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TITLE 126
LEGISLATIVE RULES
BOARD OF EDUCATION

SERIES 141
SCHOOL PERSONNEL, RELATIONS WITH EMPLOYEES (5300)

§126-141-1. General.

1.1. Scope - This legislative rule establishes a harmonious and cooperative relationship between county boards of education and school employees and give employee "Due Process" rights.

1.2 Authority - W Va Code §18-2-5 and §18-5-34

1.3. Filing Date - April 23, 1981

1.4. Effective Date - June 22, 1981

§126-141-2. Applicability.

2.1 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.

2.2. This policy applies to all personnel employed by a county board of education. In order to minimize possible disagreement and misunderstandings, the West Virginia Board of Education adopts the following statement of policy and procedure:

a. 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 board but not absolute.

b. 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 practice.

c. 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

d. 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.

e. 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.

f.1. Every employee is entitled to know how well he is performing his job, and should be offered the opportunity of open and honest evaluation of his 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 job performance, prior to the termination or transferring of his services, and can only do so with assistance of regular evaluation.

f.2. Every employee is entitled to "Due Process" in matters affecting his employment, transfer, demotion or promotion.

g. All official and enforceable personnel policies must be written and made available to every employee of each county board of education.

§126-141-3. Eligibility.

Every employee is entitled to this process and procedure.