal punishment is not permitted. No employee shall threaten, inflict, or cause unreasonable, irrational, or inappropriate force upon a student.

B. Code of Conduct

The Governing Board has adopted a Student Code of Conduct. The information below is an outline of the school's code of conduct; the Code of Conduct adopted by the Board is attached hereto in Appendix 6. Any difference in the specifics of the outline below and the Board adopted Code of Conduct, the Board adopted Code of Conduct will prevail.

The rules of the Student Code of Conduct apply to any conduct:

- ☐ On school grounds during the school day or immediately before or after school hours.
- ☐ On school grounds at any other time when the school is being used by a school group.
- ☐ On or off school grounds at any school activity, function, or event.
- ☐ Traveling to and from school, including actions on any school bus, van, or public conveyance; and

- On the Internet including but not limited to any social media platforms, whether on school grounds or off school grounds if the conduct affects the school's teachers and staff or the education of the school's students.

Violation of the Code of Conduct may subject the student to discipline including but not limited to detentions and in-school suspensions and up to and including suspension, expulsion, or permanent exclusion. The following behavior is a violation of the Student Code of Conduct:

- Tardiness – Arriving later than scheduled*
- Truancy – Absent without permission*
- Dress Code Violation – Not adhering to school dress code.
- Disobedient/Disruptive Behavior – Unwillingness to submit to authority, refusal to respond to a reasonable request or any act that disrupts the orderly conduct of a school function; behavior that substantially disrupts the orderly learning environment (i.e., dress code violation, inappropriate language, cursing, inappropriate gestures)
- Cheating – To act dishonestly; copying of someone else's work; to deceive, take credit for work not done by the student.
- Profane/Obscene Language or Gestures Between/Toward Students or Staff – Use of unacceptable words, terms, or gestures to embarrass or insult another student or staff member.
- Theft – To take the property of an individual or the school without right or permission.
- Fighting/Violence – To participate in physical contact with one or more students with the intent to hurt or injure.
- ☐ Use, Possession, Sale or Distribution of Tobacco Products
- ☐ Use, Possession, Sale or Distribution of Alcoholic Beverages
- ☐ Taking and/or sharing videos or photos on school property without consent (recording prohibited behaviors on school property is not allowed under any circumstances ex: fighting, bullying etc.)
- Vandalism/Damage to School or Personal Property – Purposeful destruction, misuse or defacing of school or other's personal property.
- Intimidation/Interference/Hazing of Student or Staff – Threatening to physically or verbally harm, interfere, or degrade another student or staff.
- False Alarms/Bomb Threat – Purposefully engaging in a false alarm.
- ☐ Use/Possession/Sale/Transmission/Concealment of any Drug or look-alike drug or other illegal or Controlled Substance
- Use, Possession, Sale or Distribution of a Firearm – Firearm has the same meaning as provided pursuant to the "Gun Free Schools Act of 1994."
- Use, Possession, Sale or Distribution of any Explosive, Incendiary or Poison Gas – Any destructive device, including a bomb, a grenade, or a rocket.
- Unwelcome Sexual Conduct – Unwelcomed sexual advances, requests for sexual favors, other physical or verbal conduct or communication of a sexual nature, including gender-based harassment that creates an intimidating, hostile, or offensive education or work environment, i.e., pinching, grabbing, suggestive comments, gestures, jokes, or pressure to engage in sexual activity.

- Harassment, Intimidation, or Bullying behavior (including by an electronic act) as defined in the school's Policy on Harassment, Intimidation, and Bullying (**Appendix 1**)
- Gang involvement – Participation in gang-related actions, dress, or activities
- Weapons – No student at any time, for any reason, shall possess, handle, transmit, or use any object, which can be reasonably considered a weapon in or on the property of the school, or any school-sponsored activity held away from the school property. For purposes of illustration, but without limitation, this rule shall include firearms, explosives, fireworks, and knives, including penknives, chemicals, and other dangerous objects, which are of no reasonable value to a student other than as a weapon. Possession of a “weapon” may result in immediate expulsion.
- Serious Bodily Injury – An incident that results in serious bodily injury to oneself or others. Serious bodily injury is defined as “a bodily injury that involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member or organ.”
- Wrongful Conduct – Actions not in the listing above that impede, obstruct, interfere, or violate the mission, philosophy, and regulations of the school or classroom, including any policies listed in this handbook or the Board of Directors' Board Policy Manual.

*A student may not be suspended or expelled for truancy.

Dress Code

All students are expected to come to school in clean and properly fitting uniforms with proper hygiene and hair styled neatly. Daily personal grooming is important. Pride in one's appearance is the first step in gaining self-esteem and confidence. Moreover, limiting distractions associated with inappropriate or unusual dress and personal style promotes a positive learning environment. Parents will be contacted if a student is out of uniform or comes to school poorly groomed.

The student dress code is an important part of the school program and philosophy. Making a choice to attend the school, the student (with parent support) agrees to follow all dress code requirements. **The dress code is not an option for the student or parent.** Not choosing to follow the dress code may lead to suspension or expulsion.

The Eastern Panhandle Preparatory Academy Administration is the prime enforcer of this policy.

"Uniforms are to be worn daily unless otherwise notified (i.e., spirit week, special events, etc.).

- ☐ Navy blue, black, yellow and/or white polo or button-down shirt (long or short sleeve).
- ☐ No visible undergarments.
- ☐ Navy blue, black, or khaki slacks. NO COLORED DENIM may be worn. No jeans, cargo pockets, overalls, sweatpants, leggings or jeggings.
- ☐ Navy blue, black or khaki skirts, skorts, or jumpers, which must be knee length. No floor length dresses.
- ☐ Navy blue, black or khaki shorts, which must be knee length.

- Black or brown belts must be worn around the waist (no “sagging”) when belt loops are present.
- Solid color dress shoes or plain white tennis shoes may be worn; shoes must be closed toed shoes. – No deck shoes, moccasins, sandals or boots (rain or snow boots are permissible during inclement weather).
- ☐ Blue or white sweater or jacket.
- ☐ Hooded sweatshirts (Hoodies) are not allowed in the building.
- ☐ Baseball caps are not allowed in the building.
- ☐ On Fridays, EPPA branded Spirit Wear such as t-shirts or sweatshirts may be worn. Sweatpants are not allowed.
- ☐ All grades: Tennis shoes must be worn on scheduled physical education day.
- ☐ **Outer garments are to be stored during the school day. No hats or hoods may be kept on during the school day unless students are outside in inclement weather.**

School administration may make changes to the dress code during the school year if there is an article of clothing that is being worn that is a disruption to the learning environment. The school administration will first notify parents in writing that the changes are to be made. Students are expected to comply with changes that have been appropriately communicated.

C. Attendance

Regular attendance and punctuality are essential for success in school and necessary for success later in life. Each student at the school has the responsibility to attend all classes regularly and to be on time.

The required attendance of students shall conform to the minimum standards prescribed by W. Va. Code §18-8-1. Therefore, absences from school should be only for illness or an emergency.

In case of an absence from school:

- ☐ The parent must notify the school before the beginning of the school day from which their child will be absent. Calls are to be made to the school office. The school shall make at least one attempt to contact the parent for any student absent without a legitimate excuse. Parents or a designated adult will be required to sign the child out when they leave and then sign in if they return. A sign-in/sign-out sheet is in the school office and a photo ID will be required.
- While permission will be given to keep a dental/doctor appointment during school hours, parents are encouraged to make these appointments for times other than class hours, if possible. Every tardy or absence (excused or unexcused) slows the progress of a child’s development.
- Both “excused” and “unexcused” absences are counted toward the maximum allowable absences. The distinction is made between “excused” and “unexcused” absences for determining whether a student may have the opportunity to make up classwork and whether disciplinary action is in order.
- ☐ All documentation relating to absences must be provided to the school no later than three instructional days after the first day the student returns to school.

- Students who are habitually or excessively absent or tardy may be referred for interventions pursuant to the school's Attendance, Truancy, and Withdrawal Policy.

The term "excused" will refer to any absence from a class based on the following:

- ☐ Medical appointment
- ☐ Pursuant to medical advice
- ☐ Death of an immediate family member
- ☐ Personal illness
- ☐ Court appearance
- ☐ Religious observance
- ☐ Other as deemed by the school administrator.

The term "unexcused" will refer to any absence from a class based on the following:

- ☐ Leaving school early without proper authorization
- ☐ Other unexcused absences as defined by the school administrator.

NOTE: Failure to attend any school function outside the regular school day will not be considered an absence.

Make-Up Work

When an excused absence occurs, students are responsible for making up the assignments that are missed. The teacher will assign make-up work and set a date for completion, which shall be the same number of days as the corresponding absence. Assignments not completed will result in failing grades.

In the event of a planned excused absence, the school must be provided with three or more days of advanced notice for teachers to provide class assignments. Students must return completed assignments within two days of returning to school.

Make-up work will not be provided for unexcused absences or suspensions.

It is strongly suggested that absences not occur during state testing week(s).

D. Truancy

Generally

Attendance at school is key to achievement. Students are expected to attend school regularly and on time. Parents are encouraged to partner with the school to ensure attendance and timeliness. Parents are encouraged to make any doctor, dentist, etc., appointments for times other than school hours. No student shall be suspended or expelled based solely on the number of absences.

Habitually Truant

When a student is habitually truant:

1. In the case of three (3) total unexcused absences of a student during a school year, the attendance clerk or principal designee will make meaningful contact with the parent, guardian, or custodian of the student to ascertain the reasons for the unexcused absences and what measures the school may employ to assist the student in attending and not incurring any additional unexcused absences.
2. In the case of five (5) total unexcused absences, the attendance clerk or principal designee will again make meaningful contact with the parent, guardian, or custodian of the student to ascertain the reasons for the unexcused absences and what measures the school may employ to assist the student in attending School and not incurring any additional unexcused absences.
3. In the case of ten (10) total unexcused absences of a student during a school year, the attendance clerk or principal may make a complaint against the parent, guardian, or custodian before a magistrate of the county.
4. When any doubt exists as to the age of a student absent from school, the attendance clerk has the authority to require a properly attested birth certificate or an affidavit from the parent, guardian, or custodian of the student, stating the age of the student.
5. A student whose educational services are provided in conjunction with an SAT Plan, IEP, or Section 504 Plan may warrant special consideration when a pattern of single, multiple, or chronic absences exist. The student's status should be reviewed by the SAT, IEP, or Section 504 Plan team as deemed appropriate and in accordance with state and federal laws.

Reporting

The school shall report as soon as practical to the State Regional Vice President of Schools on attendance at times required and provide all necessary details. The attendance clerk or principal or designee will file with the county Regional Vice President and county board at the close of each month a report showing the activities of the school attendance office and the status of attendance in the county at the time. The absences that are excluded by rule shall include but are not limited to excused student absences, students not in attendance due to disciplinary measures, and absent students for whom the attendance clerk has pursued judicial remedies to compel attendance to the extent of his or her authority. The school will report all dropout data to the West Virginia Department of Education.

E. Tardy Policy

All students reporting to school after the school day begins will be considered tardy. Tardy arrivals are added to hours absent, and the student may be referred to the Absence Intervention Team.

Students must be in their assigned classroom by the start of the school day. Just being “inschool” or “hanging around” in the restrooms, gym, or the halls is not considered ready for school and in the classroom. Students using such an excuse will be marked tardy.

Parents are encouraged to make dental/doctor appointments for times other than class hours, if possible. Every tardiness, even if excused, slows the progress of a child’s development.

Tardiness is only excused for the same reasons as absences.

F. Suspension and Expulsion Procedures

The school recognizes that exclusion from the educational program is a serious sanction, and that suspension and expulsion must follow due process mandates. Additionally, the school will comply with all state and federal laws pertaining to students with disabilities. Please see Appendix 6 – Code of Conduct/ Suspension, Expulsion – for the procedures for suspension and expulsion.

A student may be disciplined for any violation of the student code of conduct, even if the violation occurs on property not owned or controlled by the school if the violation took place during activities connected with the school or if the behavior is directed at a school official.

Any student suspended or expelled under this policy will not be permitted to participate in any extracurricular activities.

G. Discipline for Students with Disabilities

Eastern Panhandle Preparatory Academy Code of Conduct/ Suspension, Expulsion Policy (Appendix 6) shall apply to all children unless a child's individualized education program (IEP) specifically provides otherwise. Eastern Panhandle Preparatory Academy will ensure that the parents and the child with a disability receive notice of the rules and regulations applicable to children with disabilities with respect to child management, discipline, and suspension/expulsion upon the child's entry into a special education program or at the annual IEP review. Procedures for discipline of students with disabilities and with 504 Plans are outlined in the Code of Conduct/ Suspension, Expulsion.

G. Withdrawal Policies and Procedures

Voluntary Withdrawal

Parents withdrawing students from School are asked to give the school at least one week's notice. The school requests that parents use the Withdrawal Form available from the School Office to provide notification of the new school the student will be attending. This signed form gives official notice of the child's withdrawal. Records will not be released until a Release of Information form is completed by the legal parent or a request for records is received from a subsequent school. In addition, all outstanding fees, academic records, or obligations must be met, including the return of all textbooks/electronics.

IV. Academics

A. Curriculum

The school provides a high-quality standards-based curriculum using an inquiry model to enable the students to meet individualized goals and prepare for their lives after elementary school. The school shares the student's progress with parents and provides an explanation of the results to parents during the school year.

All Eastern Panhandle Preparatory Academy middle school students will be provided counseling, advisement, career awareness, career interest inventories, and information to assist them in evaluating their academic skills and career interests. Before the end of the second semester of the eighth grade, all Eastern Panhandle Preparatory Academy students shall develop an individual graduation plan in consultation with their parents. High school students will be provided guidance, advisement, and counseling annually that will enable them to complete their individual graduation plans. To be eligible for graduation, per State Board Policy 2510, Eastern Panhandle Preparatory Academy students must successfully earn a minimum of 22 credits to graduate. [West Virginia Graduation Requirements](#) Below are the current minimum graduation requirements for public high school students that Eastern Panhandle Preparatory Academy has adopted.

- English Language Arts- 4 credits
- Mathematics- 4 credits
- Science- 3 credits
- Social Studies- 4 credits
- Physical Education- 1 credit
- Health Education- 1 credit
- The Arts- 1 credit
- Personalized Education Plan- 4 credits

B. Assessment and Intervention

A strong assessment plan is the cornerstone of any successful instructional program. ACCEL Schools, the School's ESP, implements numerous assessment tools for students. To verify curricular alignment, ensure instructional efficacy, and monitor student learning, schools must employ a balanced assessment system that includes several types of testing methods to determine what students are learning, how teachers are teaching, and what instructional and curricular decisions must be made regarding scaffolding, alignment, adjustments, and interventions. In a balanced assessment program, school leaders plan for diagnostic, formative, interim, and summative assessments. In this way, assessment results provide identification of students in need of intervention, feedback to teachers about instructional practice, and verification of curricular strengths and weaknesses.

