

**Policy 3139.01 - Suspension (Revised)**

**Policy 4139.01 - Suspension (Revised)**

**Policy 4213 - Student Supervision and Welfare by Service Staff (Revised)**

According to H.B. 4562, effective June 7, 2022, upon allegations that a staff member jeopardized the health, safety, welfare, or learning environment of students, at the start of the investigation into the allegation, the staff member shall be suspended, placed on administrative leave, or reassigned to duties that do not involve direct interaction with students. The principal shall report any allegations to the superintendent within twenty-four (24) hours. The principal's report to the superintendent is in conjunction with any other mandatory reports that must be made as a mandatory reporter of suspected child abuse or neglect.

If a staff member is charged with committing a felony, a misdemeanor with a rational nexus to the performance of the staff member's job, or child abuse, the Board shall, pending final disposition of the charges, suspend the staff member, place them on administrative leave, or reassign them to duties that do not involve direct interaction with students.

These revised policies reflect current West Virginia Code and should be adopted to have accurate policies.

**Policy 3242 - Professional Learning for Educators (Revised)**

WV policy 5500 was amended effective July 11, 2022 and as a result, this policy has been revised.

This revised policy reflects current WV Policy 5500 and should be adopted to have accurate policies.

**Policy 4124.01 - Probationary Contract (Technical Correction)**

A typographical error was corrected changing "ensuring" to "ensuing".

This revised policy reflects current West Virginia Code and should be adopted to have accurate policies.

**Policy 4132 - Vacancies - Service Positions (Revised)**

**Policy 3132 - Vacancies - Professional Positions (Revised)**

As a result of passage of H.B. 4489, effective June 6, 2022, all professional personnel, service personnel and extracurricular positions must be posted to the WVDE Statewide Job Bank website.

These revised policies reflect current West Virginia Code and should be adopted to have accurate policies.

**Policy 4220 - Staff Evaluation (Revised)**

This policy was revised as a result of the changes to WV policies 5300 and 5314

This revised policy should be adopted to have accurate policies.




Book Policy Manual

Section Vol 14, No. 2 August 2022 Drafts

Title Copy of STUDENT SUPERVISION AND WELFARE BY SERVICE PERSONNEL

Code po4213

Status

Adopted August 1, 2007 

Last Revised July 6, 2020

#### 4213 - **STUDENT SUPERVISION AND WELFARE BY SERVICE PERSONNEL**

Service personnel shall maintain a standard of care for the supervision, control, and protection of students commensurate with their assigned duties and responsibilities under West Virginia law and are expected to establish and maintain appropriate staff/student boundaries that are consistent with their legal and ethical duties of care for students.

The Superintendent shall maintain and enforce the following standards:

- A. An administrator who transports students in a private vehicle shall do so in accordance with Policy 8660.
- B. A service personnel staff member shall report to a building administrator any accident, safety hazard, or other potentially harmful condition or situation s/he detects in a reasonably prompt manner.
- C. A service personnel staff member shall immediately report to a building administrator any knowledge of threats of violence by students.
- D. A service personnel staff member shall not send students on any personal errands for the benefit of the staff member or other school employees.

- E. A service personnel staff member shall not associate or fraternize with students at any time in any manner that may give the appearance of impropriety, including, but not limited to, the creation of or participation in any situation or activity that could reasonably be considered abusive or sexually suggestive or involve harmful substances such as illegal drugs, alcohol or tobacco. Any romantic, sexual or other inappropriate conduct, including mere communication of such nature, with a student by any staff member will subject the offender to disciplinary action by the Board up to and including termination of employment.
- F. If a student approaches a service employee to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, mental or physical health, and/or family relationships etc., the service employee may attempt to assist the student by facilitating contact with certified or licensed individuals in the District or community who specialize in the assessment, diagnosis, and treatment of the student's stated problem. However, under no circumstances should a service employee attempt, unless properly licensed and authorized to do so, to counsel, assess, diagnose, or treat the student's problem or behavior, nor should such classified staff member inappropriately disclose personally identifiable information concerning the student to third persons unless specifically authorized to do so by law. A report of the service employee's actions with regard to the student shall be made to the school principal or other appropriate supervisory person no later than the end of the following school day.
- G. A student shall not be required to perform work or services that may be detrimental to his/her health.
- H. Service personnel are strongly discouraged from engaging students on interactive media sites, such as Facebook, Twitter, MySpace, YouTube, Skype, blogs, etc. unless such communication has been specifically authorized by the student's principal.
- I. Service personnel are prohibited from electronically transmitting any personally identifiable image of a student(s), including video, photographs, streaming video, etc. via email, texting, social media and/or online networking media, such as Facebook, Twitter, YouTube, MySpace, Skype, blogs, etc. unless such transmission has been made in connection with a pre-approved curricular matter or co-curricular/extracurricular event or activity such as a school-sponsored publication or production in accordance with Policy 5722.
- J. Since most information concerning a child in school, other than directory information as described in West Virginia Department of Education policy 4350 and Policy 8330, is confidential under Federal and State laws, any staff member who shares confidential information with another person not authorized

