

**TITLE 126  
LEGISLATIVE RULE  
BOARD OF EDUCATION**

**SERIES 82  
PROVISION OF EQUAL OPPORTUNITY IN WEST  
VIRGINIA PUBLIC SCHOOLS (4200)**

**§126-82-1. 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. -- W. Va. Code §18-2-5.

1.3. Filing Date. -- August 27, 1990.

1.4. Effective Date. -- October 4, 1990.

**§126-82-2. 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 92-138, the Educational 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.

**§126-82-3. 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 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. 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 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 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. Extracurricular Activities - Members of both sexes, regardless of their race, color, religion, handicapping condition, age or national origin, 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, which are considered contact sports in West Virginia, schools must provide separate noncontact sport teams for males and females 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 males and females 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.