WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

Do Not Mark In This Box

FILED

Nov 9 4 17 PM '00

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: W.Va. Constitution, Article XII, §2, W.Va. Code §18-2-5 & §18A-2-3

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X
CITE STATUTE(s) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW
W.Va. Code §§29A-3B-1, et seq.; *W.Va. Board of Education v. Hechler*, 180 W.Va. 451; 376 S.E.2d 839 (1988).

AMENDMENT TO AN EXISTING RULE: YES XX NO __

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 192

TITLE OF RULE BEING AMENDED: Prospective Employable Professional Personnel (5103)

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE EFFECTIVE DATE OF THIS RULE IS December 9, 2000.

William J. Luff, Jr.
Associate State Superintendent of Schools

FILED

Nov 9 11 19 PM '00

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

TITLE 126

LEGISLATIVE RULE

BOARD OF EDUCATION

SERIES 192

PROSPECTIVE EMPLOYABLE PROFESSIONAL PERSONNEL (5103)

§126-192-1 General

1.1. Scope- This policy develops a process for the hiring of prospective employable professional personnel.

1.2. Authority- W.V. Constitution, Article XII, §2 and W.V. Code § 18A-2-5 and § 18A-2-3.

1.3. Filing Date- November 9, 2000.

1.4. Effective Date- December 9, 2000.

1.5. Repeal of former rule- None. This is a new rule.

§126-192-2 Definition

2.1. Prospective employable professional personnel means certified professional educators who: have been recruited on a reserve list of a county board; have been recruited at a job fair or as a result of a contact made at the job fair; not obtained regular employee status through the job posting process provided in W.Va. Code §18A-4-7a; and have earned a baccalaureate degree from an accredited institution of higher education within the past year.

§126-192-3 Hiring Process

3.1. A county is eligible to hire prospective employable professional personnel only if the county's net enrollment during the current year is more than 100 students greater than the fourth year prior to the current year.

3.2. A county on its own may hire prospective employable professional personnel only when the county board has: given the superintendent general approval to

employ the personnel on the reserve list; given general approval as to the form of the contract; and has approved the number to be hired from the reserve list.

3.3. If a county does not meet the eligibility requirements listed in 3.1, the State Board may give the county permission to hire prospective employable personnel through a waiver process. In the waiver letter to the State Board, the county superintendent and the current president of the county board must jointly request the waiver. The waiver letter should list current vacancies in professional positions and set forth the need to recruit teachers in specific subject matter areas. The State Board may not approve waivers for prospective employable personnel more than 25 per county.

§126-192-4 Annual Report

4.1. The State Board must annually provide the Legislative Oversight Commission on Educational Accountability with a report on the number of counties participating in this program, the number of personnel hired, the teaching fields in which they were employed, the place of residency of the personnel hired and the Board's recommendations with respect to the entire program.

FORM HD 201
(10-66)

FISCAL NOTE WORKSHEET
(Submit 4 Copies)

ID NO _____ DRAFT NO _____ BILL NO _____ RESOLUTION NO _____

SUBJECT Policy 5103 - Prospective Employable Professional Personnel _____ FUND _____

SOURCE OF REVENUE: ☐ GENERAL FUND ☐ SPECIAL ☐ OTHER (SPECIFY) _____

COST OF 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 & 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	$	$	$	$	$
PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER	$	$	$	$	$
2. ESTIMATED TOTAL REVENUES	$	$	$	$	$

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

No new costs are anticipated.

DATE

August 31, 2000

AGENCY

Department of Education

AUTHORIZED REPRESENTATIVE

FORM HD 201
(10-66)

POLICY 5103:
PROSPECTIVE EMPLOYABLE PROFESSIONAL PERSONNEL
COMMENT LOG
2000

ACTION	TYPE
N: No Response	-Negative
NA: Not Accepted	+ Positive
A: Accepted	0 Neutral

Date	Individual/ Organization	Comments	Action/ Type	Rationale
10/03/00	Pat Mason Assistant Supt. Mineral County	**126-192-2 Defintions** - There is a handicap in WV Code 18A-4-7a in timely hiring when there is a transfer request. Transfers may tie up the system for literally weeks, while counties sort out a "domino effect." Then you are left in August or September trying to find candidates for positions. Any system that does NOT allow county superintendents to hire the best candidates for a vacant position, regardless whether they're transfer or not, is putting personnel wishes ahead of student success and achievement!	Accepted	Does not have direct bearing on this policy.

Sherri Hudnall

From: Pat [rmason@access.k12.wv.us]
Sent: Tuesday, October 03, 2000 9:42 AM
To: shudnall@access.k12.wv.us
Subject: Comments - Policy 5103

Dr. Durden:

First, congratulations on your new position!!!!! You'll do an outstanding job!

Mineral County is not affected by this policy, because we are not experiencing growth in student enrollment at this time.

However, I do think that this policy is missing the point. The real handicap in timely hiring is the 7 criteria in WV Code 18A-4-7a when there is a transfer request. Transfers may tie up the system for literally weeks, while counties sort out a "domino effect." Then you are left in August or September trying to find candidates for positions.

Any system that does NOT allow county superintendents to hire the best candidates for a vacant position, regardless of whether they're are transfer or not, is putting personnel wishes ahead of student success and achievement!

Pat Mason, Asst. Superintendent
Mineral County Schools