to receive the information may be subject to discipline. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, and alleged child abuse.

A staff member or volunteer who suspects child abuse or neglect, or observes a child being subjected to conditions that are likely to result in abuse or neglect shall immediately, and not more than twenty-four (24) hours after suspecting this abuse or neglect, report the circumstances, or cause a report to be made, to the Department of Health and Human Resources, and shall also notify the person in charge of the school or facility of such suspicion. Upon such notification, the person in charge of the school or facility may supplement the report or cause an additional report to be made. In cases where the reporter believes that the child suffered serious physical abuse, or sexual abuse or sexual assault, the reporter shall also immediately report, or cause a report to be made, to the State Police and any law enforcement agency having jurisdiction to investigate the complaint Policy 8462.

Upon allegations that a staff member jeopardized the health, safety, welfare, or learning environment of students, at the start of the investigation into the allegation, the staff member shall be suspended, placed on administrative leave, or reassigned to duties that do not involve direct interaction with students. The principal shall report any allegations to the Superintendent within twenty-four (24) hours. The principal's report to the superintendent is in conjunction with any other mandatory reports that must be made as a mandatory reporter of suspected child abuse or neglect.

If a staff member is charged with committing a felony, a misdemeanor with a rational nexus to the performance of the staff member's job, or child abuse, the Board shall, pending final disposition of the charges, suspend the staff member, place them on administrative leave, or reassign them to duties that do not involve direct interaction with students.

Pursuant to State law, any staff member or other person who has been found guilty of sexual assault in the first degree or sexual abuse in the first degree are prohibited from supervising or being responsible for supervising groups of children, including but not limited to religious organizations, Boy Scouts, Girl Scouts, 4-H organizations, sporting and scholastic teams, music, sporting, and theatre groups and camps, and summer day camps.

Revised 1/4/10

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WV Code 62-12-26(c)

West Virginia Board of Education policy 4350

West Virginia Board of Education policy 4336

WV Code 49-6A-2


Book Policy Manual

Section Vol 14, No. 2 August 2022 Drafts

Title Copy of PROFESSIONAL STAFF DEVELOPMENT

Code po3242

Status

Adopted August 1, 2007 

Last Revised February 1, 2021

## 3242 - PROFESSIONAL STAFF DEVELOPMENT

### Purpose

Schools exist to facilitate student learning. Ongoing professional staff development is essential to enhancing improved teaching and student learning. The purpose of this policy is to assist the coordination, development, and evaluation of high-quality professional learning programs for District educators.

### District Responsibility

The District must support, monitor, and ensure the fidelity of the implementation of professional learning experiences that are aligned to West Virginia State Board of Education **Goals for Professional Learning and West Virginia Professional Learning Standards located on the West Virginia Department of Education ("WVDE") website.** outlined in West Virginia Board of Education policy 5500, Appendix B and as part of the District strategic plan. It is also the responsibility of the District to establish a Professional Staff Development Council.

