

**WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In this Box

**FILED**

APR 14 8 50 AM '93

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 WV Const. Art. §2, WV Code  
18A-2-8 and 18A-2-12  
AMENDMENT TO AN EXISTING RULE: YES  NO   
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 141 (Policy 5300)  
TITLE OF RULE BEING AMENDED: Board of Education Relations with  
School Employees  
IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: \_\_\_\_\_  
TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

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 20, 1993 AT 9:00 a.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Mr. Tony Smedley, Coordinator  
Office of Professional Development  
West Virginia Department of Education  
Bldg. #6, Room B-337  
1900 Kan. Blvd. E.  
Charleston, WV 25305

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

*Burton L. Fox*  
April 12, 1993

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

HD NO \_\_\_\_\_ DRAFT NO \_\_\_\_\_ BILL NO \_\_\_\_\_ RESOLUTION NO \_\_\_\_\_

SUBJECT Policy 5300: FUND NO FISCAL IMPACT

Board of Education Relations With Employees

SOURCE OF REVENUE:  GENERAL  SPECIAL  OTHER (SPECIFY) \_\_\_\_\_

COST ESTIMATE BASED ON:  AN ORIGINAL ESTIMATE  BUDGET BILL  OTHER (SPECIFY) \_\_\_\_\_

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	\$ 0	\$ 0
PERSONAL SERVICES	\$	\$	\$	\$	\$
CURRENT EXPENSES					
REPAIRS AND ALTERATIONS					
EQUIPMENT					
OTHER					
2. ESTIMATED TOTAL REVENUES	\$	\$	\$	\$	\$

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

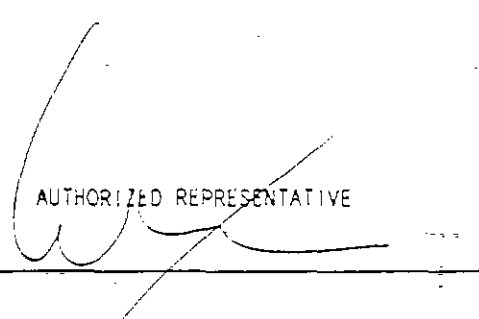
NO FISCAL IMPACT

IMPACTS \_\_\_\_\_  
FISCAL: \_\_\_\_\_

STATE STAFF: \_\_\_\_\_

DATE \_\_\_\_\_ AGENCY \_\_\_\_\_

4/8/93 West Virginia Department of Education

  
AUTHORIZED REPRESENTATIVE

EXECUTIVE SUMMARY  
WEST VIRGINIA BOARD OF EDUCATION

POLICY NUMBER AND TITLE: 5300:  
Board of Education Relations with School Personnel

PUBLIC COMMENT PERIOD ENDS: May 20, 1993 Adopted: \_\_\_\_\_

BACKGROUND:

The proposed policy was previously adopted by the West Virginia Board of Education and it was inadvertently eliminated during revisions of components of Policy 5310 dealing with evaluation of specific categories of school employees. The broad guidelines apply to the relationship between boards of education and school personnel.

PURPOSE:

The purpose of the policy is to describe generally the overall relationship between county boards of education and their employees.

IMPACT:

Reinstatement of the policy will put back in place a longstanding overview of board/employee relations.

POLICY 5300

Board of Education Relations With School Personnel

The West Virginia Board of Education recognizes that the effective and efficient operation of the public schools within the State of West Virginia depends upon the development of harmonious and cooperative relationships between county boards of education and school employees. Each group has a fundamental role to perform in the educational program of the State and each has in some instance separate, distinct and clearly defined areas of responsibilities, as provided for in Chapters 18 and 18A of the West Virginia Code. However, there are instances, particularly involving questions of wages, salaries, and conditions of work that are subject to disagreement and misunderstanding and may not be so clearly set forth.

Policy Adopted: \_\_\_\_\_

Title 126  
LEGISLATIVE RULE  
WEST VIRGINIA BOARD OF EDUCATION  
CHAPTER 18-2  
POLICY 5300  
*Series 141*

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Board of Education Relations With School Employees

Title: Board of Education Relations With School Personnel      OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Section 1.0      General

- 1.1      Scope: This policy reinstates longstanding principles that described the relationship between boards of education and school personnel.
- 1.2      Authority: West Virginia Constitution, Article XII, §2, West Virginia Code §18A-2-8 and 18A-2-12.
- 1.3      Filing Date: February 26, 1993
- 1.4      Effective Date: March 29, 1993
- 1.5      Repeal of Former Rule:

Section 2.0      Purpose

To minimize possible disagreement and misunderstanding, the West Virginia Board of Education adopts the following statement of policy and procedure.

- 2.1      County boards of education, subject to the provisions of Chapter 18 and 18A of the Code of West Virginia and the rules and regulations of the State Board of Education, are responsible for the management of the schools within each county. Their powers and responsibilities in setting policy and in providing for such management are broad but not absolute.
- 2.2      Employees of boards of education share the responsibility for putting into effect the policies and practices approved by boards of education and such employees have certain rights and responsibilities as provided in statute, in contract or in accepted practices.
- 2.3      School employees are entitled to meet together, form associations and work in concert in order to improve their circumstances or the circumstances of the schools. However, the right to strike does not exist for any public employee in the State of West Virginia, including school employees.
- 2.4      Boards of education and school employees can most effectively discharge their total responsibilities to the public and to each other by establishing clear and open lines of communication. Employees should be encouraged to make suggestions, proposals and recommendations through appropriate channels to the board of education. Decisions of boards of education concerning such suggestions, proposals and recommendations should be communicated to the employees clearly and openly.

HA 12 8 PI 81A

- 2.5 Official meetings of boards of education are public meetings and employees are free to attend such meetings without fear of reprisal; indeed, they should be encouraged to attend.
- 2.6 Every employee is entitled to know how well he/she is performing his/her job, and should be offered the opportunity of open and honest evaluation of his/her performance on a regular basis. Any decision concerning promotion, demotion, transfer or termination of employment should be based upon must-include ~~a--consideration--of~~ such evaluation, and not upon factors extraneous thereto. Every employee is entitled to the opportunity of improving his/her job performance, prior to the terminating or transferring of his/her services, and can only do so with assistance of regular evaluation.
- 2.7 Every employee is entitled to "due process" in matters affecting his/her employment, transfer, demotion or promotion.
- 2.8 All official and enforceable personnel policies must be written and made available to every employee of each county board of education.

TS/se:4125q  
3/17/93

RESPONSE FORM

Board of Education Relations With School Personnel

DIRECTIONS: Please use this form in commenting on the proposed policy.

INDIVIDUAL/ORGANIZATION: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SECTION(S)	COMMENTS AND SUGGESTIONS
PURPOSE 2.0	
2.1	
2.2	
2.3	
2.4	
2.5	
2.6	

Please submit comments by May 20, 1993 to:

Tony Smedley, Coordinator  
Office of Professional Development  
West Virginia Department of Education  
Building 6, Room B-337  
1900 Kanawha Boulevard, East  
Charleston, WV 25305-0330

BOARD ITEM

Policy 5300: Board of Education Relations With School Employees (Action)  
ATTACHMENT 0B-5

The West Virginia Board of Education recognizes that the effective and efficient operation of the public schools within the state of West Virginia depends upon the development of harmonious and cooperative relationship between county boards of education and school employees.

Policy 5300 reinstates a longstanding policy that describes that relationship.

I respectfully recommend that the proposed Policy 5300 be disseminated for a 30-day comment period.

TS/se:4266q POL5300