Eastern Panhandle Preparatory Academy Assessment System

- Incoming Assessment – All new students will be assessed for learning readiness using a computer adaptive, nationally normed test. The results from this initial assessment will assist teachers in developing a personalized plan for each student using West Virginia College- and Career-Readiness Standards.
- Ongoing Assessments – Once a student is enrolled and has finalized their personalized plan with an advisor, the student will participate in a variety of performance assessments over time to monitor their progress and modify their academic program keeping them on track for academic success. These assessments include:
 - Short Cycle Assessments
 - Course level Assessments
 - Computer-adaptive Nationally Normed Assessments: The assessments are taken three times per school year by all students. Baselines (incoming assessment) are

established in the first month of the school year. Once a baseline has been established, performance is also measured in the winter and spring.

- State tests: Summative assessments to measure student achievement in learning the standards.

Below is a summary of specific tests:

- Local Benchmark/Diagnostic (Computer Adaptive Nationally Normed)- iReady
- Incoming Assessment- iReady
- Short Cycle Assessments- iReady (K-8) and Mastery Connect (K-12)
- Reading Fluency- DIBELS or other similar assessment
- Classroom Assessments- iReady Standards Mastery, Mastery Connect, Course assessments
- State Assessments:
 - West Virginia General Summative Assessment- ELA & Math for grades 3-8; Science in grades 5 and 8
 - Grade 10 PSAT
 - West Virginia ELP Assessment for 21st Century (ELPA21)
 - WVASA- ELA and Math for grades 3-8 and 11; Science in grades 5 and 8, and 11
 - NAEP
 - CTE Technical Assessments

C. Report Cards

Report cards are sent to the home through the mail, email, given directly to the parent, or sent home with the student for each grading period (four times a year). See the school calendar for these dates. Please check with the administrator to learn what distribution method is used at the school.

Copies of all report cards are placed into the student's cumulative file.

Kindergarten students will receive a report card at the conclusion of the second and fourth grading period. Kindergarten students will receive an Interim Report at the conclusion of the first and third grading period.

The grading scale is as follows:

| | |
|---------------|---|
| 90%-100% | A |
| 80%-89% | B |
| 70%-79% | C |
| 65%-69% | D |
| 64% and below | F |

D. Parent / Teacher Conferences

Formal parent-teacher conferences are conducted at least once a year. Conference dates are specified in the school calendar. Conference schedules will be issued through the school office but arranged by each student's teacher. Once a conference date and time have been arranged, parents

should contact the student's teacher if a change is necessary. Parents may request conferences throughout the year.

Parent-teacher conferences are a focal point in student evaluation and reporting to the parents. This is a two-way avenue for both parents and teachers and may be initiated by either party as needed.

E. Open House

The open house will be held during the month of September or October. Parents will be notified of the exact dates and are encouraged to attend. Additional "Meet the Teacher" times could be scheduled prior to school starting.

F. Teaching Policies

As it is important that a safe and respectful environment be provided for students to learn and to achieve high academic success, the Board has adopted policies concerning the teaching of controversial issues, gender issues, and racism and sexism. These policies are attached as Appendices 3, 4, and 5, respectively, and incorporated herein by reference.

V. School Operations

A. School Day, Arrival, and Dismissal

School days and vacations are provided in the school year calendar.

After school fees may be assessed for those students remaining at school after 4:00 pm and who are not in the after-school care program. The school reserves the right to contact the appropriate authority if a student is not picked up from school.

B. Illness

Parents are encouraged to examine their child each morning before leaving for school to see if any signs or symptoms of illness are present.

If a student is ill, please keep the student at home and notify the school of the absence. Should a condition persist, the student's physician should be consulted. Parents are urged to establish children with a physician so that one can be promptly called when the need arises. Students should not return to school until a 24-hour period of a normal temperature has elapsed. All guidelines on COVID-19 prevention must be followed.

C. Emergency Phone Calls

Parents should not call the school for the delivery of messages to children, except in cases of emergency.

Students may give the school's phone number to relatives for emergency purposes only. The main office will take a message and forward it to a student as soon as possible.

Students are not permitted to use school phones without approval from school personnel.

D. Early School Dismissal

Occasionally, weather conditions or other building emergencies may arise that necessitate sending students home earlier than the regular dismissal time. Every possible effort will be made not to make such a closing. In case of closing, every effort will be made to contact the parents under these conditions. It will be necessary for the parent to arrange procedures (such as staying with a neighbor, friend, relative, etc.) for their child to follow in case there is no one home to meet them. Parents should make these arrangements beforehand and instruct the child on what they are to do. The school cannot make any such decisions.

E. Emergency School Closings

Should it be necessary to close the school for inclement weather or other unforeseen emergencies, parents will be notified via phone, text, and email. If the county school district in which the school is located is closed for inclement weather, the school will also close. Primary contacts receive automated phone calls, texts, and emails to alert them of the school closing.

F. Cars / Parking

For the sake of order and safety, parents coming to drop off or pick up their children are to park in designated areas only. The school will give traffic and parking before the opening of school. ***The school shares a road with the neighborhood and traffic rules will be strictly enforced, including the twenty-five-mile speed limit.***

G. Breakfast / Lunch

Families needing financial assistance may apply for free or reduced breakfast/lunch fees through the school office. Information for the free and reduced breakfast/lunch program is sent home early in the school year and the forms are available throughout the year in the school office. Note: it is the responsibility of the parent to see to it that their child is provided lunch or to notify the school of qualification for free or reduced lunch. Parents are required to settle all lunch invoices monthly.

H. Recess

When scheduled, students are expected to participate in outdoor recess activities during the school day – weather permitting. If a student is too sick to go outside for recess, the student should not be in school. Parents must ensure that the student has the appropriate clothing for outdoor activities. Coats, hats, and gloves should be worn as recess will be outside unless the temperature is 32 degrees (F) or less (actual or wind chill).

I. Textbooks/Chromebooks

Students are expected to take care of and are responsible for the textbooks and Chromebooks assigned during the school year. Parents will be responsible for paying a replacement fee for lost or damaged textbooks or computers. The student's academic records will not be released until payment of the replacement fee is settled.

J. Money

All money turned into the school should be in an envelope marked with the child's name, grade, amount, and purpose. The children are not to bring additional money to the school. The school is not responsible for any money brought to the school.

K. Lost and Found

Any personal items that have been left at the school will be taken to the main office. If students find personal items that belong to others, they should turn the items into the main office as soon as possible. The school is not responsible for lost money, jewelry, phones, or other personal items.

Many clothing items find their way into the lost and found containers. Parents are encouraged to have their children request permission to look for missing items. Many good clothing items are never claimed and are given to various charitable organizations as space permits.

Money, jewelry, and other personal items may be turned in at the office. Students should ask permission from their teacher to come to the office to claim any such items.

L. Student Photographs

School pictures will be taken in the fall of each school year. Parents will be offered a package of individual and class photographs through the photography company. All students will be photographed whether or not a package is purchased unless the parent sends a written refusal.

M. Visitors

Visitors are required (for the safety and security of everyone) to report to the school office before their visit to a classroom or other parts of the facility. All visitors must sign in upon arrival, sign out before leaving the facility, and wear a visitor's identification badge while on the premises. Visitors are not to approach students and should always be escorted by a staff member while on the premises.

All visitors must pre-arrange, through the office, any meetings or visits with the teacher or classroom. The length and repetition of visits shall be determined by the school administrator to be in the student's and the school's best interest.

Visitors are asked not to attempt an impromptu parent-teacher conference, particularly while students are in the classroom.

The school reserves the right to deny access to anyone, including parents, to the school facility and grounds.

N. Volunteer Program

Parents and members of the community may be asked or wish to give of their time in the form of volunteering. Information regarding these opportunities will be forwarded to the parents as appropriate. This is a wonderful opportunity to become more involved with the school.

Volunteers will be required to obtain a criminal background check without qualifying offenses. The application for a criminal background check can be found at its website:

<https://securevolunteer.com/eastern-panhandle-preparatory-academy/home>

O. Field Trips

Field trips may be conducted throughout the school year and are correlated with students' educational experiences within the classroom. Parental permission slips are required for a student to participate. Without a signed permission slip, the student will not be able to participate in the field trip. In addition, an Emergency Medical Authorization Form must be on file at the school before a student may participate. Teachers may request parents to assist in organizing and chaperoning field trips.

Please note: To be considered as a chaperone, it is required that you obtain a criminal background check with no qualifying offenses prior to participating in any school activity.

P. Classroom Parties

Parties may be scheduled for special holidays and/or special occasions. The classroom teacher will coordinate and communicate dates, times, and procedures for such events. Each classroom teacher will establish a party policy for his/her individual classroom. Parental requests for parties will be approved or denied by the classroom teacher. Any request for a child not to participate in any/all such parties or activities should be in writing and forwarded to the teacher ahead of time.

Q. Personal Items Brought to the School

Students are not allowed to bring personal items to school. To avoid disruption of the educational process, currently popular items such as trading cards, electronic games, and action figures are to be left at home. Such articles will be taken and returned only to the parent or the law authorities if deemed prudent to do so by the building administrator. Except for approved fundraisers, students are not permitted to sell or trade anything among themselves at school, on the school grounds, or on the bus. This includes food from lunches. Pets should never be brought to school without prior permission from the administrator. For service animals, please see the Administrator for the school policy.

Further, items should not be brought in glass jars because of the danger of breakage (e.g., lunch items).

R. Lost/Stolen Items

The school **is not responsible** for lost stolen personal items, including cell phones, even if turned over to school personnel.

S. Backpacks, Desks, Lockers, and Other Personal Storage Areas

All lockers, desks and other storage areas provided to the student for use remain the property of the school. The student has no expectation of privacy in any storage area assigned to them. No student shall lock or otherwise impede access to any locker or storage area, except with a lock (if any) approved and provided by the school. Unapproved locks will be removed and destroyed with no compensation. Upon authorization of the building administrator, personal storage areas may be searched at any time for any reason.

Upon authorization of the search team, including the administrator or designee, backpacks, desks, and other personal storage areas may be searched at any time for any reason. The search team may at any time, with reasonable suspicion, call upon the assistance of the local police authorities to conduct a search of backpacks, desks, and other personal storage areas, and the contents contained therein.

T. Pesticide Notice and Log Policy

Parents and guardians of minor children, adult students, faculty, and staff who are enrolled or employed at the school may request and receive prior notifications of the applications of pesticides that are scheduled for a time when school is in session. All such requests shall include the requesting party's email address or telephone number and shall be submitted to the school administrator at the school office. The school administrator is designated as the contact person for all pesticide applications made at the school.

Additionally, pesticide logs shall be available for inspection at the school office during normal school hours. Said logs shall be retained for one year following the date of the pesticide application.

This Policy shall not apply to disinfectants, sanitizers, germicides, and anti-microbial agents.

VI. Health and Safety

The school provides a safe and clean environment and takes precautions to protect students and staff.

The building doors are locked during the school day. Entrance to the building is by office permission. Closed-circuit cameras cover all entrances and are placed at strategic locations throughout the building.

A. Reporting Injuries

If a student is injured at the school, they must immediately report the injury to school personnel. The main office will complete an injury report and will provide a copy of the report to the parents as notice of the incident.

B. Health Clinic

When available, the school nurse or health aide handles all first aid; otherwise, first aid issues will be handled by other school personnel. All students are required to have an Emergency Authorization Form on file at the school, including a telephone number at which the parent may be reached. These forms will be used in case there is a medical emergency or illness.

C. Emergency Medical Authorizations

Each parent is asked to complete and return to the school an Emergency Medical Authorization Form, which will be included in the student's cumulative record folder. Parents are responsible for ensuring that this authorization form includes the necessary information the school must have should an emergency arise. It is extremely important that this authorization form is fully completed and updated as medical needs or contact information changes.

D. Medication Administration

The administration of medication to students during the school day is the responsibility of the parents per West Virginia Code §126CSR27. West Virginia Code §126CSR27-6.5. b. promotes student individual responsibility and education. Self-administered, prescribed emergency or acute medications, such as but not limited to epinephrine, insulin, asthma inhaler, or ibuprofen, when the prescription indicates that said student may maintain possession of the medication. The student must be able to bring the medication to school, carry the medication in a safe and responsible manner, and use the medication only as prescribed. At the discretion of the Boards, high school students (not below grade 9) may be allowed to carry and self-administer non-prescribed over-the-counter (OTC) medication with parent authorization, unless restricted by the administrator or principal.

Per W. Va. Code §18-5-22, students are permitted to possess and use a metered-dose or dry powder asthma inhaler to alleviate or prevent asthmatic symptoms at the school.

Per W. Va. Code §18-5-22, students are permitted to carry and use an epinephrine auto-injector to treat anaphylaxis (an intense allergic reaction). For a student to properly possess or use an epinephrine auto-injector at the school, written approval from the student's physician and parent must be signed and received by the school.

For asthma inhalers and epinephrine auto-injectors, Written Approval by the student's physician must include all information as detailed hereinbelow or as indicated on the Food Allergy Action Plan, if applicable. If a student has a serious food allergy, the parent must complete a Food Allergy Action Plan.

“Written Approval” hereunder must include the following information:

1. The name and address of the student;
2. The name of the school and class in which the student is enrolled;
3. The name of the medication and the dosage to be administered;
4. The times or intervals at which each dosage of the medication is to be administered;
5. The date the administration of the medication is to begin;
6. The date the administration of the medication is to cease (if applicable);
7. Acknowledgement that the physician has determined that the student is capable of possessing and using the auto-injector appropriately and has provided the student with training in the proper use;
8. Any severe adverse reactions that should be reported to the physician and one or more phone numbers at which the physician can be reached in an emergency;
9. Instructions outlining procedures to follow if the asthma inhaler does not provide adequate relief;
10. A list of adverse reactions that may occur if an individual for whom the asthma inhaler was not intended uses the medication; and
11. At least one emergency telephone number for contacting the physician and one number for contacting the parent
12. Any other special instructions.

Should any information regarding the medication change, the parent must submit a revised Written Approval statement.

All medications must be in the prescribed container.

The school shall acquire and retain copies of each request and accompanying Written Approval statement. The Written Approval statement shall be given to the employee authorized to administer the drug by the next school day after receipt.

The school shall store the medication in a locked location in the school office or other location as determined by School personnel that meets legal requirements for storage. Any drugs that require refrigeration shall be stored in a refrigerator located in a place not commonly used by students.