The District **plan** shall **be developed by** use recommendations from the Local Staff Development Council (WV Code 18A-3-8) **and** to develop a District professional learning plan that is incorporated into the District Strategic Plan using data from:

- A. the District's Strategic Plan Needs Assessment;

- B. the District's professional learning plan, or as documented in the West Virginia Support for Improving Professional Practice ("WVSIPP") located on the WVDE website section of the District strategic plan;
- C. West Virginia State Board of Education policy 5310, Performance Evaluation of School Personnel;
- D. professional teaching standards;
- E. aggregated student data from West Virginia State Board of Education policy 2340, WV Measures of Academic Progress; and
- F. Student evidence of learning from utilization of the formative assessment process

Further, the District must implement a professional and personalized learning plan that includes high-quality professional and personalized learning experiences to support all educators and personnel in the delivery of high-quality educational programming as part of the District's Strategic Plan. The plan should align, be incorporated into, and complement the District's Strategic Plan and provide that:

- A. educators have access to high quality professional and personalized learning experiences that focus on individual professional growth of educators, student need based on acquired data, and school-wide goals for professional and personalized learning goals;
- B. educators are engaged in learning with educator engagement opportunities to learn alongside colleagues through a collaborative models such as professional learning communities to improve individual teaching practices, support student learning and well-being, and foster school-wide growth;
- C. school-based professional learning communities examine educator participation in school and classroom-based examination of student data to increase student achievement and well-being;
- D. school budgets budget allocations to support professional and personalized learning;
- E. flexible and creative scheduling creates time for schedules to ensure consistent opportunities for educators to participate in professional learning communities during the workday; and



- F. focused professional learning offerings **are in** available in both individualized and school-based settings rather than in large-scale settings.

As part of the District's Strategic Plan, the District must submit its professional learning plan to the West Virginia State Board of Education annually as directed by the **WVDE** West Virginian Department of Education.

The Board shall provide additional compensation to teachers who, in addition to teaching duties, assume other duties for new teacher induction, improving professional practices, and further professional growth among teachers.

The Superintendent shall establish a professional staff development council comprised of proportional representation from the major school levels and from vocational, special education, and other specialties in proportion to their employment numbers in the District. Nominations of instructional personnel to serve on the District staff development council may be submitted by the faculty senates of the district to the superintendent who shall prepare and distribute ballots and tabulate the votes. The staff development council shall consist of between nine (9) and fifteen (15) members at the discretion of the superintendent based on the size of the district. The council has the final authority to propose staff development programs for their peers based upon rules established by statute and the council on professional education.

The Superintendent **or a designee** has an advisory, nonvoting role on the council.

Revised 10/4/10

Revised 5/7/12

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WV Code 18A-3-8

WV State Board of Education policy 5500



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Title Copy of STAFF EVALUATION  
Code po4220  
Status  
Adopted January 4, 2010



#### 4220 - STAFF EVALUATION

The Board of Education through the powers derived from the West Virginia Code, is responsible for the employment and discharge of all personnel. To carry out this responsibility, it delegates to the Superintendent the function of establishing and implementing a program of personnel assessment, for all service employees. This policy shall apply to all service personnel, as defined by WV Code 18A-1-1(e), and including nonteaching school employees who are not included in the meaning of teacher as defined by State code and who service the school(s) in a nonprofessional capacity.

#### **All service personnel staff shall be evaluated on the following performance standards:**

- A. **work habits: observation of work hours, attendance, safety practices, meeting deadlines, flexibility, taking the initiative, and positive attitude;**
- B. **performance: work judgment, planning and organizing, quality of work, taking responsibility, following instructions, efficiency under stress, and the operation and care of equipment; and**
- C. **professional learning: knowledge of job responsibilities and participation in job-related trainings.**

It is the purpose of the program of staff assessment to:

- A. strive for the improvement of the total County program;
- B. stress the importance of personal improvement on the part of individual professional staff members so that each student may be provided a



quality education and/or service;

C. ensure the continuous improvement of administrative and supervisory services provided service personnel staff members;

D. establish a process of continuous and systematic service personnel staff member-evaluation.

The staff evaluation program shall aim at the early identification of specific areas in which the individual service personnel staff member needs help so that appropriate assistance may be provided. A supervisor offering suggestions for improvement to a service personnel staff member shall not release that service personnel staff member from the responsibility to improve. If a service personnel staff member, **after receiving a reasonable degree of assistance**, fails to perform his/her assigned responsibilities in a satisfactory manner, after being provided an evaluation and reasonable opportunity to improve, dismissal or non-renewal procedures may be invoked. In such an instance, all relative evaluation documents may be used in the proceedings.

