

**WEST VIRGINIA  
SECRETARY OF STATE**

**KEN HECHLER**

**ADMINISTRATIVE LAW DIVISION**

Form #2

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1989 MAR 24 AM 9:05

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

RULE TYPE: Legislative; CITE AUTHORITY 18-2-9

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 50 B(Policy No. 2422.45)

TITLE OF RULE BEING PROPOSED: Implementation Guidelines: Aids Education

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON May 4, 1989 AT 9:00 a.m.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Mrs. Lenore Zedovsky  
Bureau of General, Special and  
Professional Education, Room B-309  
Building #6, Capitol Complex  
Charleston, WV 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

TITLE 126  
LEGISLATIVE RULE  
WEST VIRGINIA BOARD OF EDUCATION  
CHAPTER 18-2  
SERIES 50 (2422.45)

FILED

TITLE: IMPLEMENTATION GUIDELINES: AIDS EDUCATION

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Section 1.

General

- 1.1 This legislative rule requires that students be excluded from instruction at parents' request.
- 1.2 Authority - WV Code 18-2-9
- 1.3 Filing Date - April 17, 1989
- 1.4 Effective Date - July 1, 1989
- 1.5 Repeal of Former Rule - None. This is a new policy

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Section 2

Applicability

The following guidelines have been written to assist in the implementation of WV Code 18-2-9, related to exclusion of students from instruction about AIDS and other sexually transmitted diseases. The penalty for non-compliance with the provisions in the law could mean removal from public school employment.

All of the public schools must teach health education which includes instruction in the prevention, transmission and spread of AIDS and other sexually transmitted diseases. The WV Board of Education approved Health Education Program of Study constitutes the course curriculum requirements. Materials used, including textbooks, should be aligned with learning outcomes. Counties must develop a comprehensive curriculum based on the health learning outcomes.

"An opportunity shall be afforded to the parent or guardian of a child subject to instruction in the prevention, transmission and spread of acquired immune deficiency syndrome and other sexually transmitted diseases to examine the course curriculum requirements and materials to be used in such instruction. The parent or guardian may exempt such child from participation in such instruction by giving notice to that effect in writing to the school principal." (§18-2-9)

Section 3

Components

Thus, the following should be instituted:

1. Provisions for review of materials and curriculum should be made on a school by school basis so that specific grade level materials can be displayed. Provision should also be made to review materials for individuals who were unable to attend on the dates scheduled by the school.

An announcement of the review should be made at least 30 days prior to the beginning of instruction. The announcement should be placed in the local newspaper and other methods of communication with parents should also be used. These could include: announcements at PTA or PAC meetings, school newsletter, notice sent home with students, general news article.

Each year thereafter, an announcement should be sent home at the beginning of the school year with follow up close to the date of the school's scheduled review.

Review sessions should be informal with all materials displayed. Key teachers, administrators and school nurses should be available to answer questions and offer assistance.

Community members who do not have children enrolled in the school would be allowed to attend, but the primary goal is to assure that parents have an opportunity to review materials and have questions answered.

2. A form should be developed for parents who request that their child be excluded (sample attached). This will assure a clear understanding of how individuals will be handled. The form should include the following information:

a. Health class assignments from which student will be excused.

b. Information that clarifies that an alternate assignment will be given.

c. Names and titles of school personnel with whom the request will be shared (such as teachers, counselors, nurses, librarians, social workers and other support personnel as deemed appropriate).

d. Information indicating that the request will be treated confidentially except with previously mentioned personnel

e. =

3. Once the parents' request has been received, it is the responsibility of the school principal to communicate this information to all appropriate personnel. The classroom teacher and other personnel who may provide AIDS related information are then responsible for assuring that the parents' request is honored.

4. For students who are to be excluded, a meaningful alternative learning experience should be designed. Credit may not be withheld for students excluded, but completion of alternative assignments can be expected. Evaluation of learning related to AIDS and other sexually transmitted diseases should not be determined as part of a larger unit, as excluded students would not be expected to master this information.

Alternative assignments should be as closely related to the topic as possible. For example, a study of other communicable diseases, epidemics, etc. would be appropriate.

5. Students may ask questions or make statements about AIDS and sexually transmitted diseases in health or other classes. Inaccurate statements by students should be identified as such. Teachers will then defer discussion for one day in order to:

a. excuse exempted students from the next class and determine an alternative assignment.

b. prepare an appropriate lesson to deal with the questions asked or with inaccurate statements.