Properly trained school staff may administer epinephrine in an emergency, in accordance with the Written Approval and/or the student’s Food Allergy Action Plan when emergency medical service providers are not immediately available and the exigency of the circumstance requires immediate action. School staff will immediately request assistance from an emergency medical service provider whenever a student is administered epinephrine at the school or at an activity, event, or program sponsored by the school. This request for medical assistance applies whether the student self-administers the medication or a school staff member administers it to the student.

Students with Diabetes

All students enrolled in the school will receive appropriate and needed diabetes care in accordance with an order signed by the treating physician. The care includes any of the following:

1. Checking and recording blood glucose levels and ketone levels, or assisting the student with the check
2. Responding to blood glucose levels outside of the student's target range
3. Administering glucagon or other prescribed emergency treatment during a case of severe hypoglycemia
4. Administering or assisting in the administration of insulin
5. Providing oral diabetes medication
6. Understanding schedules and food intake for meals and snacks to calculate medication dosages pursuant to the physician's order
7. Following the physician's instructions regarding meals, snacks, and physical activity
8. Administering diabetes medication as long as the following conditions are met:
 - a. Administered by a school nurse, or in the absence of a school nurse, an employee trained in diabetes care.
 - i. Any training shall be coordinated by a school nurse or licensed health care professional with expertise in diabetes;
 - ii. Each year the training shall take place prior to the beginning of the school year, or as needed, not later than fourteen days after receipt of a physician's order;
 - iii. Any individual who completes the required training shall be considered by the Board as qualified to administer diabetes care.
 - iv. The school nurse or licensed health care professional shall provide follow-up training and supervision.
 - b. The school receives a written request with the following information:
 - i. The name and address of the student
 - ii. The school and class in which the student is enrolled
 - iii. The name of the drug and the dosage to be administered
 - iv. The times or intervals at which each dosage of the drug is to be administered
 - v. The date the administration of the drug is to begin
 - vi. The date the administration of the drug is to cease
 - vii. Any severe adverse reactions that should be reported to the prescriber and one or more phone numbers at which the prescriber can be reached in an emergency
 - viii. Special instructions for administration of the drug, including sterile conditions and storage
 - c. The parent agrees to submit a revised written request upon any changes to any of the items listed in paragraph 8.b. above.
 - d. The person administering the drug has a copy of the written request.
 - e. The medication is in the prescribed container.

Within fourteen days of receipt of a physician's order regarding a student with diabetes, the Board shall inform the student's parent that the student may be entitled to a 504 plan.

Upon written request of a parent, a student with diabetes shall be permitted to attend to their own care in accordance with the physician's order if the student's treating physician determines the student capable of performing the tasks. The student shall be permitted to perform the care tasks in any area and to possess all necessary supplies and equipment. If the student uses the medical equipment for a purpose other than the student's own care, the Board may revoke the student's permission to attend to their own care.

The school, members of the Board, and employees of the school are not liable for damages in a civil action for injury, death, or loss to a person or property allegedly arising from providing care or performing duties associated with diabetes care unless the act or omission constitutes willful or wanton misconduct.

E. Food Allergy Action Plan

If a student has a serious food allergy, the student and his/her parent must complete a Food Allergy Action Plan.

F. Vision, Hearing, and Scoliosis Screening

Screening for the students will be conducted in accordance with state guidelines. The school nurse will notify the parent of the results. Any conditions discovered that might impede the student's health or school progress will be brought to the parent's attention by the school nurse.

G. Eye Protective Devices

Staff and Students shall wear eye protection that complies with Federal and State standards when working in areas involving:

- flying particles
- molten materials
- acids, caustic, or explosive materials
- chemical oases or vapors
- potentially injurious light radiation
- welding, milling, sawing, drilling, turning, shaping, cutting, grinding, buffing.

H. Wellness Program

In light of the Child Nutrition and Women, Infants, and Children (WIC) Reauthorization Act of 2004 by Congress, the school recognizes the role it can play in building nutrition knowledge and skills in students to promote healthy eating and physical activity choices. This law requires local education agencies participating in a program authorized by the National School Lunch Act or the Child Nutrition Act of 1966 to develop a local wellness policy. The passing of the Healthy, Hunger-Free Kids Act of 2010 added provisions to expand upon the previous local wellness policy requirement of the 2004 Act. The school supports student health and wellness. For further

information regarding the Wellness Policy, refer to the Board adopted Wellness Policy which may be obtained from the School website or Principal.

I. Reporting Child Abuse / Neglect

When any staff member suspects abuse or neglect, they will first notify the building administrator. The staff member will then call the local reporting agency in the presence of the administrator. The staff member will document the notification. All reports are to be confidential. For further information regarding reporting of child abuse or neglect, see the Principal.

J. Technology and Internet Safety

As more fully outlined in the school's Technology and Internet Safety Policy attached as **Appendix 2** to this handbook, the use of technology is a privilege and an important part of the school's overall curriculum. The school will, from time to time, make determinations on whether specific uses of technology are consistent with school policies for students and employees of the school but does not warrant that the technology resources will meet any specific requirements of the student or other users, or that it will be error-free or uninterrupted. The school always reserves the right to monitor and log technology use, to monitor fileserver space utilization by users, and examine specific network usage (as may be deemed necessary) for maintenance, safety, or security of the technology resources or the safety of the user.

By signing the Parent/Student Contract Page at the end of the Parent/Student Handbook, the parent and student agree:

- To abide by all school policies relating to the use of technology;
- To release all school employees from any and all claims of any nature arising from the use or inability to use the technology;
- That the use of technology is a privilege; and
- That use of the technology will be monitored, and there is no expectation of privacy whatsoever in any use of the technology.

The parent/student further agrees and understands that the student may have their privileges revoked or other disciplinary actions were taken against them for actions or misuse such as, but not limited to, the following:

- Altering system technology, including but not limited to, software or hardware;
- Placing unauthorized information, computer viruses, or harmful programs on or through the computer system in either public or private files or messages;
- Obtaining, viewing, downloading, transmitting, disseminating, or otherwise gaining access to or disclosing materials the school believes may be unlawful, obscene, pornographic, abusive, harmful to minors, or otherwise objectionable;
- Using technology resources for commercial, political, or other unauthorized purposes – the school technology resources are intended only for educational use;
- Intentionally seeking information on, obtaining copies of, or modifying files, other data, or passwords belonging to other users;
- Disrupting technology through abuse of the technology, including but not limited to, hardware or software;

- Malicious uses of technology through hate mail, harassment, bullying, profanity, vulgar statements, or discriminating remarks;
- Interfering with others' use of technology;
- Installation of software without the consent of the school;
- Violating the conditions of federal and West Virginia law dealing with students' and employees' rights to privacy;
- Violating copyright laws by illegally downloading or installing music, any commercial software, shareware, or freeware;
- Damaging any technology devices;
- Allowing anyone else to use any account other than the account holder; and
- Other unlawful or inappropriate behavior.

The parent and student also acknowledge and agree that the student is solely responsible for the use of his/her accounts, passwords, and/or access privileges, and that misuse of such may result in appropriate disciplinary actions (including but not limited to suspension or expulsion), loss of access privileges, and/or appropriate legal action.

The parent and student must also know and further agree that:

- Should the user transfer a file, shareware, or software that infects the technology resources with a virus and causes damage, the user will be liable for any and all repair costs;
- The user will be liable to pay the cost or fee of any file, shareware, or software transferred or downloaded, whether intentional or accidental;
- Should the user intentionally destroy information or equipment that causes damage to technology resources, the user will be liable for any and all costs; and
- Violation of the Internet Usage Policy is also a violation of the school Code of Conduct and may result in other disciplinary action, other than those specifically set forth above, including but not limited to suspension or expulsion.

K. Harassment, Intimidation, Bullying

As more fully set forth in the school's Policy on Harassment, Intimidation, and Bullying, including by an electronic act, and attached as **Appendix 1** to this handbook, harassment, intimidation, or bullying behavior is strictly prohibited, and students who are determined to have engaged in such behavior are subject to disciplinary action, which may include counseling, suspension, or expulsion from school. The school's commitment to addressing harassment, intimidation, and bullying, however, involves a multi-faceted approach, which includes education and the promotion of a school atmosphere in which this behavior will not be tolerated by students, faculty, or school personnel.

It is imperative that harassment, intimidation, and bullying be identified only when the specific elements of the definition are met because the designation of the conduct of such behavior carries its special statutory obligations. Any misconduct by one student against another student or staff, whether or not appropriately defined as harassment, intimidation, or bullying will result in appropriate disciplinary consequences for the perpetrator.

L. Prohibited Gang Activity

Students are prohibited from engaging in gang activities while at school, on school property, to or from school, or at a school-related function or event whether at the school or outside of the school facility and on the Internet. Any student who violates this policy will be subject to disciplinary action, up to and including expulsion from school.

The term “gang” is defined as any non-school sponsored group of students with secret and/or exclusive membership, whose purposes or practices include unlawful or anti-social behavior as well as actions that threaten the welfare of others

The term “gang activity” is defined as any conduct engaged in by a student:

- On behalf of a gang;
- To perpetuate the existence of a gang;
- To effect or promote the common purpose and design of any gang, including the wearing of apparel, jewelry, or symbols;
- To recruit for membership in a gang;
- To threaten or intimidate by use of gang affiliation; or
- To represent gang affiliation, loyalty, or membership in any way while on school grounds or while attending a school function.

These activities may include things such as recruiting students for membership in a gang and threatening or intimidating other students or staff against their will to promote the common purpose and design of any gang.

M. Drug-Free School

In accordance with applicable law, the school prohibits the use, possession, concealment, or distribution of drugs by students on the school grounds, in the school building, on school buses, or at any school related event. Drugs include any alcoholic beverage, an anabolic steroid, and any dangerous controlled substance as defined by state or federal statute, or any substance that could be considered a “look alike” controlled substance. Compliance with this school policy is mandatory for all students. Any student who violates this policy will be subject to disciplinary action as specified in this Parent/Student Handbook, up to and including expulsion from the school. When required by state law, the school will also notify law enforcement officials.

N. Weapon-Free School

No student at any time, for any reason shall possess, handle, transmit, or use any object, which can be reasonably considered a weapon or considered a “look-alike” weapon in or on the property of the school, school bus, or any school-sponsored activity held away from the school property. Possession of a weapon may result in immediate expulsion and involvement of local law enforcement.

- A weapon is anything that is commonly used or designed to hurt someone or to put someone in fear (examples: guns, knives, knuckles, clubs, box-cutters, etc.).

- A dangerous instrument is anything that although not specifically designed to hurt someone, can be used to hurt someone, or put someone in fear (examples: belts, combs, compasses, etc.).
- An explosive is any substance that can potentially generate a release of mechanical or chemical energy (examples: firecrackers, cherry bombs, gun shells, etc.).
- Any object that closely resembles a weapon or explosive and could put persons in fear for their safety is included in this category (examples: starter pistols, pellet guns, toy guns, smoke bombs, etc.).

The firearm has the same meaning as provided under the “Gun Free Schools Act of 1994.” At the time this policy was adopted, the above-referenced statute defined a firearm as any weapon (including a starter’s gun) which will or is designed to or can readily be converted to expel a projectile by the action of an explosive, the frame, or receiver of any such weapon, any firearm muffler or silencer; or any destructive device. If the definition of a firearm as provided by the “Gun Free Schools Act of 1994” changes, then the definition outlined in this policy shall automatically change to conform to it.

Knife is defined as a cutting instrument consisting of a sharp blade or edge, not to include scissors, wire cutters or other similar tools determined by the administrator to be necessary for the school setting at a particular building or grade level, if used only for the necessary purpose.

O. Police and Child Protective Services

Allegations of criminal misconduct will be reported to law enforcement, and suspected child abuse must be reported to Child Protective Services (CPS), per required timelines. The school must also investigate for the purpose of determining whether there has been a violation of the School Policy or Procedure, even if law enforcement or CPS is also investigating. All school personnel must cooperate with investigations by outside agencies.

P. School Crisis Response Plan

Eastern Panhandle Preparatory Academy shall create a comprehensive crisis response plan, with necessary safeguards to protect information contained in each response plan that may be considered protected critical infrastructure information, law enforcement sensitive information or for official use only. The crisis response plan will conform with the West Virginia School Safety Act.

VII. School Records

The school takes student records and their confidentiality very seriously and has a policy of not disclosing any student records to anyone outside of the school except in strict accordance with state and federal law. Records of students are only released to another school upon properly authorized request from that school or from a signed release by the parent or as otherwise required by law.

A. Current Information

To ensure student records are up-to-date, parents must inform the school of address, telephone (home/work), and legal custody changes as they occur during the school year.

B. Request for Records

The school office manager will request student records from the enrolling student's previous school(s) upon completion of enrollment. Pursuant to the West Virginia code, the requested records must be received within fourteen (14) days. If the records are not received within fourteen (14) days or if the previous school indicates there are no records, the local law enforcement agency will be notified regarding the possibility that the student may be a missing child.

C. Student Directory Information

Family Educational Rights and Privacy Act of 1974 (FERPA) permits schools to adopt a policy allowing the release of directory information under which "directory information" concerning students may be released to the public under certain circumstance. Schools are not required to do so, however, the School has adopted a FERPA policy which may be requested from the Principal. Parents have the right to submit a written request to the school, preferably within two weeks after the first day the student is enrolled in a school year, directing the school not to release directory information (as defined in the policy) concerning their child to third parties.

D. Audio-Visual Information

The school recognizes the value of audio-visual and other types of electronic communication in providing students with an effective education. In communicating school-related activities, opportunities exist to photograph and videotape students and their work in a variety of activities. However, individual student records (academic, behavioral) will not be disclosed. Communications may include school newsletters, local newspapers, community access cable channel, school-sponsored web pages, marketing materials, and other publications. Highlighting the achievements and celebrating student successes in school is an integral part of the reporting responsibility to the community. The school will, however, respect parents' wish for privacy in this area. Parents should call the school with any questions or concerns. Parents may also notify the school in writing if they prefer that the school not use their student's name, picture, or work product for presentations or other uses.

E. Release of Student Records

Access to records will be in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974 as pertaining to the release of records. In compliance with FERPA, parents have the right to inspect and request corrections to student records. Parents are required to submit their request to inspect student records in writing to the administrator to allow them to schedule a reasonable and appropriate time and date for the parent to present their case. Records will be provided for parental inspection only under the direct supervision of the administrator or their

designee. The school must comply with the parent's request for inspection within forty-five (45) days.

Parents have the right to request corrections to student records. Requests for corrections must be submitted in writing to the administrator in a letter that includes the basis for such correction. Parents have the right to a response to reasonable requests for explanations and interpretations of the records. Parents also have a right to obtain copies of the records or make other arrangements where circumstances would effectively prevent the parent or student from exercising the right to inspect.

