

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

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OFFICE OF THE 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 18-2-5

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: 82 (Policy 4200)

TITLE OF RULE BEING ADOPTED: Provision of Equal Opportunity in West
Virginia Public Schools

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS October 4, 1990

Barbara L. Estep
August 22, 1990

HD NO _____ DRAFT NO _____ BILL NO Policy 4200 RESOLUTION NO _____

SUBJECT Provision of Equal Opportunity in West Virginia Public Schools

FUND _____

SOURCE OF REVENUE: GENERAL SPECIAL OTHER (SPECIFY) Federal

COST ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) \$-0-

INCOME ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 AND ITEM 3 GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST		\$	\$-0-	\$	\$
PERSONAL SERVICES	\$	\$	\$	\$	\$
CURRENT EXPENSES					
REPAIRS AND ALTERATIONS					
EQUIPMENT					
OTHER			\$	\$	\$
2. ESTIMATED TOTAL REVENUES	\$	\$	\$	\$	\$

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

There is no cost to the West Virginia Department of Education.

DATE

AGENCY

AUTHORIZED REPRESENTATIVE

June 30, 1990

West Virginia Department of Education

Dee Butler, Coordinator/Director

TITLE 126
WEST VIRGINIA BOARD OF EDUCATION
CHAPTER 18-2
SERIES 82
POLICY 4200

TITLE: PROVISION OF EQUAL OPPORTUNITY IN WEST VIRGINIA PUBLIC SCHOOLS

Section 1. General

- 1.1 Scope - The Policy 4200 declares the support of the State Board of Education for the concept of equal educational opportunity to all students and employees or potential employees regardless of their sex, race, color, religion, handicapping condition, age or national origin and its application by county school systems to all curricular areas; textbooks and instructional materials; guidance, counseling and testing; extra-curricular activities; facilities and employment.
- 1.2 Authority - West Virginia Code 18-2-5
- 1.3 Filing Date - August 22, 1990
- 1.4 Effective Date - October 4, 1990
- 1.5 Repeal of Former Rule - None.

Section 2. Rationale

- 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.

Continued 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 legislation by Congress and in dramatic changes in institutions and industries.

Thus, there is a continued 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 enacting Public Law 92-318, the Education Amendments of 1972, determined that "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any educational program or activity receiving Federal financial assistance." Other local, state and federal laws provide that students and employees regardless of their race, color, religion, handicapping condition, age or national origin be afforded these same opportunities to make this Policy all encompassing.

Section 3. Procedures

The West Virginia Board of Education reviews and 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 schools on the basis of sex, race, color, religion, handicapping condition, age or national origin. County boards of education are to provide all students equal access to and equal opportunities for participating in any courses their schools offer. All course offerings must be conducted as being open to both female and male 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. All students must have equal opportunity to select and participate in all such classes.
- 3.2 Textbooks and Other Instructional Materials - State and county textbook committees are to recommend and county boards of education are to select those textbooks and materials which accurately portray in concept, content and illustration the heritage, roles, contributions, experiences and achievements of both females and males 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 nor on the basis of race, color, religion, handicapping condition, age or national origin. For example:
 - 3.3.1 Scholarship information must be made available to all students on a non-discriminatory basis.
 - 3.3.2 No students may not be arbitrarily tracked into certain courses of study (e.g., males into college preparatory, females into secretarial science).
 - 3.3.3 All students 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 Extra-curricular Activities - Members of both sexes, regardless of their race, color, religion, handicapping condition, age or national origin, must be granted equal access to extra-curricular activities. In order to insure equal access for all students in extra-curricular activities, the following criteria are adopted:

- 3.4.1 In athletic programs where selection of participants is based on a competitive skill, except for interscholastic football and wrestling, which are considered contact sports in West Virginia, schools must provide separate noncontact sport teams for females and males or a single noncontact sport 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 all students are given equal access to extra-curricular 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 female students 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 females and males must be comparable. For example:
- 3.5.1 A school which has one gymnasium must provide for its use by members of both sexes on a non-discriminatory basis, including prime time.
 - 3.5.2 A school which has one track and field facility available for a limited number of hours must provide for its use by members of both sexes on a non-discriminatory 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 as well as on the basis of race, color, religion, handicapping condition, age or national origin.

DISCRIMINATION PROHIBITED: The West Virginia Department of Education does not discriminate on the basis of sex, race, color, religion, handicapping condition, age and national origin in employment and in the administration of any of its education programs and activities. Inquiries may be directed to the Elimination of Sex Discrimination Program Coordinator, 348-7864; to the Section 504 Coordinator, 348-2696, WV Department of Education, Charleston, West Virginia, 25305; or to the U.S. Department of Education's Director of the Office for Civil Rights, 215-596-6795.

Revised June 30, 1990



KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

Telephone: (304) 558-6000
Corporations: (304) 558-8000

WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

(Plus all the volunteer
help we can get)

STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

TO: Barbara Estep

AGENCY: Education

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: July 6, 1992

THE ATTACHED RULE RECENTLY FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 82 TITLE: 126 Education

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: Barbara L. Estep

TITLE OF PERSON SIGNING: Exec Sec. WV Board of Ed.

DATE: July 31, 1992

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.