

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

Do Not Mark In this Box

FILED FILED

JUN 31 9 19 AM '93 JUN 31 9 21 AM '93

OFFICE OF WEST VIRGINIA SECRETARY OF STATE
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 Const. Art. XII; §2, WV Code 18A-2-8, 18A-2-12

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES X, 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 ADOPTED: _____

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS August 1, 1993

Barbara L. Box
June 29, 1993

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

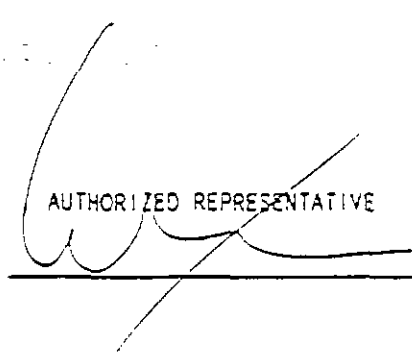
IMPACTS: _____
FISCAL: _____

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: June 11, 1993

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.

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

FILED

JUL 1 9 21 AM '93

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: July 1, 1993
- 1.4 Effective Date: August 1, 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.

- 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 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

—
=

COMMENT SUMMARY

Policy 5300 Board of Education Relations With School Personnel

Comments Received During Comment Period

Two comments were received. The comments supported the original language of Policy 5300. The West Virginia Education Association and the Council On Professional Development agree with the change to the original language.

TS/se:4324q/4

COMMENTS AND SUGGESTIONS LOG
 REVISIONS FOR POLICY 5300
 BOARD OF EDUCATION RELATIONS WITH SCHOOL PERSONNEL
 January 21, 1993

Action
 N: No Response
 NA: Not Accepted
 A: Accepted

Type
 - Negative
 + Positive
 • Neutral

Date Received	Individual/Organization	Comments/Suggestions	Action/Type	Rationale
4/27/93	Dennis N. Giordano WV Education Assoc.	<u>PURPOSE</u> <u>2.6</u> The WVEA agrees with the change to the original language.	A	+
5/17/93	John Andes, President COPE Members	<u>PURPOSE</u> <u>2.6</u> Endorse change.	A	+

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: _____



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)

FAX: (304) 558-0900

STATE OF WEST VIRGINIA

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

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

JUL 16 9 11 AM '93

FILED

TO: Barbara Fox

AGENCY: Board of Education

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: July 12, 1993

THE ATTACHED RULE 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: 141 TITLE: 126 Board of Education

✓ THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: Barbara L. Fox

TITLE OF PERSON SIGNING: Executive Secretary

DATE: July 15, 1993

* 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.

11/11/74

RECEIVED 11/11/74

11/11/74