Release or inspection of student records will be handled in accordance with the Board of Directors' FERPA Policy.

Parents have the right to file a complaint with the West Virginia Department of Education if they think that the school or the school district their student previously attended is not complying with the federal laws or regulations regarding student records.

F. Non-Custodial Parent Record Request

The school will only give access to or release records to parents who have a legal right to the records of their child. If a parent has ever been to court for custody, those court documents must be on file with the school. Both custodial and non-custodial parents have equal access to the following unless there is a court order to the contrary:

- ☐ Cumulative file (including the enrollment file, academic file, vocational file, Title One file, and graduation file);
- ☐ Health records;
- ☐ Psychological records;
- ☐ Parent conferences and lab observations.

Only the custodial parent can have access to Due Process when the child is classified as being handicapped, and only the custodial parent can make decisions about the child.

The stepparent does not have access to the stepchild's records unless the stepparent has adopted the child, the natural parent has given power of attorney, or the natural parent shows the record to the stepparent.

G. Protection of Pupil Rights Amendment (PPRA) Notification

Description of Intent

The school follows a philosophy of continuous improvement and honest, objective data analysis. This philosophy requires well-planned and sometimes independent research efforts to determine the effectiveness of the school's programs and strategies. From time to time, the school will collect and analyze student performance data and various measures of effectiveness. Families may also be asked to participate in surveys or focus groups. Such research shall always be undertaken to ensure student privacy is protected and in compliance with the PPRA. For example, the names of the student, parent, and family members will not be revealed, and results will only be reported in

the aggregate or by sub-groupings of sufficient size so that the anonymity of the participants is safeguarded.

Rights Afforded by the PPRA

The PPRA affords parents of minors' certain rights regarding the school's conduct of surveys, collection and use of information for marketing purposes, and conduct of certain physical exams. These rights include the following:

- The right to provide consent before students are required to submit to a survey that concerns one or more protected areas ("Protected Information Survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education. Protected areas include the following:
 1. political affiliations or beliefs of the student or student's parent
 2. mental or psychological problems of the student or student's family
 3. sexual behavior or attitudes
 4. illegal, antisocial, self-incriminating, or demeaning behavior
 5. critical appraisals of others with whom respondents have close family relationships
 6. legally recognized privileged relationships, such as with lawyers, doctors, or clergy
 7. religious practices, affiliations, or beliefs of the student or parent
 8. income, other than as required by law to determine program eligibility
- The right to receive a notice and an opportunity to opt a student out of the following:
 1. any other Protected Information Survey, regardless of funding
 2. any nonemergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under state law
 3. activities involving the collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others
- The right to inspection, upon request and before administration or use, of the following:
 1. Protected Information Surveys of students
 2. instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes
 3. instructional material used as part of the educational curriculum

Notification Procedures

The school will work to develop and adopt policies regarding these rights in consultation with the parent. The school will also work to make arrangements to protect student privacy in the administration of Protected Information Surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes.

The school will directly notify the parent of these policies annually in this PPRA Notice or after any substantive changes. The school will also directly notify by U.S. mail, e-mail, or other reasonably available method, the parents of students who are scheduled to participate in the specific activities or surveys described in this PPRA Notice and will provide an opportunity for the parent to opt students out of participation in the specific activity or survey. The school will make this notification to parents near the beginning of the school year if it has identified the

specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, the parent will be provided reasonable notification of the planned activities and surveys covered by the PPRA and will be provided an opportunity to opt their students out of such activities and surveys. The parent will also be provided an opportunity to review any pertinent surveys. The following is a list of the specific activities and surveys covered under this requirement:

- ☐ collection, disclosure, or use of personal information for marketing, sales, or other distribution
- ☐ administration of any Protected Information Survey funded in whole or in part by U.S. Department of Education
- ☐ any nonemergency, invasive physical examination, or screening as described above in the Rights Afforded by the PPRA

Where a student is scheduled to participate in these activities, the student will be notified as described above.

Reporting a Violation

The parent or student who believes their rights have been violated may file a complaint to the following:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5901

VIII. Child Find Policy

The school is participating in an effort to assist the State of West Virginia in identifying, locating, and evaluating all children who may have disabilities that may be hindering their ability to receive Free and Appropriate Public Education (FAPE).

School districts across the State of West Virginia are also participating in this effort to identify disabilities such as hearing impairments, visual impairments, speech or language impairments, specific learning disabilities, emotional disturbances, multiple disabilities, cognitive impairments, physical impairments, autism, traumatic brain injury, and other health impairments.

The school is committed to affording all children their right to free and appropriate education, regardless of any disability a child may have. However, to accomplish this, the school must know that a need is present.

Parents, guardians, relatives, public and private agency employees, and concerned citizens are used to help schools find any child, birth through age 21, who may have a disability and need special education and related services. **If you are aware of a child who may have special needs, please notify the school's administrator.**

The school will contact the parents or guardians of the child to find out if the child needs to be evaluated. Free testing is available to families to determine whether a special need exists. If a need is identified, the child can begin receiving special education and related services.

A. Screening

School staff will be identified for participation in the Multi-Tiered Systems of Support/Response to Intervention and Instruction (MTSS/RtII) Team, including a special education staff member. The special education staff member will provide guidance to the team on specific instructional and behavioral interventions for students. The team will ensure that students who are not responding adequately to the established interventions are referred for a special education evaluation in a timely manner, engaging the parent/guardian in the process. The team will verify that the struggling student has received appropriate instruction and those the student's difficulties are not related to Limited English Proficiency or, if they are, identify appropriate support. Data related to academic achievement, behavior concerns, intervention results, and academic progress will also be reviewed by the team.

B. Pre-Referral/Referral/Initial Evaluation/Eligibility

Students may be referred for special education evaluation by their parent/guardian, teacher, or the Student Support Team (SST). The team, consisting of general education teachers, special education staff, and school administrators will regularly review data on students that are not progressing as expected. The SST will consult with the parent/guardians and address struggling students' needs through the MTSS/RtII process. The teacher will implement and document interventions and the student's response to interventions. If a student is referred for an evaluation, the student's response to MTSS/RtII efforts is used as one data metric in the determination of special education eligibility. These interventions will not be used to delay or deny a parent/guardian-requested special education evaluation. A student's eligibility for special education and related services will be determined through assessments administered by a school psychologist, classroom data, review of records, and parent and teacher input.

C. Allowing for Differences in English Language Skills and Ethnic Background

Evaluations must consider the child's English language skills and ethnic background to ensure that the testing and evaluation will be equitable for children of any race or culture. Tests will be given in the native language or mode of communication that is most likely to give accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible. Upon enrollment, in Eastern Panhandle Preparatory Academy, the parent/guardian will complete a Language Preference Form to ensure communication and assessments are delivered in the student/family's native language.

D. Instructional Programming

Students enrolled in Eastern Panhandle Preparatory Academy will receive a Free and Appropriate Public Education in the Least Restrictive Environment to the maximum extent possible.

Students determined in need of itinerant or supplemental level of support will access the general education curriculum with adaptations and modifications as outlined in their IEP in the general education classroom with their typical peers. Special education and general education teachers will collaborate to make necessary adaptations and modifications. Students may receive more intense instruction in small groups (with or without general education peers) or one-on-one sessions, depending on the specific needs of the student and as described in the student's IEP. Students that qualify for the alternative state assessment, West Virginia Alternative Summative Assessment (WVASA), will utilize a comprehensive program using an alternative curriculum which will include core content, social skills instruction, and daily living skills based on individual needs. Instruction will follow the West Virginia Alternate Academic Achievement Standards.

Alternative placements are considered when the current educational environment is no longer meeting the needs of the student and the IEP team determines that a student needs more intensive support and programming. Alternative placements can include center-based programs, approved private placements and/or home and hospital instruction.

E. Progress Monitoring

Student progress on annual goals and objectives will be monitored regularly using a variety of assessments and reports. The data will be summarized and provided to the parent/guardian quarterly throughout the school year unless the case conference committee agrees upon more frequent updates. Data collection tools may include rubric scores, curriculum-based assessments, tests, portfolios, or fluency probes. Data may also be accumulated during small group or one on one instruction. Teachers will collect and analyze the data bi-weekly to ensure the student is on track to meet the goal by the annual IEP due date. If the student is not making expected progress on the annual goals or objectives, instructional adjustments will be made accordingly to increase progress, such as increased repetition opportunities or the re-teaching of critical skills. Related service goals will also be regularly monitored, and a summary included in the quarterly report provided to the parent guardian.

F. Disproportionality

Eastern Panhandle Preparatory Academy will collect and examine data regularly to ensure disproportionality is not evident in the areas of identification, academic settings and placements, and disciplinary measures. In addition to cultural sensitivity and awareness training, the following practices will be implemented to ensure students are found eligible for special education services without unjust bias:

- Evaluations will be administered by trained and licensed personnel
- More than one single measure or assessment will be used to determine a disability
- Evaluations will not be discriminatory or racially/culturally biased
- Evaluations will take into consideration the child's English language skills, including ethnic background Evaluations will be administered in the child's native language, or mode of communication If there is any evidence of disproportionality, the school will review, and revise if needed, all procedures and policies that may be contributing.

IX. Parents' Right to Know Teacher Qualifications

A parent or guardian may request information on the professional qualifications of each classroom teacher who provides instruction to the parent's or guardian's child. The information that may be requested includes:

- Licensure and certification information
- Educational background
- Qualifications of instructional aides (if applicable)

X. Parent Involvement Policy

The school recognizes that the involvement of parents and families in their children's education are critical to students' success. To accomplish the goal of welcoming, encouraging, and promoting parental/family involvement, the school shall:

1. Create a welcoming school climate.
 - Provide a welcome packet for all parents visiting the school, including important school contact information, school calendar, and information about the vision and mission of the school.
 - Have teachers make personal contact with families through e-mail, phone calls, or home visits.
 - Hold an open house, prior to school opening, at which families can meet their children's teachers, tour the school building, and meet other families.
2. Provide families with information related to child development and create supportive learning environments.
 - Provide information for parents on typical development and appropriate parent and school expectations for various age groups.
 - Print suggestions for parents on home conditions and activities that support learning at each grade level.
 - Partner with local agencies to provide resources to families.
3. Establish effective school-to-home and home-to-school communication.
 - Provide information for parents on homework policies and on monitoring and supporting student work at home.
 - Send home student work for parent review and comment.
 - Allow access so families can frequently monitor their children's progress and assessment data.
 - Clearly communicate school policies to all families.
 - Establish formal mechanisms for families to communicate to administrators and teachers as needed (e.g., phone numbers, e-mail addresses, weekly hours for families to call or meet).
4. Strengthen families' knowledge and skills to support and extend their children's learning at home and in the community.
 - Provide training and materials for parents on how to improve children's study skills or learning in various academic subjects.

- Make regular homework assignments that require students to discuss with their families what they are learning in class.
 - Provide information on community resources and activities that link to student learning skills and talents, including summer programs for students.
 - Inform families of the high expectations and standards children are expected to meet in each grade level. Provide ways for families to support the expectations and learning at home.
 - Engage families in opportunities to work with their children in setting their annual academic and career goals.
5. Engage families in school planning, leadership, and meaningful volunteer opportunities.
- Invite parents to be involved at the school, including Title One planning.
 - Identify family volunteer interests, talents, and availability, matching these resources to school programs and staff-support needs.
(Recurring volunteers will be required to comply with the background check policies of the school.)
 - Create volunteer recognition activities such as events, certificates, and thank-you cards.
 - Host events that encourage interaction among parents.
6. Connect students and families to community resources that strengthen and support students' learning and well-being.
- Through school-community partnerships, facilitate families' access to community-based programs (e.g., health care and human services) to ensure that families have resources to be involved in their children's education.
 - Establish school-business partnerships to provide students mentoring, internships, and onsite, experiential learning opportunities.
 - Connect students and families to service-learning projects in the community.
 - Invite community partners to share resources at annual open houses or parent-teacher conferences.

XI. Complaint Procedure

The Board of Directors ("Board") believes that Complaints from parents or other members of the community regarding school personnel should be addressed thoroughly and completely. The people involved should treat one another with the highest level of respect and dignity.

Initially, Complaints shall be addressed formally or informally with the staff member. Complaints must be made in a civil/respectful manner in order to be considered by school personnel. Where appropriate, the Complaint should be in writing on a form developed by the Administration and should contain a statement of the facts and the specific outcome desired by the parent or other person making the Complaint ("Complainant"). The Complainant may sign the Complaint and should be given a copy. The staff member should work with the Complainant to resolve the issue in a timely, professional, and courteous manner. The efforts used to resolve the Complaint and the outcome should be noted on the form. Allegations involving illegalities should be reported immediately to the Administration.

Complaints unresolved through a parent-staff member communication or Complaints involving teachers or staff members should be in writing as noted above and directed to the Administration. The Administration shall investigate and attempt to resolve the issue in a fair and timely manner. The outcome should be noted on the form and further documented by letter or email as appropriate under the circumstances. If the Administration cannot resolve the issue with consultation with school advisors or consultants, the Complaint (with documented history or preceding steps) is forwarded in written form to the Board of Directors and a copy to the school's legal counsel.

XII. Non-Discrimination and Title IX/Section 504 Notice

The school does not discriminate on the basis of religion, race, color, ethnicity, national origin, gender, sexual orientation, economic status, homelessness, or disability in its programs and activities.

All employees shall report to the Title IX coordinator at any time the employee has notice of sexual harassment, including allegations of sexual harassment.

The following have been designated to handle inquiries regarding non-discrimination policies and can advise parents on the specific civil rights grievance procedure.

Title IX Coordinator

EPPA Principal: Melvin Womble: mwomble@accelschools.com

Section 504 Coordinator

EPPA Principal: Melvin Womble: mwomble@accelschools.com

XIII. Homeless Policy

The school provides an educational environment that treats all students equally. Every homeless student shall have access to the same free and appropriate educational opportunities as students who are not homeless. Accordingly, the School will enroll each homeless student in the school determined to be in the student's best interest. This commitment to the educational rights of homeless or unaccompanied youth applies to all services, programs, and activities provided or made available. The school shall fully comply with McKinney-Vento Homeless Assistance Act. For more information, the Board Homeless Policy is available from the principal.

Disclaimer: Parent-Student Handbook is based in significant part on policies contained in the Board Policy Manual adopted by the Board of Directors. Those Board Policies are incorporated by reference into the provisions of this Handbook. The Policies are periodically updated in response to changes in the law and other circumstances. Therefore, there may have been changes to the policies provided in this Handbook since it was printed and disseminated. If anything in this Parent-Student Handbook conflicts with a Board Policy, the Board Policy Manual shall supersede the Parent-Student Handbook. If you have questions or would like more information about a specific policy or document, contact the school principal.