**All persons conducting evaluations shall receive training in completing evaluations, conducting observations and conferences, writing and monitoring improvement plans, and in management and evaluation skills.**

**All evaluators (X) may ( ) shall [end of option] be trained to conduct the evaluation of service personnel**

In an effort to ensure that all employees have a full understanding of the evaluation policy and procedures, an evaluation orientation shall be convened at the beginning of the employment term. The orientation shall be held prior to the beginning of the instructional term. Employees shall be provided a copy of the evaluation instruments and procedures.

Evaluations shall be conducted of each service personnel staff member. A service personnel staff member shall be given a copy of any documents relating to his/her performance which are to be placed in the personnel file. The employee shall sign the evaluation form denoting the supervisor has reviewed the evaluation with the employee and the employee has received a copy. The signature does not imply concurrence with the findings. The employee also has the right to attach a statement to the evaluation.

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West Virginia Board of Education policy 5314

WV Code 18A-2-12, WV State Board of Education Policy 5330



Book Policy Manual

Section Vol 14, No. 2 August 2022 Drafts

Title Copy of SUSPENSION

Code po4139.01

Status

Adopted August 1, 2007

Last Revised February 1, 2021

#### 4139.01 - **SUSPENSION**

The Superintendent, subject only to the approval of the Board, shall have the authority to suspend school personnel. The suspension may be with or without pay.

The Superintendent's authority to suspend school personnel shall be temporary only pending a hearing upon charges filed by the Superintendent with the Board of Education and such a period of suspension shall not exceed thirty (30) working days unless extended by order of the Board.

The Board may suspend or dismiss any person in its employment at any time for:

- A. immorality;
- B. incompetency;
- C. cruelty;
- D. insubordination;
- E. intemperance;
- F. willful neglect of duty;

- G. unsatisfactory performance;
- H. a finding of abuse by the Department of Health and Human Resources in Accordance with WV Code 49-1-1 et seq.;
- I. conviction of a misdemeanor or a guilty plea or a nolo contendere plea to a misdemeanor charge that has a rational nexus between the conduct and performance of the employee's job;
- J. the conviction of a felony or a guilty plea or a plea of nolo contendere to a felony charge.

A charge of unsatisfactory performance shall not be made except as the result of an employee performance evaluation.

The charges shall be stated in writing served upon the employee within two (2) days of presentation of said charges to the Board. The employee so affected shall be given an opportunity, within five (5) days of receiving such written notice, to request, in writing, a level three (3) hearing and appeals pursuant to WV Code 6C-2-1 et seq. (Grievance Procedure), except that dismissal for a finding of abuse or the conviction of a felony, a misdemeanor with a rational nexus between the conduct and performance of the employee's job, or child abuse or guilty plea or plea of nolo contendere to a felony charge is not by itself grounds for a grievance proceeding. An employee charged with the commission of a felony may be reassigned to duties that do not involve direct interaction with students pending final disposition of the charges.

The Board has the duty and authority to provide a safe and secure environment in which students may learn and prosper; therefore it may take necessary steps to suspend or dismiss any person in its employment at any time should the health, safety, and welfare of students be jeopardized or the learning environment of other students has been impacted. The Board shall complete an investigation of an employee that involves evidence that the employee may have engaged in conduct that jeopardizes the health, safety, or welfare of students despite the employee's resignation from employment prior to completion of the investigation.

**Further, upon allegations that a staff member jeopardized the health, safety, welfare, or learning environment of students, at the start of the investigation into the allegation, the staff member shall be suspended, placed on administrative leave, or reassigned to duties that do not involve direct interaction with students. The principal shall report any allegations to the Superintendent within twenty-four (24) hours. The principal's report to the superintendent is in conjunction with any other**



**mandatory reports that must be made as a mandatory reporter of suspected child abuse or neglect.**

**If a staff member is charged with committing a felony, a misdemeanor with a rational nexus to the performance of the staff member's job, or child abuse, the Board shall, pending final disposition of the charges, suspend the staff member, place them on administrative leave, or reassign them to duties that do not involve direct interaction with students.**

It shall be the duty of the Superintendent to report an employee that has been suspended or dismissed or resigned during the course of an investigation in accordance with this policy and WV Code 18A-2-8. Including the rationale for the suspension or dismissal, to the State Superintendent.

