

**TITLE 126
INTERPRETIVE RULE
BOARD OF EDUCATION**

**SERIES 28
PROVISION OF EQUAL OPPORTUNITY IN WEST
VIRGINIA SCHOOLS (2438)**

§126-28-1. General.

1.1. Purpose. -- The purpose of this policy is to declare the support of the State Board of Education for the concept of equal educational opportunity and its application by county school systems to all curricular area, textbooks, counseling, extracurricular activities, facilities and employment.

1.2. Authority. -- W. Va. Code §18-2-5

1.3. Filing Date. -- December 27, 1982

1.4. Effective Date. -- December 27, 1982

§126-28-2. Declaration of Public Policy.

2.1. The West Virginia Board of Education supports the concept of Equal Educational Opportunity for all students as being essential to education in the public schools of our State.

Recently, increased public attention has been focused on the concept of equal educational opportunity as it applies to female students. This attention has resulted in the passage of new legislation by the Congress and in dramatic changes in institutions and industries.

Thus, there is an immediate need for schools to place a greater emphasis on an area long neglected - the provision of equal opportunities for females.

2.2. The Congress, in acting Public Law 92-318, the Educational Amendments of 1972, determined that "No person in the United States shall, on the basis of sex, be subjected to discrimination under any educational program or activity receiving Federal financial assistance."

§126-28-3. Application.

The West Virginia Board of Education affirms its commitment to equal opportunity in education and adopts the following policy statements:

3.1. All Curricular Areas - No student is to be denied equal opportunity for participation in any program of the public school on the basis of sex. County boards of education are to provide to students of both sexes equal access to and equal opportunities for participating in any course offering of the school. All course offerings must be conducted as being open to both male and female students. For example:

3.1.1. A county school system may not require males to take industrial arts and females to take home economics, or exclude females from industrial arts and males from home economics.

3.1.2. A vocational school may not state that a welding course is open only to males or a cosmetology class is open only to females. Students of both sexes must have equal opportunity to select and participate in all such classes.

3.2. Textbooks and other instructional materials - State and county textbook committees should recommend and county boards of education select those textbooks and materials which accurately portray in concept, content and illustration the heritage, roles, contributions, experiences and achievements of both males and females in American and other cultures.

3.3. Guidance, counseling and testing - Persons responsible for the guidance, counseling and testing of students must insure that guidance, counseling and testing techniques do not discriminate on the basis of sex. For example:

3.3.1. Scholarship information must be made available to members of both sexes on a nondiscriminatory basis.

3.3.2. Students of one (1) sex may not be arbitrarily tracked into certain courses of study (e.g., males into college preparatory, females into secretarial science).

3.3.3. Students of both sexes must be given equal access to career information.

3.3.4. Those persons responsible for testing must make efforts to select and use only those standardized tests which attempt to eliminate sex-biased questions and which promote equality in testing materials.

3.4. Extracurricular activities - Members of both sexes must be granted equal access to extracurricular activities. In order to insure equal access for all students in extracurricular activities, the following criteria are adopted:

3.4.1. In athletic programs where selection of participants is based on competitive skill, except for interscholastic football and wrestling, schools must provide separate teams for males and females or a single team open to both sexes.

3.4.2. Schools should conduct annual surveys among students to determine those activities in which students desire to participate, for the purpose of insuring that both males and females are given equal access to extracurricular activities.

3.4.3. If separate teams are offered, a school

may not discriminate on the basis of sex in providing equipment, supplies, transportation, etc. However, equal aggregate expenditures are not required.

3.4.4. Where in the past athletic opportunities for students of one (1) sex have been limited, schools must take affirmative action to inform members of that sex of the availability of equal opportunities and provide support and training to enable them to participate.

3.5. Facilities - Generally, all school facilities must be available without discrimination on the basis of sex. However, facilities such as locker rooms, toilets and showers for males and females must be comparable. For example:

3.5.1. A school which has one (1) gymnasium must provide for its use by members of both sexes on a nondiscriminatory basis.

3.5.2. A school which has one (1) track and field facility available for a limited number of hours must provide for its use by members of both sexes on a nondiscriminatory basis.

3.6. Employment - Employment policies and practices - including salaries, hiring, promotion, transfer and fringe benefits of employment--must be provided without discrimination on the basis of sex.