COVID – 19

By signing the contract page of this handbook, we acknowledge that we are aware that the symptoms of COVID-19 may include fever, chills, muscle pain, cough, sore throat, shortness of breath/difficulty breathing, and/or new loss of taste or smell (This list does not include all possible symptoms. CDC will continue to update its website as we learn more about COVID-19. See <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>). We acknowledge that if my child/Student develops these symptoms or comes into contact with a person that is suspected/confirmed of having COVID-19 that the parent/ guardian will immediately contact the school. We agree to support and adhere to guidelines for safety. For updated information and resources regarding COVID-19, please visit <https://www.cdc.gov/coronavirus/2019-ncov/index.html>.

Parent/Student Handbook Acknowledgement
2022-2023

Student's Name: _____ Grade: _____

PRINT

Parent's/Guardian's Name: _____

PRINT

We have read and understand all the information contained in this manual including the student code of conduct, internet usage policy, and related policies. We agree to abide by and support the school's policies and Code of Conduct in the Parent-Student Handbook and all policies included in the Board of Directors' Board Policy Manual.

Agreed to by:

Student's Signature:

Date:

Parent / Guardian's Signature:

Date:

Please return the signed form to the school Office.

This agreement will be placed into the student's file.

Media Release

STUDENT INFORMATION FORM

Please print clearly:

Name of participating student

Age _____

School

city/town/zip

grade

TO BE COMPLETED BY PARENT or GUARDIAN:

I/We understand that as part of my/our child's/my attendance at the school, photos, videos, and quotations may be taken for use in publications and reports about the program. I/We further understand that members of the news media invited to cover the program may take photos, videos, and quotations. I/We grant permission to use such materials for the promotion of the program.

Signature of parent or guardian

date

- PLEASE FILL OUT THIS FORM CLEARLY AND COMPLETELY.
- PLEASE RETURN THIS FORM TO THE OFFICE.

FERPA ACKNOWLEDGEMENT

The Family Educational Rights and Privacy Act (FERPA) provides parents and students over 18 years of age ("eligible students") certain rights regarding the student's educational records. To serve the student's educational needs, the school may find it necessary to disclose a student's name, address, parent's/guardian's name, phone number, email address, and date of birth, to a vendor to provide the student with the appropriate learning solutions. The vendors agree to the confidentiality of the student's name and address and will not use such information for any purpose other than those required under their vendor contract with the school.

I hereby acknowledge that my student's name and address may be provided to the school's vendors to ensure that the school can best meet the educational needs of my student. Not acknowledging FERPA could mean that the student and family will not have access to educational materials and resources and as such may receive a different educational experience than what the school has advertised.

Please print clearly:

Name of student

Age

Grade

Parent/Guardian/Eligible Student (18 Years and Older)

- PLEASE FILL OUT THIS FORM CLEARLY AND COMPLETELY.
- PLEASE RETURN THIS FORM TO THE OFFICE.

I give consent for school to release student's directory information (such as student's name, address, parent's/guardian's name, telephone number, date and place of birth, participation in officially recognized activities and sports, weights, and heights of members of athletic teams, dates of attendance, and degrees and awards received – see Board FERPA Policy for complete list). I understand that if I initially give my consent, I can choose to withdraw it at any time by updating student's records at the school.

_____ Age _____ Grade _____
Name of student _____

I hereby consent to the release of directory information.

Parent/Guardian/Eligible Student (18 Years and Older)

_____ I hereby consent to the release of directory information only to PTO and Booster Groups supporting school-sponsored activities.

Parent/Guardian/Eligible Student (18 Years and Older)

 I DO NOT consent to the release of directory information.

Parent/Guardian/Eligible Student (18 Years and Older)

- PLEASE FILL OUT THIS FORM CLEARLY AND COMPLETELY.
- PLEASE RETURN THIS FORM TO THE OFFICE.

Appendix 1

Eastern Panhandle Preparatory Academy (EPPA)

Anti-Harassment, Anti-Intimidation, Anti-Bullying Policy

A safe and respectful environment is necessary for students to learn and achieve high academic standards. Harassment, Intimidation, and Bullying are strictly prohibited, and students who are determined to have engaged in such behavior are subject to disciplinary action, which may include suspension or expulsion. This policy details EPPA's prohibition of Harassment, Intimidation, and Bullying (including Cyber-Bullying).

I. Definitions:

A. "Harassment, Intimidation, Bullying" means:

1. An intentional written, verbal, graphic, electronic, or physical act that a student or group of students has exhibited toward another student or school personnel (including volunteers or others serving the school), more than once, and the behavior:

- a. Causes mental or physical harm to the victim; and
- b. Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment

2. Violence within a dating relationship

B. By Electronic Means/Cyber-Bullying: Harassment, Intimidation, Bullying includes electronic acts, which mean an act committed using phones, PDAs, computers, electronic notebooks, game systems, or any other electronic or communication devices. (Harassment, Intimidation, Bullying conducted through electronic devices is sometimes referred to as "Cyber-Bullying".)

C. Location: Acts constituting Harassment, Intimidation, or Bullying subject to this policy must occur to and from school, on school grounds, at school-sponsored or sanctioned activities, or in school transportation in order for EPPA to be reasonably able to monitor and discern the conduct pursuant to this policy. Cyber-Bullying, subject to this policy, may occur beyond those locations but is covered by this Policy and is strictly forbidden under this Policy.

II. Types of Conduct

Harassment, Intimidation or Bullying can include many different behaviors including overt intent to ridicule, humiliate or intimidate another student or school personnel. Examples of conduct that could constitute prohibited conduct may include, but is not limited to:

1. Physical violence and/or attacks.
2. Threats, taunts and Intimidation through words and/or gestures.
3. Extortion, damage or stealing of money, property or possessions.

4. Exclusion from the peer group or spreading rumors.
5. Repeated remarks of a demeaning nature that have the purpose or effect of causing injury, discomfort, fear or suffering to the victim.
6. Repetitive and hostile behavior with the intent to harm others using information and communication technologies and other web-based/online sites (also known as “Cyber Bullying”), such as the following:
 - a. Posting slurs on websites or any form of social media.
 - b. Sending or posting abusive or threatening instant messages, emails, texts or communications via social media.
 - c. Using cameras or cameras on any devices to take private or embarrassing photographs of students and sending or posting them online or on any form of social media.
 - d. Using websites or other electronic communication to circulate gossip and rumors to other students.
 - e. Excluding others from an online group by falsely reporting them for inappropriate language to internet service providers.

III. Complaint Process – Reporting Prohibited Incidents

- A. Students, Parents/Guardians, or other individuals may report suspected Harassment, Intimidation, Bullying to any School personnel. The school administration or his/her designee is responsible for receiving complaints alleging violations of this Policy. School personnel who receive a complaint will promptly report or forward it to the school administration or his/her designee for review and action.
- B. Oral reports of suspected prohibited behavior are considered official complaints in the same manner as a written complaint. School personnel who receive an oral complaint will promptly document the complaint in writing and will promptly forward it to for review and to school administration.
- C. Both written and oral complaints shall be reasonably specific as to the actions giving rise to the suspicion of Harassment, Intimidation, and/or Bullying, including person(s) involved, number of times and places of the alleged conduct, the target of the prohibited behavior, and the names of any potential witness.
- D. Anonymous Complaints: Individuals who make complaints as set forth above may request that their name be maintained in confidence by the school. The anonymous complaints will be reviewed, and reasonable action will be taken to address the situation, to the extent such action may be taken that (1) does not disclose the source of the complaint; and (2) is consistent with the due process rights of the student(s) alleged to have committed acts of Harassment, Intimidation and/or Bullying.

E. False Complaints: It is a violation of this policy to knowingly report false allegations of Harassment, Intimidation, and/or Bullying. Persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline.

F. School personnel, volunteers, and students shall be individually immune from liability in a civil action for damages arising from reporting an incident in accordance with this policy if that person reports an incident in good faith and in compliance with the procedures set forth herein.

IV. School Personnel Responsibilities

A. Teachers and Other School Personnel Responsibilities

1. Teachers and other school personnel, who witness acts of Harassment, Intimidation or Bullying, as defined above, will promptly stop the divisive situation and notify the school Leader or his/her designee of the event observed by filing a written incident report concerning the events witnessed.
2. In addition to addressing both informal and formal complaints, school personnel are encouraged to address the issue of Harassment, Intimidation or Bullying in other interactions with students. School personnel may find opportunities to educate students about Harassment, Intimidation and Bullying and help eliminate such prohibited behaviors through class discussions, counseling, and reinforcement of socially appropriate behavior.
3. School personnel should intervene promptly where they observe student conduct that has the purpose or effect of ridiculing, humiliating, or intimidating another student/school personnel, even if such conduct does not meet the formal definition of "Harassment, Intimidation, or Bullying."

B. Administrator Responsibilities - Investigation and Documentation

1. The School Leader or his/her designee shall conduct a prompt and thorough investigation of all complaints of suspected Harassment, Intimidation, or Bullying. School administration shall prepare a written report of the investigation when the investigation is complete. Such report will include findings of fact and a determination of whether acts of Harassment, Intimidation, or Bullying were verified. When prohibited acts are verified, school administration shall also prepare a recommendation for intervention, including disciplinary action. Where appropriate, written witness statements will be attached to the report. It is imperative that Harassment, Intimidation, and Bullying be identified only when the specific elements of the definition are met because the designation of such prohibited incidents carry special statutory obligations. However, a determination that misconduct does not constitute Harassment, Intimidation or Bullying under this Policy, does not restrict the right of school administration to impose appropriate disciplinary consequences for student misconduct.
2. When an individual reporting a complaint has requested anonymity, the investigation of such complaint will be limited as is appropriate in view of the anonymity of the

complaint. Such limitation of investigation may include restricting action to a simple review of the complaint (with or without

subject to receipt of further information and/or the withdrawal by the complaining individual of the condition that his/her report be anonymous.

V. Notification to Parents/Guardians

A. Perpetrator: If after investigation, acts of Harassment, Intimidation and Bullying by a specific student are verified, school administration will notify, in writing, the parent or guardian of the perpetrator of that finding. If disciplinary consequences are imposed against such student, a description of such discipline will be included in such notification to the extent permitted by law.

B. Victim: If after investigation, acts of Bullying against a specific student are verified, school administration will notify the parent or guardian of the victim of such findings.

C. To the extent permitted by State and Federal privacy laws, parents or guardians of any student involved in a prohibited incident may have access to any written reports pertaining to the prohibited incident.

VI. Remedial Actions

A. Verified acts of Harassment, Intimidation or Bullying will result in action by school administration that is intended to ensure that the prohibition against Harassment, Intimidation or Bullying behavior is enforced, with the goal that any such prohibited behavior will cease.

B. Eastern Panhandle Preparatory Academy recognizes that acts of Harassment, Intimidation, or Bullying can take many forms and can vary dramatically in seriousness and impact on the targeted individual and school community. Accordingly, there is no one prescribed response to verified acts of Harassment, Intimidation, and Bullying. Disciplinary and appropriate remedial actions for an individual who commits an act of Harassment, Intimidation or Bullying may range from positive behavioral interventions up to, and including, suspension or expulsion.

C. In determining appropriate action for everyone who commits an act of Harassment, Intimidation or Bullying (including a determination to engage in either non-disciplinary or disciplinary action, as described below), school administration will give the following factors full consideration:

1. The degree of harm caused by the incident(s)
2. The surrounding circumstances
3. The nature and severity of the behavior
4. The relationship between the parties involved; and
5. Past incidences or continuing patterns of behavior.

D. When verified acts of Harassment, Intimidation or Bullying are identified early and/or when such verified acts of such behavior do not reasonably require a disciplinary response, students may be counseled regarding the definition of Harassment, Intimidation, Bullying, its prohibition, and their duty to avoid any conduct that could be considered Harassment, Intimidation or Bullying. Peer mediation may also be used, when appropriate.

E. When acts of Harassment, Intimidation and Bullying are verified and a disciplinary response is warranted, students are subject to the full range of disciplinary consequences. Anonymous complaints that are not otherwise verified, however, will not be the basis for disciplinary action.

F. Suspension or Expulsion may be imposed, but only after the appropriate procedures have been conducted pursuant to the School's Suspension and Expulsion policy and applicable law. No disciplinary procedure will infringe on any student's rights under the first amendment to the Constitution of the United States.

G. The determination that conduct does not constitute Harassment, Intimidation or Bullying under this Policy, however, does not restrict the right of school administration or the Board or both to impose appropriate disciplinary consequences for student misconduct.

VII. Prevention and Intervention Strategies

In addition to the prompt investigation of complaints of Harassment, Intimidation, or Bullying, and direct intervention when such acts are verified, school administration will consider potential strategies to protect victims from additional Harassment, Intimidation, or Bullying, and from retaliation following a report and to lessen the effects of Harassment, Intimidation, Bullying. The following potential strategies, as well as other strategies, may be considered:

1. Supervising and disciplining offending student(s) fairly and consistently
2. Providing adult supervision during breaks, lunch time, bathroom breaks and in the hallways during times of transition
3. Maintaining contact with parents and guardians of all involved parties
4. Providing counseling for the victim if assessed that it is needed
5. Informing school personnel of the incident and instructing them to monitor the victim and the offending party for indications of harassing, intimidating, and Bullying behavior; instructing personnel to intervene when prohibited behaviors are witnessed
6. Checking with the victim regularly to ensure that there have been no incidents of Harassment/Intimidation/Bullying or retaliation from the offender(s).
7. Responding respectfully to complaints of suspected prohibited conduct.
8. Promoting open communication regarding Harassment, Intimidation, Bullying.
9. Providing professional development and community opportunities to educate and collaborate with school personnel, parents, and community members about addressing Harassment, Intimidation, Bullying.

10. Educating students regarding Harassment, Intimidation, Bullying.
11. Creating a school atmosphere of team spirit and collaboration that promotes appropriate social behavior.
12. Modeling and promoting strategies that instruct student how to work together in a collaborative and supportive atmosphere. Use of peers to help lessen the effects of Harassment, Intimidation, Bullying.

VIII. Publication & Dissemination of Policy

- A. This policy shall be included in the student handbook and in the publication which sets forth the comprehensive rules, standards, and procedures regarding school conduct. School Administration will annually disseminate this Policy to School personnel, students, and parents.
- B. To ensure school personnel are prepared to prevent and effectively intervene with incidents of Harassment, Intimidation or Bullying, school administration will review information in this policy with its employees during staff development and training.
- C. Students will be provided with age-appropriate information on the recognition and prevention of Harassment, Intimidation or Bullying, and their rights and responsibilities under this and other school policies, procedures and rules.