Pursuant to sState law, it is the responsibility of the State Superintendent to create and maintain a database for all reported individuals. This database shall be confidential and will be accessible to the Superintendent and Human Resource Director.

**\*All language contained in this policy is taken directly from the statutes listed below and does not reflect the independent judgment or intent of the Board of Education.**

Revised 4/21/09

Revised 12/16/19

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WV Code 18A-2-7 and 18A-2-8




Book Policy Manual

Section Volume 14, No.1 - February 2022 Draft

Title Copy of PROBATIONARY CONTRACT

Code po4124.01

Status 

Adopted January 4, 2010

Last Revised July 7, 2014

#### 4124.01 - **PROBATIONARY CONTRACT**

All service personnel with less than three (3) year's experience shall hold a probationary contract.

The Superintendent at a meeting of the Board of Education on or before **April 15th** May 1st of each year shall provide in writing to the Board a list of all probationary service personnel that s/he recommends to be rehired for the next ensuring school year. The Board shall act upon the Superintendent's recommendations at that meeting. Any service personnel employee who is not rehired by the Board at that meeting shall be notified in writing by certified mail, return receipt requested, to such person's last known address within ten (10) days following said Board meeting, of not having been rehired or not having been recommended for rehiring.

Any probationary service personnel employee who receives notice that s/he has not been recommended for rehiring may within ten (10) days after receiving the written notice request a statement of the reasons for not having been rehired and may request a hearing before the Board. Such hearing shall be held at the next regularly scheduled Board meeting or at a special meeting of the Board called within thirty (30) days of the request for hearing. At the hearing, the reasons for the non-rehiring must be shown.

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WV Code 18A-2-8a


Book Policy Manual

Section Vol 14, No. 2 August 2022 Drafts

Title Copy of VACANCIES – SERVICE POSITIONS

Code po4132

Status

Adopted August 1, 2007 

Last Revised September 1, 2021

#### 4132 - VACANCIES – SERVICE POSITIONS

Openings in established, existing or newly created positions shall be processed as follows:

A. The Board of Education shall post and date vacancy notices which shall be subject to the following:

1. The notices shall be posted in a conspicuous working places including on any website maintained by or available for by the Board **on the County Website** for all service personnel to observe for at least five (5) working days. **Notices may also be posted to the West Virginia Department of Education Job Bank Website.** Notice shall also be posted to the West Virginia Department of Education Statewide Job Bank website. The job bank shall consist of the following for the District: (a) A list of the names, qualifications, and contact information of all service and extracurricular personnel who have been terminated because of a reduction in force, except personnel who have requested in writing that they not be listed in the job bank; (b) A list of service personnel and extracurricular personnel for which the district is seeking applicants; and (c) A total compensation statement for each listed position. Compensation is defined as "Direct compensation" meaning base salary and incentives that are provided regularly and consistently and "Indirect compensation" meaning any non-cash benefit provided to an

employee, including, but not limited to health insurance; dental insurance; vision insurance; life insurance; disability income protection; retirement benefits; employer student loan contributions or other employee assistance programs; educational benefits; childcare; relocation benefits; and vacation leave, sick leave, and any other form of paid time-off. "Total compensation statement" means a list of direct and indirect compensation provided or offered for a position, including an itemized list of the types of compensation provided or offered and a cumulative total of the value of all compensation provided or offered.

The Board shall provide the information listed in (a), (b) and (c) above to the State Board in a prompt manner. The job bank shall be accessible electronically to the District and to individuals on a read-only basis, except that the District shall have the capability of editing information for the District and shall be responsible for maintaining current information on the District lists.

2.

3.

However, should there be any discrepancy between or among the postings, the printed postings in the working places of service personnel employees shall remain the official posting to which all applicants must comply.

A service person with itinerant status may be assigned to a different work site upon written notice ten (10) days prior to the reassignment without the consent of the employee and without posting the vacancy. At the conclusion of each school year, the County Board shall post pursuant to WV Code 18A-4-8b, all positions that have been filled without posting by a service person with itinerant status.

4. The notice shall be posted within twenty (20) working days of the position openings and shall include the job description, the work site, the starting and ending time of the daily shift, the amount of pay and any benefits and other information that is helpful to prospective applicants to understand the particulars of the job. The notice of a job vacancy in the aide classification categories shall include the program or primary assignment of the position. The Board shall not declare a position vacant and post a job opening sooner than ten (10) days following the death of an individual employed in that position.

