

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

Do Not Mark In this Box

FILED

FEB 26 10 36 AM '93

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 and WV Code 18A-2-8 and 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 _____, NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: 141 (Policy 5300)

TITLE OF RULE BEING ADOPTED: Board of Education Relations with School
Personnel

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS March 29, 1993

29

Barbara L. Fox
March 24, 1993

3.20

FISCAL NOTE WORKSHEET

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

AUTHORIZED REPRESENTATIVE

West Virginia Department of Education

EXECUTIVE SUMMARY
WEST VIRGINIA BOARD OF EDUCATION

POLICY NUMBER AND TITLE: Policy 5300 Board of Education Relations
With School Employees

PUBLIC COMMENT PERIOD ENDS: January 20, 1993 ADOPTED February 12, 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 Policy 5300 is to describe the overall relationship between county boards of education and their employees.

CONTENT:

- School employees are entitled to meet together, form association and work in concert in order to improve their circumstances or the circumstances of the schools.
- Board 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.
- 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.
- Every employee is entitled to the opportunity of improving his/her job performance, prior to terminating or transferring of his/her service.
- Every employee is entitled to due process in matters affecting his/her employment, transfer, demotion or promotion.

IMPACT:

The primary impact of the reinstatement of this 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

FEB 26 10 36 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: February 26, 1993
- 1.4 Effective Date: March 2, 1993
- 1.5 Repeal of Former Rule: 29

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.

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- 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 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.

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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 schools 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.