IX. Sexual Harassment

- A. Sexual Harassment is conduct based on sex that satisfies one or more of the following:
 1. Conditioning the provision of an aid, benefit, or service of the school on an individual's participation in unwelcome sexual conduct. (quid pro quo)
 2. Unwelcome conduct determined by a reasonable person to be so severe, and pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program
 3. Sexual assault as defined in the Clery Act 20 U.S.C. 1092(f)(6)(A)(v), dating violence 34 U.S.C. 12291 (a)(10), domestic violence 34 U.S.C. 12291(a)(8), or stalking as defined in the Violence Against Women Act 34 U.S.C. 12291(a)(30).
- B. Complaints of Sexual Harassment. Procedures for filing and the investigation of allegations of sexual harassment are addressed in compliance with Title IX of the Educational Amendments of 1972 regulations.

Appendix 2

INTERNET SAFETY POLICY

ARTICLE I PURPOSE

It is the policy of Eastern Panhandle Preparatory Academy (“School”) to:

1. prevent users from accessing or transmitting inappropriate material over its computer resources via the Internet, electronic text/mail, or other forms of direct electronic communications;
2. prevent unauthorized access and other unlawful online activity;
3. prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and
4. comply with the Children’s Internet Protection Act [Pub. L. No. 106-554 and 47 USC 254(h)].

ARTICLE II ACCESS TO INAPPROPRIATE MATERIAL

To the extent practical, technology protection measures including Internet filters shall be used on School provided computers to block or filter the Internet or other forms of electronic communications and access to inappropriate information.

Specifically, as required by the Children’s Internet Protection Act (CIPA), blocking shall be applied to visual depictions of material deemed obscene or to child pornography or to any material deemed harmful to minors.

Subject to staff supervision, technology protection measures may be disabled or, in the case of minors, minimized only for bona fide research or other lawful purposes.

ARTICLE III INAPPROPRIATE TECHNOLOGY RESOURCE USAGE

To the extent practical, steps shall be taken to promote the safety and security of users of School’s online computer systems when using electronic mail, chat rooms, instant messaging, and other forms of direct electronic communications.

Specifically, as required by the CIPA prevention of inappropriate network usage includes:

1. unauthorized access, including “hacking,” and other unlawful activities; and
2. unauthorized disclosure, use, and dissemination of personal identification information regarding minors.

ARTICLE IV
TRAINING: STUDENT SAFETY AND DIGITAL CITIZENSHIP

To help ensure student safety and citizenship in online activities, students will be educated about appropriate behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyber-bullying awareness and response.

ARTICLE V
SUPERVISION AND MONITORING

School and network administrators and their authorized employees monitor the use of information technology resources to help ensure that uses are secure and in conformity with this policy. Administrators reserve the right to examine, use, and disclose any data found on the school's information networks in order to further the health, safety, discipline, or security of any student or other person, or to protect property. They may also use this information in disciplinary actions, and will furnish evidence of crime to law enforcement.

As noted above, every school-issued computer is preinstalled with an Internet content filter pursuant to federal regulations. The filter is not to be removed because it blocks access to sites deemed inappropriate as well as sites that have no educational value. Social networking sites, pornography, gambling, and proxy sites are blocked through the filter. Uses of instant messenger applications are not permitted on the school computers and are also blocked.

When students are working outside of school facilities, or the direct supervision of school staff, parents must monitor their children's compliance with these standards. Students who violate these standards may face a loss of Internet access, the loss of school-owned computer equipment, other disciplinary measures, and/or legal action. Procedures for the disabling or otherwise modifying any technology protection measures shall be the responsibility of the School's Educational Service Provider's Regional Vice President.

References:

Children's Internet Protection Act (2000), [Pub. L. No. 106-554 and 47 USC 254(h)]
<http://www.fcc.gov/guides/childrens-internet-protection-act>

Appendix 3

Eastern Panhandle Preparatory Academy (EPPA)

Date Approved: September 27, 2022

Policy on Teaching of Controversial Issues

A safe and respectful environment is necessary for students to learn and achieve high academic standards. This policy details EPPA's positions on teaching of controversial issues.

EPPA shall address controversial topics in an impartial and objective manner. Teachers shall not use the classroom to transmit personal beliefs regarding political or sectarian issues. Students and educators shall ensure that, to the extent possible, discussions are conducted fairly and courteously.

In guiding classroom discussion of controversial issues, teachers shall:

1. Foster students' critical thinking skills.
2. Encourage discussion based on rational analysis.
3. Create an atmosphere in which students learn to respect others' opinions and disagree courteously.
4. Ensure that multiple viewpoints about the issue are presented by introducing an unexpressed viewpoint when necessary.
5. Avoid any attempt to coerce or persuade students to adopt the teacher's point of view.
6. Comply with the instructional requirements and prohibitions imposed under West Virginia law.

A student or parent with concerns regarding instruction about controversial issues shall be directed to the complaint policy at EPPA.

The requirements and prohibitions described in this policy are not intended to, and shall not, prohibit students from forming student led groups related to the topics described herein or otherwise discussing these topics privately.

Exemption from Instruction

A parent or person standing in parental relation may remove the parent's child from a class or other school activity that conflicts with the parent's religious or moral beliefs if the parent presents or delivers to the teacher of the parent's child a written statement authorizing the removal of the child from the class or other school activity.

Limitations

A parent or person standing in parental relation is not entitled to remove the parent's child from a class or other school activity to avoid a test or to prevent the child from taking a subject for an entire semester. This policy does not exempt a child from satisfying grade level or graduation requirements in a manner acceptable to the school and the state.

Required Social Studies Course Restrictions

The following requirements apply to any social studies course in the required curriculum.

Current Controversial Topics

A teacher may not be compelled to discuss a particular current event or widely debated and currently controversial issue of public policy or social affairs.

A teacher who chooses to discuss a topic described above shall, to the best of the teacher's ability, strive to explore the topic from diverse and contending perspectives without giving deference to any one perspective.

Political Activism and Advocacy Participation

EPPA administrators or teachers may not require, make part of a course, or award a grade or course credit, including extra credit, for a student's:

Political activism, lobbying, or efforts to persuade members of the legislative or executive branch at the federal, state, or local level to take specific actions by direct communication; or

Participation in any internship, practicum, or similar activity involving social or public policy advocacy.

Non-educational Political or Religious Education

EPPA administrators or teachers may not require or make part of a course any non-educational political or religious topics and no non-educational items such as symbols or flags (other than the flags of the United States and West Virginia) shall be allowed to be displayed at the school. These topics and items can be used for educational purposes such as teaching about the Civil War or the functioning of the federal or state government.

Training, Orientation, and Therapy

A teacher, administrator, or other employee of EPPA may not be required to engage in training, orientation, or therapy that presents any form of race or sex stereotyping or blame on race or sex. This prohibition as it relates to race is covered more fully in the EPPA policy on racism.

Complaint Process

If any complaints arise in relation to this policy, the complaint process outlined in detail in the Anti-Bullying Policy will be followed

Appendix 4

Policy on Gender Issues

Eastern Panhandle Preparatory Academy

A safe and respectful environment is necessary for students to learn and achieve high academic standards. This policy details Eastern Panhandle Preparatory Academy's (EPPA) policy on gender issues.

Gender Identity and Fluidity

EPPA Personnel shall not teach, instruct, train, or otherwise require any other EPPA personnel to teach, instruct, train, or otherwise communicate to any individual or group, topics regarding sexual orientation or gender identity unless and until those individual persons or the entire group has fully completed the fifth grade.

EPPA Personnel, while acting as agents or representatives of the school, shall not teach, instruct, train or otherwise promote Gender Fluidity (as defined herein). Nor shall EPPA Personnel be required to adopt, support, or promote Gender Fluidity (as defined herein). This provision shall not be interpreted as requiring, and does not require, any EPPA Personnel to violate any rules or regulations propagated by that individual's professional licensing authority.

For purposes of this policy, "Gender Fluidity" means any theory or ideology that (1) espouses the view that biological sex is merely a social construct; (2) espouses the view that it is possible for a person to be any gender or none (i.e., non-binary) based solely on that person's feelings or preferences; or (3) espouses the view that an individual's biological sex should be changed to "match" a self-believed gender that is different from the person's biological sex.

Any instructional resources that adopt, support, or promote Gender Fluidity as defined herein shall be placed and kept solely and exclusively in the School's Parental Consent Area.

EPPA will not promote, initiate, require, or encourage the use of titles or pronoun identifiers for students, teachers or any other persons in any manner that is inconsistent with the biological sex of such person as listed on: (1) the person's official birth certificate; or (2) if the person's official birth certificate is unobtainable, another government-issued record. A statement of a student's biological sex on the student's official birth certificate is considered to have correctly stated the student's biological sex only if the statement was: (1) entered at or near the time of the student's birth; or (2) modified to correct any type of scrivener or clerical error in the student's biological sex.

Students should be addressed by staff according to the name stated on the student's birth certificate, or a derivation thereof. However, to the extent a student (with the written consent of such student's parent or legal guardian), parent, or legal guardian has specifically requested or directed the use of a specific name, title, or pronoun for that student, EPPA Personnel

interacting with the student may, but are not required to, comply with such request at their discretion. In no event shall the student's name be changed by the teacher on the student roster. EPPA Personnel shall not require a student, teacher, administrator, or any other person listed herein to use a title or pronoun in reference to another person that is inconsistent with the biological sex of such person as defined in the preceding paragraph

If any complaints arise in relation to this policy, the EPPA complaint process will be followed.

Appendix 5

Eastern Panhandle Preparatory Academy (EPPA)

Date Approved: September 27, 2022

Policy on Racism and Sexism

A safe and respectful environment is necessary for students to learn and achieve high academic standards. Many forms of racism have been determined to be deliberately divisive and to have an adverse impact on the educational outcomes of students exposed to them. This policy details EPPA's prohibition of racism and sexism in any form.

A teacher, administrator, or other employee of EPPA may not be required to engage in training, orientation, or therapy that presents any form of race stereotyping or blame on the basis of race. Also, a teacher, administrator, or other employee of EPPA may not require or make part of a course the concept that:

1. One race or sex is inherently superior to another race or sex;
2. An individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
3. An individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex;
4. Members of one race or sex may be treated with disrespect toward others of a different race or sex;
5. An individual's moral character, standing, or worth is necessarily determined by the individual's race or sex;
6. An individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;
7. An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race or sex;
8. Meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race or sex to oppress members of another race or sex;
9. The advent of slavery in the territory that is now the United States constituted the true founding of the United States; or
10. With respect to their relationship to American values, slavery and racism are anything other than deviations from, betrayals of, or failures to live up to, the authentic founding principles of the United States, which include liberty and equality.

A teacher, administrator, or other employee of a district may not require an understanding of the 1619 Project.

EPPA may not implement, interpret, or enforce any rules or student code of conduct in a manner that would result in the punishment of a student for discussing, or have a chilling effect on student discussion of, the concepts described above.

Appendix 6

EXHIBIT A

CODE OF CONDUCT/ SUSPENSION, EXPULSION POLICY

Students are expected to conduct themselves in such a way that they respect and consider the rights of others. Eastern Panhandle Preparatory Academy (“School”) students must conform with school regulations and accept directions from authorized school personnel. The School will not tolerate violent, disruptive or inappropriate behavior by its students. Such behavior is punishable and will result in disciplinary action which may include suspension, expulsion, or other forms of discipline.

This Code of Conduct applies to any student, whether the student is enrolled at the School, attending or otherwise participating in any curricular or extra-curricular program provided in a school operated by the Board or provided on any other property owned or controlled by the Board. The Code of Conduct also applies while a student is in the custody or control of the School, on School grounds or close thereto, while at a School-sponsored function or activity or on “School provided transportation” (as herein defined). In addition, this Code of Conduct governs a student's conduct at all times, on or off school property, when such student conduct is reasonably related to the health and safety of other students and/or School employees, or such conduct would unreasonably interrupt the educational processes of the School.

Students and parents (throughout this Code, “parent” includes guardians and custodians) shall be provided annually (at the beginning of the school year or upon enrollment in the School) written information on the rules and regulations to which students are subject while in school and while participating in any school-related activity or event. The information provided shall include the types of misconduct for which a student is subject to suspension or expulsion from school or other forms of disciplinary action. The Board directs the administration to make all students aware of this student Code of Conduct and the fact that any violations of the student code of conduct are punishable. This Code of Conduct / Suspension, Expulsion Policy shall be posted in a central location in the School and also made available to students and parents upon request, and shall be appended to the School’s Parent Student Handbook.

If a student violates the Code of Conduct, school personnel, students or parents should report the student to the appropriate principal or assistant principal. The administration will cooperate in any prosecution pursuant to the criminal laws of the State of West Virginia and local ordinances.

Students’ basic constitutional rights to speak and express opinions, even if they are unpopular, will be respected. When misconduct occurs, each student will have due process rights under the law.

The teacher is the key figure in school discipline. The teacher is expected to make every effort to handle the usual problems in maintaining classroom discipline. When a disciplinary problem becomes acute enough to involve the school administrator, then the teacher should seek the assistance of the behavior intervention specialist, assistant principal or principal. Under these circumstances, both the teacher and the school leader will give due process rights to the student.

Levels of Offenses

Truancy and chronic absenteeism are addressed separately from these levels of offenses. Acts of misconduct that are not specifically attendance-related are categorized into the following four levels of offenses:

A. Level I: Violation of general classroom, bus or school rules – Level I consists of minor offenses that generally occur in the classroom, on school provided transportation (“school provided transportation” is defined to include school buses and other vehicles supplied by the School for student transportation), or on school premises and can be corrected by the teacher, the driver or school leader.

B. Level II: Conduct requiring administrative intervention – Level II consists of offenses that are more serious in nature or persistent, repeated, or serious Level I misconduct.

C. Level III: Suspension and/or removal from the classroom to an alternative learning environment – Level III consists of offenses that significantly disrupt the educational process, school environment, and/or school-related activities, including school provided transportation, or persistent, repeated, or serious Level I or II misconduct.

D. Level IV: Expulsion and/or removal from the classroom to an alternative learning environment – Level IV consists of serious offenses which include willful or malicious acts that have the effect of materially and substantially disrupting the educational environment in the School, on school provided transportation or at school activities or Level I, II, or III infractions depending on the severity or persistence of the act.

Habitual violations of these rules or school policies may result in suspension or other discipline.

Corporal punishment is prohibited.