5. All vacancies in existing or newly created positions shall be filled within twenty (20) working days from the closing date of the job posting for the position. The Board shall notify the successful applicant as soon as possible after the Board makes a hiring decision regarding the posted position.
  6. After the five (5) day minimum posting period all vacancies shall be filled within twenty (20) working days from the posting date notice.
  7. Postings for vacancies shall be written so as to ensure that the largest possible pool of qualified applicants may apply.
  8. Job postings may not require criteria which are not necessary for the successful performance of the job and may not be written with the intent to favor a specific applicant.
- B. Nothing provided herein shall prevent the Board from eliminating a position due to lack of need.
- C. Service employees who have been placed on the preferred recall list shall be provided with notice by certified mail to their last known address of all vacancies. It shall be the duty of each service personnel on the preferred recall list to notify the Board of any change in address. Any employee failing in this duty shall be notified by certified mail to his/her last known address that they will be removed from the preferred recall list unless good cause is shown, within thirty (30) days, as to why they should not be removed from the preferred recall list. If good cause is not shown within the prescribed time, the Superintendent shall remove the employee from the recall list. If an employee accepts full-time employment with another County Board s/he shall be removed from the preferred recall list. Provided, however, the refusal of an employee on the preferred recall list to accept an offered position shall be grounds for removal from the preferred recall list unless the refusal is for reasons deemed compelling.
- D. The Board shall notify all service personnel on the preferred list of all position openings that exist from time to time. The notification shall be sent annually, with written receipt notification documented by the Superintendent, and shall list instructions to access job postings on any website maintained by or available for the use of the Board If an employee accepts full-time employment with another district s/he shall be removed from the preferred recall list. The refusal of an employee on the preferred recall list to accept an offered position shall be grounds for removal from the preferred recall list unless the refusal is for reasons deemed compelling.\*

\*All language in this policy comes directly from the statutes listed below and does not reflect the independent judgment or intent of the Board of Education.

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A.

Legal

WV Code 18A-4-21

WV Code 18A-4-8b

WV Code 18A-4-8b(g)

WV Code 18A-4-8(r)



Book Policy Manual

Section 3000 Professional Staff

Title Copy of SUSPENSION

Code po3139.01

Status

Adopted August 1, 2007

Last Revised February 1, 2021



### 3139.01 - **SUSPENSION**

The Superintendent, subject only to the approval of the Board, shall have the authority to suspend school personnel. The suspension may be with or without pay.

The Superintendent's authority to suspend school personnel shall be temporary only pending a hearing upon charges filed by the Superintendent with the Board of Education and such period of suspension shall not exceed thirty (30) working days unless extended by order of the Board.

The Board may suspend or dismiss any person in its employment at any time for:

- A. immorality;
- B. incompetency;
- C. cruelty;
- D. insubordination;
- E. intemperance;
- F. willful neglect of duty;

- G. unsatisfactory performance;
- H. a finding of abuse by the Department of Health and Human Resources in accordance with WV Code 49-1-1 et seq.;
- I. conviction of a misdemeanor or a guilty plea or a nolo contendere pleas to a misdemeanor charge that has a rational nexus between the conduct and the performance of the employee's job;
- J. the conviction of a felony or a guilty plea or a plea of nolo contendere to a felony charge.

A charge of unsatisfactory performance shall not be made except as the result of an employee performance evaluation.

The charges shall be stated in writing served upon the employee within two (2) days of presentation of said charges to the Board. The employee so affected shall be given an opportunity, within five (5) days of receiving such written notice, to request, in writing, a level three (3) hearing and appeals pursuant to WV Code 6C-2-1 et seq. (Grievance Procedure), except that dismissal for a finding of abuse or the conviction of a felony or guilty plea or plea of nolo contendere to a felony charge is not by itself grounds for a grievance proceeding. An employee charged with the commission of a felony may be reassigned to duties that do not involve direct interaction with students pending final disposition of the charges.

The Board has the duty and authority to provide a safe and secure environment in which students may learn and prosper; therefore, it may be necessary to take steps to suspend or dismiss any person on its employment at any time should be the health, safety, and welfare of students be jeopardized or the learning environment of other students has been impacted. The Board shall complete an investigation of an employee that involves evidence that the employee may have engaged in conduct that jeopardizes the health, safety, or welfare of students despite the employee's resignation from employment prior to completion of the investigation.

