

CHAPTER 5

5.13 Miscellaneous

5.13.1 Married Students and Unwed Parents (Deleted 11/10/92)

5.13.2 Work Permits

Students may apply for work permits by making personal formal application to the work permit secretary at the central office.

The work permit secretary shall perform this function under the direction of the superintendent.

5.13.3 Field Trips and Excursions

It is recognized that a properly planned, well-conducted and carefully supervised field trip is a very vital part of the curriculum of any classroom. To be effective, a field trip must not be a spur-of-the-moment affair. It must grow out of the regular learning activities of the students.

5.13.3.1 Planning

The trip must have a definite purpose. Students should be prepared and duties assigned for greater effectiveness.

5.13.3.2 Consultation

Before suggesting a field trip to students, the teacher should consult and plan with the principal concerning the advisability of the trip, its scope, date, and any other factors that would enhance the trip.

As to the advisability, the decision of the principal, so long as it is consistent with Board policy, shall be final, excepting when transportation is necessary. Trips involving the transportation of pupils must be approved by the superintendent.

5.13.3.3 General Policy

The general policy of the Board of Education shall be to discourage any and all pleasure trips and/or picnics on school time. (Board Minutes, April 14, 1964.)

Also see Section 8.3, et.al.

5.13.4 Lists of Names

Teachers shall not furnish lists of names and addresses of pupils to any one other than school officials.

No principal or other school official shall furnish any such list to any outside person or agency without first securing permission from the County Superintendent of Schools.

(Review Policy 5.11.6.1.1 Rights Concerning Educational Records.)

5.13.5 County Special Education Process (Adopted 10/11/83)

- Identification/Referral
- Multidisciplinary Assessment
- Eligibility Determination and Placement Recommendations
- Development of Individualized Education Program
- Placement and Implementation of Individualized Education Program
- Review of Individualized Education Program
- Placement of Exceptional Students in Vocational Education Program
- Extended Year Programming
- Out-of-State Placement of Handicapped Students
- Private Schools
- Special Transportation of Handicapped Students
- Hearing Aid Monitoring
- Suspension of Exceptional Students
- Due Process Procedures for Parents and Students
- Protection in Assessment Procedures
- Least Restrictive Alternative Placement
- Confidentiality of Information.

5.13.6 Selection of Surrogate Parents for Exceptional Children (Adopted 01/09/79)

The Marshall County Board of Education shall insure that the rights of a child are protected when:

- a) no parent can be identified
- b) the school system, after reasonable efforts, cannot discover the whereabouts of a parent; or
- c) the child is a ward of the State under the laws of the State of West Virginia.

The Marshall County Board of Education shall insure that a person selected as a surrogate:

- a) has no interest that conflicts with the interests of the child he/she represents; and
- b) has knowledge and skills that insure adequate representation of the child
- c) is not an employee of the State, county school system, or participating agency which is involved in the education of the individual. A surrogate parent is not an employee of the county school system or participating agency solely because he/she is paid by the county school system or participating agency to serve as a surrogate parent.

The surrogate parent will represent the child in all matters relating to:

- a) the identification, evaluation, and educational placement of the child; and
- b) the provision of a free and appropriate public education of the child.

5.13.7 Hearing Rights and Procedures for Exceptional Children (Adopted 01/09/79)

Every effort will be made to provide a free and appropriate education for all handicapped eligible children within the geographic confines of Marshall County.

Reasonable efforts will be made through properly established procedure to meet each child's individual needs and that of their parents.

Hearing Rights and Procedures

1. Parents and the county schools system shall have the right to a hearing regarding educational decisions relating to the identification, screening, evaluation, educational placement, and re-evaluation of an individual.
 - a) Parents shall be notified of their rights to a hearing.
 - b) Instances where hearings have been requested shall be noted.

- c) Review of information pertaining to hearings shall indicate that the county school system has satisfactorily met the procedural safeguard requirements.
 - d) A list of persons serving as impartial hearing officers and their qualifications shall be maintained.
 - e) Parents shall be informed of any free or low cost legal and other relevant services available in the area, if the parent requests the information or if the parent or county school system initiates a hearing.
 - f) The parties involved in a hearing shall be informed of their rights in regard to the hearing and the right to appeal.
2. The county school system shall establish timelines and procedures to assure that hearings and reviews are conducted at the convenience of the parents and, whenever appropriate, the individual involved.
- a) A final decision shall be reached in a hearing no later than 45 days after the receipt of a request for a hearing, unless the hearing officer requests a continuance.
 - b) A copy of the decision shall be mailed to each of the parties.
 - c) Each hearing and review shall be conducted at a time and place which is reasonably convenient to the parents and the individual involved.
 - d) At least fifteen (15) days prior to the hearing, the parents shall be notified as to time, place, and date of the hearing.
3. The county school system shall establish procedures regarding the individual's status during hearing proceedings.
- a) The individual shall remain in his/her present placement during the pendency of any procedures, unless the county school system and the individual's parents agree otherwise.
 - b) If the complaint involves an application for initial admission to public school, the school-age handicapped individual, with the consent of the parents, shall be placed in the public school program until completion of all the proceedings.
4. The county school system or participating agency shall appoint the impartial hearing officer. The hearing officer shall meet the following criteria:

- a) A college degree and/or an endorsement from the West Virginia Department of Education, Division of Professional Development Systems in an area of Special Education (i.e. Learning Disabilities, Speech Pathology, Audiology, Behavioral Disorders, Mental Retardation, Visually Impaired, etc.).
 - b) Professional experience within the last two years in an area of special education (i.e. Administration, School Psychology, Deaf Education, Physically Handicapped, etc.).
 - c) Present evidence and confront, cross-examine, and compel the attendance of witnesses.
 - d) Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five days before the hearing.
 - e) Obtain a written or electronic verbatim record of the hearing.
 - f) Obtain written findings of fact and decisions. The county school system or participating agency shall transmit those findings and decisions, after deleting any personally identifiable information, to the State Advisory Council.
5. The hearing officer shall provide the county board of education or participating agency with a written report within ten (10) days of the hearing.
 6. The written report of the hearing officer shall be based solely on evidence and testimony presented at the hearing.
 7. If the hearing officer feels that insufficient information precludes the preparation of a written report, the hearing officer may request additional information while declaring the hearing in continuance.

Identical copies of the information requested by the hearing officer shall be submitted to the hearing officer and the other party within seven (7) days. The parent(s) and the school system shall be given the opportunity to refute the new testimony in writing.

The hearing officer shall submit the written report to the school system or participating agency within ten days of his receipt of this information.

8. The impartial hearing officer's written report shall include:

- a) child identifiable information,
- b) names of those present at the hearing,
- c) a summary of evidence and testimony presented at the hearing,
- d) any material or statements specifically requested to appear in the records by all parties,
- e) a recommendation for each issue in the request for a hearing,
- f) applicable laws, rules, policies, regulations and rationale relevant to each issue and its recommendation,
- g) the right to obtain a verbatim report of the hearing and request an appeal, and
- h) procedures for initiating an appeal.

9. The hearing officer's written report will be submitted to the county board of education or participating agency and parents for its disposition.
10. The county board of education or participating agency will rule on the recommendations of the hearing officer and provide a copy of its decision to the parents and the officials of the county school system or participating agency.
11. Subject to procedures for administration appeal, the decision of the county board of education or participating agency is final.