Level I Offenses

Rule 1: Dress Code. The Board believes that student dress should enhance a positive image of students and the School. The standards of dress and grooming outlined are necessary to promote discipline, maintain order, secure student safety, and provide a healthy environment that is conducive to learning. These standards are in addition to the School Dress Code contained in the Parent Student Handbook, which must be followed.

- (A) When a student is at school, participating in School activities or at School-sponsored events, their dress and grooming must not:
- I. Present a health or safety hazard to the student or to others in the School or attending the School-sponsored activity;
 - II. Materially interfere with school work, create disorder, or disrupt the educational environment;
 - III. Cause excessive damage or wear-and-tear to School property; and/or
 - IV. Keep the student from participating safely in their own education.

(B) To facilitate a consistent pattern of application of the student dress code, the following standards shall be applied:

- I. Shirts and tops must cover all undergarments and have high enough necklines to cover all cleavage. Strapless, crop, and see-through tops are not acceptable;
- II. Lower garments should not drag on the floor or allow undergarments to be exposed when the student sits, stands, raises his/her hand, or bends over. Form-fitting lower garments must be worn under a shirt, skirt or dress that extends to the thighs;
- III. No skin should be visible between a student's top and bottom garment when the student sits, stands, raises his/her hand or bends over;
- IV. Clothing or accessories that include obscene, violent, gang, tobacco, drug or alcohol related writing or images are not acceptable. Items of clothing that belittle others may not be worn (*i.e.*, race, religion, gender, *etc.*);
- V. Coats and jackets meant for outdoor wear, book bags and oversized bags must be kept in the school locker or other designated area during the school day;
- VI. Facial hair must be kept neat and clean;
- VII. Recreational head coverings and sunglasses should not be worn inside any building; and
- VIII. Appropriate footwear must be worn to provide for safe and sanitary conditions.

(C) Building administrators shall judge student dress and grooming in individual buildings. The school leader may exclude (*i.e.*, not admit to class, remove, or suspend) any student, when in their judgment, the student is not following appropriate dress and grooming standards.

(D) Exceptions to these standards may be considered based on personal circumstance, cultural beliefs, and to promote school spirit. Students who request an exception must have parental permission to do so and obtain permission from the building administrator prior to deviating from the standards of dress. A parent conference may be requested by the building administrator.

Rule 2: Tardiness. A student shall be prompt to school and to class according to its scheduled time. Note: No student will be suspended or expelled solely for tardiness or absenteeism though students may be subject to other disciplinary actions and/or required to participate in one or more absence intervention program(s).

Rule 3: Student Drivers. To promote safety and enable the School to effectively supervise students immediately before and immediately after School hours, only students who secure a valid School parking permit are allowed to park on School property.

Rule 4: Miscellaneous Offenses. Disciplinary problems such as not doing required homework, throwing objects in School, and other such offenses affecting ongoing educational progress or the orderly administration of the School are prohibited and may result in disciplinary actions.

Level I Disciplinary Options

Disciplinary options or responses to Level I offenses will include one or more of the following:

- A. Verbal correction
- B. Teacher-student conference

- C. Student-counselor conference
- D. Teacher-parent conference
- E. Behavioral probation
- F. Detention (maintained by teacher before or after school or during recess)
- G. Parent shadowing
- H. Restriction of transportation privileges by the school leader
- I. Other appropriate disciplinary action
- J. Serious, persistent, or repeated violations may be treated as Level II or III infractions

Level II Offenses

Rule 5: Skipping Detention. A student assigned to detention shall report on the assigned day and at the assigned time.

Rule 6: Forgery. A student shall not change a grade or place the name of a parent, guardian, teacher or other individual as representative of that individual's signature on a school document or on an official document for school purposes.

Rule 7: Use of Tobacco. A student shall not use or possess tobacco or any tobacco products such as cigarettes, cigars, dip, chewing tobacco, *etc.* See, Tobacco Free School Policy.

Rule 8: Gambling. A student shall not participate in gambling.

Rule 9: Stealing. A student shall not steal or attempt to steal school property or private property of other students or School personnel or of visitors to the School.

Rule 10: Insubordination. A student shall not repeatedly violate rules or fail to comply with directions of teachers, student teachers, substitute teachers, teacher aides, drivers of school provided transportation, principals, or other authorized school personnel.

Rule 11: Violation of Criminal, Traffic, or Juvenile Code. Commission by a student of any act in violation of the West Virginia Criminal Code, Traffic Code, or Juvenile Code on or off the School grounds, regardless if School related or not, that would, in the judgment of School officials, be a detriment to the ongoing educational processes and/or orderly administration of the School if the student were permitted to continue regular school attendance.

Rule 12: Violation of the Network Acceptable Use Policy. Students must have a signed Acceptable Use Agreement before gaining access to the School's computer network. Students shall abide by the School's Network Acceptable Use Policy and any school or classroom rules for network access.

Rule 13: Personal Communication Devices. Students may possess and use personal communication devices (PCDs) on School property, School provided transportation, or at School- sponsored activities only during approved times and for approved purposes. Student use of PCDs on School property is a privilege and not a right. This privilege may be revoked by the School at any time. The School reserves the right, in its sole discretion, to determine which types of PCDs it will allow students to use. Such determinations are subject to change. Notwithstanding the foregoing, Students may possess and use PCDs on School property and at School-sponsored curricular and extra- curricular activities when specifically permitted by staff or administration of the School. Such use shall not create a distraction, disruption, or otherwise interfere with the educational environment.

Please Note: The school is not responsible for the cost, usage, or replacement of lost, damaged, or stolen cell phones that are brought to the school whether confiscated by staff or in possession of a student.

Rule 14: Academic Dishonesty. Students shall not cheat on tests; shall not copy tests, assignments or papers; shall not plagiarize; and shall not violate copyright policy or law.

Level II Disciplinary Options

Disciplinary options or responses to Level II offenses will include any of the previous (Level I) options and/or one or more of the following:

- A. Parental contact by phone and written or oral notification to parent or guardian
- B. Behavioral probation
- C. Administrator/ school leader/ teacher/student conference
- D. Detention
- E. Parent shadowing
- F. Exclusion from extracurricular activity
- G. Mediation
- H. Behavioral contract
- I. Confiscation
- J. Temporary removal of the student from the classroom
- K. In-school suspension
- L. Friday/Saturday school
- M. Suspension of transportation privileges
- N. Monetary restitution for damages
- O. Report to Juvenile Court and/or Division of Motor Vehicles
- P. Another appropriate disciplinary option or logical consequence determined by the school leader
- Q. Serious, persistent, or repeated Level II misbehavior may result in a more serious consequence, including, but not limited to, any disciplinary option for a Level III offense or expulsion

Level III Offenses

Rule 15: Disruption of School. A student shall not by use of violence, force, noise, coercion, threat, intimidation, fear, passive resistance, or any other conduct intentionally cause the substantial and material disruption or obstruction of any lawful mission, process, or function of the School. Disruption will include, among other things as determined by the school leader, threats to shoot someone or to cause a mass shooting event.

Rule 16: Damaging, Defacing, or Destroying School or Private Property. A student shall not intentionally cause or attempt to cause damage to School or private property, including, but not limited to, that of other students, teachers, administrators, other school employees, and visitors.

Rule 17: Discrimination and Harassment. No student shall harass or discriminate against any student, employee or other person on the basis of race, color, national origin, citizenship status, religion, sex, economic status, marital status, pregnancy, age or disability. No student shall retaliate, coerce or intimidate any person who exercises their right to file a complaint of harassment or discrimination, or who participates in the investigation of such complaint. Any participant in a School activity who believes this rule has been violated should report the matter immediately to his or her teacher or to the School Principal.

Rule 18: Bullying/Assaults/Hazing/Dating. A student shall not harass, haze, bully, retaliate against, coerce, interfere with, intimidate, inflict injury, cause another to inflict injury, or behave in any way which could cause physical injury or mental anguish to another student, teacher, or other school personnel. These acts are prohibited on school property, on school provided transportation, or at school-sponsored events. A student shall not intentionally direct to another student, teacher or other school employee words, phrases, or gestures which are profane, vulgar, obscene, or degrading. Students shall not willfully disobey teachers or other school personnel. Students are prohibited from using a Personal Communication Device (PCD) to violate this Rule.

Any student or student's parent who believes the student has been or is the victim of behavior prohibited by this Rule should immediately report the situation to the student's teacher or to the School Principal. The student may also report concerns to other teachers and school staff who will be responsible for notifying the appropriate administrator.

Every student is encouraged, and every staff member is required, to report student behavior prohibited by this Rule. Reports should be made to those identified above.

All complaints about behavior that may violate this Rule shall be promptly investigated pursuant to Board Policy controlling such investigations. For purposes of this rule, "harassment, intimidation or bullying" is defined as any intentional written, verbal, electronic or physical act that a student exhibits toward another particular student more than once and the behavior (1) causes mental or physical harm to the student and (2) is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student; or violence within a dating relationship.

For the purposes of this rule, " violence within a dating relationship " is defined as the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship.

Rule 19: Extortion. A student shall not extort or cause others to extort money or personal property from other students or School personnel.

Rule 20: Narcotics, Alcoholic Beverages, Drugs, Counterfeit or Look-Alike Drugs and Drug Paraphernalia. A student shall not possess and shall not receive, buy, use, transmit, sell, or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, controlled substance, any illegal mind-altering substance, inhalant or intoxicant of any kind.

A student shall not possess and shall not receive, buy, use, transmit, sell, or be under the influence of any counterfeit controlled substance. A counterfeit controlled substance is any substance that is made to look like a controlled substance or is represented to be a controlled substance or that a student believes to be a controlled substance.

Except as provided for in Policy, a student shall not buy, sell, transfer, possess, or use any drug, medication, inhalant or other substance which can be taken internally where the student or students involved cannot show a legitimate health or other reason for the use of such substances.

Drug paraphernalia shall not be worn, carried, or brought to school or school events.

“Controlled substance” shall be defined as a substance governed by the Uniform Controlled Substances Act (W. Va. Code 60-a.).

Students found to be in violation of this rule shall be suspended or expelled; students found selling narcotics at the school, on school transportation, or at a school sponsored event, shall be suspended.

Rule 21: Acts of Immorality. Possession of indecent, obscene or pornographic matter is prohibited. Engaging in sexual acts, displaying excessive affection, or other inappropriate behavior with a person of the same or opposite sex is prohibited.

Rule 22: Fighting. Students shall not engage in intentional efforts to cause physical harm to a student or staff member, nor shall students participate in any physical altercations. Neither shall students intentionally incite another student to engage in willful physical conflict or combat.

Rule 23: Direct Threat. Students shall not intentionally commit or promote any act or expression of a threatening nature directed to any individual or group of teachers, other staff members, students or other groups at school.

Level III Disciplinary Options

Disciplinary options or responses to Level III offenses will include any of the previous (Level II) options as well as:

- A. Out-of-school suspension
- B. In-school suspension
- C. Removal from the classroom to an alternative education environment

- D. Serious or repeated Level III misbehavior may result in a more serious consequence, including, but not limited to, expulsion
- E. Another appropriate disciplinary option or logical consequence determined by the administrator.

Level IV Offenses

Rule 24: Weapons and Dangerous Instruments. A student shall not possess, handle, transport, carry, use, conceal, or transmit any firearm (including any object represented as a firearm or made, construed, or altered so that, to a reasonable person without specialized training in firearms, the object appears to be a firearm) or other objects that can reasonably be considered a weapon, a firearm, a knife, deadly weapon, or other dangerous object of no reasonable use to the student.

A student in violation of Rule 24 shall be suspended by the principal following the below procedures.

"Firearm" shall have the same meaning as provided in the "Gun-Free Schools Act," 115 Stat. 1762, 20 USC 7151.

"Knife" shall be defined in accordance with W. Va. Code 61-7-2(5)* and (9) and shall include, but not be limited to, device consisting of a sharp blade three and one-half (3.5) inches or longer in length, whether or not fastened to a handle, designed or intended for use as a cutting instrument.

"Deadly weapon" shall be defined in accordance with W. Va. Code 61-7-2(5) and shall include, but not be limited to, a device which is or may be used to cause harm to another person, including, but not limited to, a club, chain, razor, or other sharp blade less than three (3) inches in length, gravity and switchblade knives, nunchaku, metal knuckles, noxious irritants, pepper spray (but not if used by a student over the age of sixteen (16) solely for self defense), chemicals, or explosive or incendiary devices.

The principal shall immediately report any Rule 24 infraction to the appropriate office of the West Virginia State Police, county sheriff, or municipal police agency.

Rule 25: Bomb Threat. A student who makes a bomb threat to a school building or to any premises at which a school activity is occurring at the time of the threat shall be suspended by the principal. Following a hearing before the Board in which it finds the student violated this rule, it shall expel the student for a period of one school year, subject to reduction of this term as outlined herein.

Rule 26. Criminal Act Resulting in Physical Harm.

- A. A student who commits an act that is a criminal offense that would be a felony when by committed by an adult shall be suspended by the principal as provided for herein and may be expelled.

- B. A student who commits an act that results in serious physical harm to person(s) or property while the student is at school, on any other property owned or controlled by the Board or at any school-related activity or extracurricular event shall be suspended and may be expelled.

Rule 27. Battery of School Employees. A student shall be suspended by the principal for violating W. Va. Code 61-2-15(b) which may further result in an expulsion.

Suspension/Expulsion

I. General

The School Leader will determine the length of the initial suspension (up to ten days) and whether the suspension will be served in-school or out-of-school on a case-by-case basis and after consulting this Code of Conduct.

The parameters for completing and grading assignments missed because of a pupil's suspension are as follows:

1. The pupil shall have an opportunity to do both of the following:
 - a. Complete any classroom assignments missed because of the suspension;
 - b. Receive at least partial credit for a completed assignment.
2. This policy permits grade reductions on account of the pupil's suspension subject to the approval of the Principal or Superintendent.
3. This policy prohibits the receipt of a failing grade on a completed assignment solely on account of the pupil's suspension.

II. In-School Suspensions

If a student is issued an in-school suspension, the School Principal will ensure the student is serving the in-school suspension in a supervised learning environment. Notification of an in-school suspension shall be given to the student and the students' parent, guardian, or custodian. A student serving an in-school suspension may be prohibited from participating in extracurricular activities at the discretions of the Principal.

III. Out-of-School Suspension/Expulsion Procedure

The following procedure does not apply to in-school suspensions.

Students may be expelled for a period not to exceed one school year, unless otherwise provided.

Any student suspended or expelled is not permitted to participate in any extracurricular activities and is not permitted on school grounds.

Each suspension or expulsion imposed upon a student under this code shall be recorded in the uniform integrated regional computer information system (commonly known as the West Virginia Education Information System) described in W. Va. Code 18-2-26(f).