**Further, upon allegations that a staff member jeopardized the health, safety, welfare, or learning environment of students, at the start of the investigation into the allegation, the staff member shall be suspended, placed on administrative leave, or reassigned to duties that do not involve direct interaction with students. The principal shall report any allegations to the superintendent within twenty-four (24) hours. The principal's report to the superintendent is in conjunction with any other mandatory reports that must be made as a mandatory reporter of suspected child abuse or neglect.**

**If a staff member is charged with committing a felony, a misdemeanor with a rational nexus to the performance of the staff member's job, or child abuse, the Board shall, pending final disposition of the charges, suspend the staff member, place them on administrative leave, or reassign them to duties that do not involve direct interaction with students.**

It shall be the duty of the Superintendent to report any employee that has been suspended or dismissed or resigned during the course of an investigation in accordance with this policy and WV Code 18A-2-8, including the rationale for the suspension or dismissal, to the State Superintendent.

Per State law, it is the responsibility of the State Superintendent to create and maintain a database for all reported individuals. This database shall be confidential and will be accessible to the Superintendent and Human Resource Director.\*

**\*All language in this policy comes directly from the statutes listed below and is mandated by those statutory provisions.**

Revised 4/21/09

Revised 12/16/19

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Legal                      WV Code 18A-2-7 and 18A-2-8

                                 WV Code 49-1-1 et seq.



5045

Book Policy Manual

Section board approve 020923

Title Copy of VACANCIES – PROFESSIONAL POSITIONS

Code po3132

Status

Adopted August 1, 2007

Last Revised September 1, 2021

### 3132 - **VACANCIES – PROFESSIONAL POSITIONS**

Openings in established, existing, or newly created positions shall be processed as follows:

- A. The Board of Education shall post and date vacancy notices of each opening at least once. However, at its discretion, the Board may post an opening for a position more than once in order to attract more qualified applicants.

If no applicant meets the qualifications set forth in the job posting, the Board may continue to post or repost without limitation.

The Superintendent shall have the authority to determine whether a professional position will be reposted. These provisions shall apply to both regular professional positions and extra-curricular professional positions.

1. Each notice shall be posted on the County Website for all professional personnel to observe for at least five (5) working days. ~~Notice may also be posted to the West Virginia Department of Education Job Bank, website, and/or local newspaper(s).~~
2. Notice also shall be posted to the West Virginia Department of Education Statewide Job Bank website. The job bank shall consist of the following the District:

- a. A list of the names, qualifications, and contact information of all professional and extra-curricular personnel who have been terminated because of a reduction in force, except personnel who have requested in writing that they not be listed in the job bank;
  - b. A list of professional and extra-curricular positions for which the District is seeking applicants; and
  - c. A total compensation statement for each listed position. Compensation is defined as "direct compensation" meaning base salary and incentives that are provided regularly and consistently and "indirect compensation" meaning any non-cash benefit provided to an employee, including, but not limited to health insurance; dental insurance; vision insurance; disability income protection; retirement benefits; employer student loan contributions or other employee assistance programs; educational benefits; childcare; relocation benefits; and vacation leave, sick leave, and any other form of paid time-off. "Total compensation statement" means a list of direct and indirect compensation provided or offered for a position, including an itemized list of the types of compensation provided or offered and a cumulative total of the value of all compensation provided or offered.
3. The Board shall provide the information listed above in a., b., and c. above to the WVBE in a prompt manner. The job bank shall be accessible electronically to the District and to individuals on a read-only basis, except that the District shall have the capability of editing information for the District and shall be responsible for maintaining current information on the District lists.
  4. Notice ~~( )~~ shall ~~( ) may~~ also be posted to the ~~( )~~ District website. ~~( ) West Virginia Department of Education Job Bank website. ( )~~  
   [newspaper(s)].[end of option]

However, should there be any discrepancy between or among the postings, the printed postings in the working places of professional employees shall remain the official posting with which all applicants must comply.

5. At least one (1) notice shall be posted within twenty (20) working days of the position openings and shall include the job description. The Board shall not declare a position vacant and post a job opening sooner than ten

(10) days following the death of an individual employed in that position.

