

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

CITE AUTHORITY: WV Code 18-2-9

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES _____, NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

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

TITLE OF RULE BEING ADOPTED: Exclusion of Students from Acquired

Immuno-deficiency Syndrome (AIDS) and Sexually Transmitted Disease (STD)
Instruction in Health Education Classes

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS March 2, 1990

Barbara L. Estep

January 18, 1990

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

TITLE: Exclusion of Students from Acquired Immunodeficiency Syndrome (AIDS) and Sexually Transmitted Disease (STD) Instruction in Health Education Classes

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 - January 18, 1990
- 1.4 Effective Date - March 2, 1990
- 1.5 Repeal of Former Rule - None. This is a new policy

Section 2.

Applicability

The following policy has been written to assist in the implementation of WV Code 18-2-9, related to exclusion of students from health education class 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 any of grades six through twelve 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 shall be instituted:

1. Provisions and procedures for parent or guardian review of materials and curriculum shall be made on a county basis.

2. A form shall 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. Information that indicates that annual review of materials and requests for exclusion are necessary.
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 are then responsible for assuring that the parents' request is honored.
4. For students who are to be excluded, an alternative learning experience shall be assigned. Credit may not be withheld for students excluded, but completion of alternative assignments is required.

NAME OF SCHOOL
Street Address
City Zip Code
Name of County School System

Name of Principal
Telephone #

Date

I, _____, parent of _____
, a student in the _____ grade at _____,
have examined the health course curriculum requirements and the materials to
be used in the instruction of the prevention, transmission and spread of AIDS
and other sexually transmitted diseases. After review, I have decided that I
wish to exempt my child from participation in such instruction in the health
class. I understand that my child will be allowed to leave the health class
on the day(s) that AIDS is the topic of instruction, and that he/she will be
assigned an alternate health-related assignment which must be successfully
completed in order for my child to receive credit. However, no test questions
or outside assignments from the health teacher concerning the prevention,
transmission, or spread of AIDS or other sexually transmitted diseases will be
required of my child.

I understand that this form will be filed with my child's permanent record,
and that any exclusions from health curriculum in future years will require
another letter from me.

Parent Signature

Address

Name of School
Street Address
City Zip Code
Name of County school System

Name of Principal
Telephone #

Date

Dear _____ (Name of parent)

Thank you for your interest in our health curriculum. Not only has the West Virginia Legislature mandated in the law that we provide AIDS prevention education for our children, but we, as a school, also realize that it is a major contemporary issue. However, we appreciate your concern for your child's participation in those specific classroom activities where the prevention, transmission, and spread of AIDS and other sexually transmitted diseases is discussed in the health class. We understand that you have chosen to exercise your right to exclude your child, _____, from his/her health class on those days when AIDS is the topic of the lesson.

Your child will not be penalized for missing this portion of the curriculum. He/she will receive an alternate, health-related assignment which must be successfully completed in order to receive credit for the class, and he/she will be excused by the health teacher to go to another room on the days that the prevention, transmission, and spread of AIDS or other sexually transmitted diseases is discussed. Your child will not be required to answer test questions about the unit on AIDS, but may be required to answer test questions about the alternate assignment. No other part of the health curriculum will be missed by your child.

As you know, each year, as your child progresses through our school system, the curriculum requirements change. That means you may wish to exclude him/her each year. We will not do so without your request.

Thank you again for your show of interest and concern. Please fill out the attached form and return it to me at the school address as soon as possible. I will place it in your child's file.

Sincerely, _____

Principal _____

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