A. Violations of Rules 20, 24, and 27.

The principal **shall** suspend a student from the school if the principal determines, after an informal hearing, the student has violated any of Rules 20 for selling narcotics, Rule 24, or Rule 27. After a student has been suspended for a violation of the above listed Rules, the principal **shall**, within twenty-four (24) hours of the suspension, request the Regional Vice President (RVP) of the ESP to recommend to the Board that the student be expelled. Upon such request, the RVP **shall** recommend to the Board that the student be expelled. Upon this recommendation, the board **shall** conduct a hearing to determine if the student committed the alleged violation. If the Board finds the student violated the above Rules, the Board **shall** expel the student. Such expulsion **shall** be for a period of not less than twelve (12) consecutive months. The RVP of the ESP may recommend to the Board for a reduction of the twelve (12) month expulsion if the circumstances of the student's case demonstrably warrant. Such recommendation shall be in writing and submitted to the Board.

B. Violations of Rules 20 and 26(A).

The principal **shall** suspend a student from school if the principal determines, after an informal hearing, the student has violated either Rules 20 for unlawfully possessing a controlled substance or Rule 26(A) by committing an act that would be a felony if committed by an adult. After a student has been suspended for a violation of the above listed Rules, the principal **may**, request the Regional Vice President (RVP) of the ESP to recommend to the Board that the student be expelled. Upon this recommendation, the Board **may** conduct a hearing to determine if the student committed the alleged violation. If the Board finds the student violated the above Rules, the Board **may** expel the student for up to one school year.

C. Violations of Other Rules.

The principal may suspend a student, if the principal determines after an informal hearing, that the student's alleged conduct violates any Rule set forth herein for which suspension is a penalty or has habitually violated school rules or policies. After a student has been suspended under this paragraph, the principal **may**, request the Regional Vice President (RVP) of the ESP to recommend to the Board that the student be expelled. Upon this recommendation, the Board **may** conduct a hearing to determine if the student committed the alleged violation. If the Board finds the student violated the above Rules, the Board **may** expel the student for up to one school year.

D. Informal Hearing Procedures:

If the principal determines that the alleged actions would be grounds for either out-of-school suspension or expulsion, an informal hearing shall be held immediately after the alleged violation. This hearing is to occur before a student is suspended, unless the principal believes the continued presence of the student poses a continuing danger to persons or property or an on-going threat to academic progress, in which instance the student shall be immediately suspended and the hearing held as soon as practicable.

The student's parent or guardian shall be given telephonic notice, if possible, of the informal hearing, which notice shall briefly state the grounds for suspension. At the beginning of the hearing, the principal shall inquire of the student as to whether they admit or deny the charges. If the student does

not so admit, the principal shall explain the evidence possessed by the principal and an opportunity to present their version of the events shall be given to the student. At the conclusion of the hearing, or the student's failure to appear, the student may be suspended for up to ten (10) school days; the time suspended prior to the hearing shall be included in the calculation of the number of days to be served.

The principal shall report in writing any suspension of a student, the same day it is imposed, to the parents or guardians of the student by regular United States mail. The suspension shall also be reported to the Regional Vice President of the ESP.

E. Board Hearing Procedures:

Before a Board hearing to determine whether the student committed the alleged act, the Board shall give written notice to the student's parents or guardians. This notice shall include:

- a. The charges and the recommended disposition of the charges;
- b. A clear statement as to whether the Board will attempt to establish the student as a "dangerous student" as defined in W. Va. Code 18A-1-1;
- c. Evidence upon which the Board will rely in asserting its claim that the student is a "dangerous student."
- d. Date, time, and place of hearing (which date shall be within the period of suspension imposed by the principal).

At the hearing, the Board shall determine if the student should be reinstated or whether the student must be expelled. If the Board determines that the student should or must be expelled from school, it may also determine whether the student is a "dangerous student" (if the parents or guardians were so notified of this possible outcome in the notice required for the hearing*).

The student may be represented by counsel, may call witnesses, and may cross-examine witnesses at the hearing before the Board. The hearing shall be recorded by mechanical means unless recorded by a certified court reporter.

The hearing may be postponed for good cause shown by the student, but the student will remain under suspension until after the hearing.

The Board, following the hearing, shall either:

- a. Reinstatement the student immediately at the end of the initial suspension;
- b. Suspend the student for a further designated number of school days; or
- c. Expel the student.

*If the Board did not intend to assert a dangerous student claim and did not give notice of such possible determination before the hearing and determines during the hearing that the student may be a "dangerous student," it shall schedule a second hearing within ten (10) days on the issue. This hearing may also be postponed for good cause, but the student shall remain under suspension until after the hearing.

F. Dangerous Students.

If the Board expels a student and also finds the student to be a “dangerous student” as defined in W. Va. Code 18A-1-1(j), it may refuse to provide an alternative education as defined in W. Va. Code 18A-1-1(k). Within three months after such refusal, another hearing shall be held by the Board to re-examine whether the student remains a “dangerous student” and whether the student should be provided an alternative education. Thereafter, a hearing to re-examine whether the student remains a “dangerous student” and whether the student should be provided an alternative education shall be conducted every three months as long as the student remains a “dangerous student” and is denied an alternative education. During any of these hearings, the Board may consider the history of the student and any improvements made since the expulsion. If it is determined that the student is no longer a “dangerous student” or should be provided an alternative education, the student will be provided an alternative education during the remainder of the expulsion.

G. Alternative Education Program.

An alternative education program is a temporary, authorized departure from the regular school program designed to provide educational and social development for students, including, but not limited to, “dangerous students,” whose disruptive behavior places them at risk of not succeeding in the traditional school structures and in adult life without positive interventions. The purposes of these programs are to: (1) provide a safe and orderly learning environment for the education of all students in the public schools of West Virginia, and (2) meet the educational needs of disruptive students through the development of alternative education programs.

Students expelled shall be placed in an alternative education program, except for those students found to be a “dangerous student.” Alternative education programs are to be designed by the ESP with the input of the student’s parents or guardians.

Discipline/Suspension/Expulsion of Students with Disabilities

In matters relating to the disciplining of students with disabilities, the Board and the School shall abide by federal and state laws regarding suspension and expulsion. The School Principal will follow the guidelines below and ensure they are properly used when disciplining any student with a disability. The School will consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of federal and state law and school board of education rules, is appropriate for a child with a disability who violates the code of student conduct.

Removals of Not More Than 10 Days – The 10-Day Rule

The School may unilaterally remove a Student with a disability who violates a code of student conduct from the Student's current placement for not more than ten (10) school days. This option may be used only if the disciplinary action is consistent with actions taken against nonstudents with disabilities. The School may place Students removed under the 10-day rule in an appropriate interim alternative educational setting (“IAES”) if applicable (see below), another setting, or suspend them. Removals under the 10-day rule are not considered a “change of placement” and the School is not obligated to provide services to Students during those removals. The School can use the 10-day rule to remove a student for either a single removal of ten (10) consecutive school days; or a series of shorter-term removals over the course of the school year that are more than ten (10) school days during that school

year, so long as those removals do not constitute a pattern of removals (and therefore, a change of placement). When a removal is not a change of placement, an IEP meeting is not required.

Removals of More than 10 Days – Change of Placement

A change of placement occurs if a removal is for more than ten (10) consecutive school days; or if a student is subjected to a series of removals which accumulate to more than ten (10) school days, that constitute a pattern. This may occur for either suspensions or expulsions. If a change of placement occurs (after a Manifestation Determination Review (see below)), then the School must notify the parents, guardians, or custodian of that decision. This notice must inform the parents or guardians of all the procedural safeguards accorded under the law. These safeguards include a Manifestation Determination Review, a right to receive services, and a continuation of services for a free appropriate public education (FAPE). A child with a disability who is removed from his or her current placement for more than 10 consecutive school days must:

- Continue to receive educational services, as provided in West Virginia Department of Education (WVDE) Policy 2419, Regulations for the Education of Students with Exceptionalities, and Section 504 regarding Free and Appropriate Public Education, so as to enable the child to continue to participate in the general educational curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.
- Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications as set forth in the behavioral intervention plan and IEP, where appropriate, that are designed to address the behavior violation, so it does not recur.
- The School will provide services during periods of removal to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year if services are provided to a child without disabilities who has been similarly removed.
- After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, if the current removal is not for more than 10 consecutive school days and is not a change in placement because of disciplinary removals, school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed in order to provide a free, appropriate public education, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.
- If the removal is for more than 10 consecutive school days or is a change in placement because of disciplinary removals, the child's IEP Team determines appropriate services needed to provide a free, appropriate public education, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.
- The services required may be provided in an interim alternative educational setting.

Manifestation Determination Review (“MDR”)

Before imposing disciplinary consequences that would amount to a change of placement, the School will conduct an MDR to examine a Student's behavior. The purpose of the MDR is to determine whether a Student's disability caused, influenced or otherwise impacted the Student's behavior in question. To make this determination, the Student's IEP team is required to review certain

information and determine whether the behavior causing the disciplinary infraction is or is not a manifestation of the Student's disability.

No later than the date on which the decision to take a disciplinary action which may be a change of placement is made, the School must notify the parents or guardians of that decision and of all procedural safeguards, including the MDR. The School and the parents or guardians must determine which members of the IEP team are relevant to conduct the manifestation determination. The team will review all relevant information in the Student's file to determine (1) whether the conduct in question was caused by, or had a direct and substantial relationship to, the Student's disability or (2) was the direct result of the School's failure to implement the IEP. If the team determines that either condition is applicable for the Student, it must determine that the conduct is a manifestation of the Student's disability.

Manifestation – If the team determines that the behavior was a manifestation of the student's disability, the full IEP team must then:

- conduct a functional behavior assessment and implement a behavior intervention plan for the student, unless the School conducted a functional behavior assessment prior to the manifestation determination;
- if the IEP team already developed a behavior intervention plan, it must review and modify the plan as necessary to address the behavior; and
- return the Student to the placement from which he or she was removed.

No Manifestation – If the team determines that the behavior was not a manifestation of the disability, the School may discipline the Student using the relevant disciplinary procedures applicable to Students without disabilities in the same manner and for the same duration, continuing to provide services to Students with disabilities.

If a student's behavior was not a manifestation of the disability, the School will still take steps to attend to the Student's behavior. The student must receive, as appropriate, a functional behavior assessment, behavioral intervention services, and modifications designed to address the behavior violation in order to attempt to prevent a reoccurrence.

Exceptions to the MDR Requirement – The Unilateral Change in Placement and 45-Day Rule

School personnel may remove a Student to an IAES for up to forty-five (45) school days, without a prior MDR or IEP meeting, when a student:

- carries or possesses a weapon (a device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that the term does not include a pocket knife with a blade of less than 2 1/2 inches in length);
- knowingly possesses or uses illegal drugs (a controlled substance not legally possessed or used under the supervision of a licensed health care professional, or legally possessed or used under any other authority under the Controlled Substances Act (21 U.S.C. 812) or under any other provision of federal law), or sells or solicits the sale of a controlled substance (a drug or other substance identified under Schedule I, II, III, IV or V in the Controlled Substances Act); or

- has inflicted serious bodily injury on another person (a cut, abrasion, bruise, burn or disfigurement, physical pain, illness, impairment of the function of a bodily member, organ or mental faculty, or any other injury, no matter how temporary).

This authority can be exercised if a student commits any of the offenses described above at the School, on the School premises, or at a School function.

The IEP team will meet subsequent to the unilateral placement in an IAES and must:

- determine what the permanent setting will be,
- take steps to modify the student's IEP, as appropriate,
- provide appropriate behavioral intervention services and modifications designed to address the behavior violation so that it does not recur, and
- continue to provide the student with educational services to enable him or her to participate in the general education curriculum and to progress toward IEP goals.

The School must still conduct an MDR, but it can occur after the removal to the 45-day setting. If the conduct is a manifestation of the student's disability, the School must still meet all of the requirements outlined above for the MDR, with the additional exception that the Student stay in the alternative placement for 45 school days, regardless of the outcome of the manifestation.

Notification

On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of child conduct, the School will notify the parents/guardians of that decision and provide parents/guardians the procedural safeguards notice described by Individuals with Disabilities Education Act in §§300.502 through 300.503, §§300.505 through 300.518, and §§300.500 through 300.537.

Due Process Complaint

Parents or guardians who disagree with any decision regarding placement or the outcome of an MDR may appeal the decision through the filing of a due process complaint and may request an expedited due process hearing. The hearing is requested by filing a due process hearing request pursuant to W. Va. Policy 2419.

The School may request a hearing to change a Student's placement if the School believes that maintaining the Student's current placement is substantially likely to result in injury to the student or others. Under those circumstances, the hearing officer may order a change in placement of a student with a disability to an IAES for a period of up to forty-five (45) school days if the hearing officer agrees with the School's assessment.

During any due process proceedings, the student's placement, through a disciplinary action, must not change unless the parents and the School agree otherwise, or upon admissions to the School and parental consent.

In the case where a student has been placed in an IAES, the Student will remain in the IAES chosen by the School, pending the hearing officer's decision or until the time period expires, whichever

occurs first, unless the Parent and School agree otherwise. An expedited hearing will be arranged during an IAES appeal and will occur within twenty (20) days of the hearing request, and the hearing officer must make a determination within ten (10) school days after the hearing.

Disciplining a 504 Student

Section 504 Manifestation Determination Reviews

A Student on a 504 Plan is to be afforded due process relating to any proposed change in educational placement where the student is subject either to expulsion or suspension for a period of more than ten (10) consecutive school days or a series of suspensions that are each ten (10) or fewer school days in duration, but exceed ten (10) school days in the aggregate and create a pattern of exclusions. In all such cases, except in the case where such suspension or expulsion pertains to the use or possession of illegal drugs or alcohol as detailed below, the School shall follow the procedures pertaining to discipline/suspension/expulsion of students with disabilities.

Disciplinary Procedures for Students Possessing or Using Alcohol or Illegal Drugs

The School may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any Student on a 504 Plan who currently is engaging in the illegal use of drugs or in the use of alcohol to the same extent that such disciplinary action is taken against students without disabilities.

Emergency Removal from Placement

Emergency removal of a 504 student from his/her current placement may take place through parental agreement to an interim placement or through injunctive relief from a court, when the current placement presents a substantial likelihood of resulting in injury to the student or others.

LEGAL REFS:

Gun Free Schools Act, 115 Stat. 1762, 20 U.S.C. 7151
29 USC 701

Individuals with Disabilities Education Act of 2004; 34 CFR Part 300, et seq.

Section 504 of the Rehabilitation Act of 1973

W. Va. Code Sections 18A-1-1; 18A-5-1a; 61-7, et seq.