6. Any special criteria or skills that are required by the position shall be specifically stated in the job description and directly related to the performance of the job.
  7. Postings for vacancies made pursuant to this section shall be written so as to ensure that the largest possible pool of qualified applicants may apply.
  8. Job postings may not require criteria which are not necessary for the successful performance of the job and may not be written with the intent to favor a specific applicant.
- B. No vacancy shall be filled until after the five (5) day minimum posting period of the most recent posted notice of the vacancy.
  - C. If one (1) or more applicants under all the postings for a vacancy meets the qualifications listed in the job posting, the successful applicant to fill the vacancy shall be selected by the Board within thirty (30) working days of the end of the first posting period.
  - D. A position held by a certified and/or licensed teacher who has been issued a permit for full-time employment and is working toward certification in the permit area shall not be subject to posting if the certificate is awarded within five (5) years.
  - E. Nothing provided herein shall prevent the Board from eliminating a position due to lack of need.
  - F. Upon recommendation of the Principal and approval by the classroom teacher, Superintendent, and Board, a classroom teacher assigned to the school may at any time during the school year be assigned to a new or existing classroom teacher position at the school during the school year without the position being posted. This provision shall not apply to vacancies that will occur in the ensuing year or other future years.
  - G. Each year, provided there are no provisions of State law to the contrary, all employees subject to release as part of a reduction in force shall be considered applicants for any vacancy in an established, existing or newly created position that, on or before March 1, is known to exist for the ensuing school year, and for which they are qualified. It will then be upon the recommendation of the Superintendent, that the Board shall appoint the successful applicant from among such employees before posting such vacancies for application by other

persons. This provision shall not preclude a County Board from posting and filling vacancies that exist in the current school year nor shall it supersede or alter the operation of WV Code 18A-4-8 for WV Code 18A-4-81.

All positions shall identify under a separate heading "Minimum Qualifications" listing certification requirements and that may list other requirements for which it has been determined that a candidate hold to be deemed minimally qualified.

Professional employees who have been placed on the preferred recall list shall be notified annually of the job application procedures and any website used to advertise vacancies. The notice shall be sent by certified mail via U.S. Postal Service to their last known address of the employee, and it shall be the duty of each professional person to notify the Board of continued availability annually, of any change in address or in any change in certification and/or licensure. Any employee failing in duty shall be notified by via U.S. Postal Service certified mail to his/her last known address that they will be removed from the preferred recall list unless good cause is shown, within thirty (30) days, as to why they should not be removed from the preferred recall list. If good cause is not shown within the prescribed time, the Superintendent shall remove the employee from the recall list. If an employee accepts full-time employment with another County Board s/he shall be removed from the preferred recall list. Provided, however, the failure of an employee on the preferred recall list to make application for an available position shall not be grounds for removal from the preferred recall list.

Where the total number of classroom teaching positions in an elementary school does not increase from one (1) school year to the next, but there exists in that school a need to realign the number of teachers in one (1) or more grade levels, kindergarten through six, teachers at the school may be reassigned to grade levels for which they are certified without that position being posted if the employee and the Board mutually agree to the reassignment. \*

\*All language in this policy comes directly from the statutes listed below and is mandated by those statutory provisions.

Revised 6/25/09

Revised 3/16/15

Revised 1/21/20

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WV Code 18A-4-7a

WV Code 18A-4-21

West Virginia State Board of Education policy 5000



**Policy 3131 – Reduction in Force (Deletion)**

Delete due to duplication of policies, outdated and dictated by WV State Policy 5000 and WV Code 18-9A-4, 18A-2-2, 18A-4-7a, 18A-4-7a(k)(2)

**Policy 4131 – Reduction in Force (Deletion)**

Delete due to duplication of policies, outdated and dictated by WV Code 18A-2-6



|              |   |
|--------------|---|
| Book         | Policy Manual   |
| Section      | Board Approve 03-06-23  |
| Title        | DELETE - REDUCTION IN FORCE – CLASSROOM TEACHERS AND OTHER PROFESSIONAL PERSONNEL |
| Code         | po3131  |
| Status       |   |
| Adopted      | August 1, 2007  |
| Last Revised | March 16, 2015  |

### **3131 - REDUCTION IN FORCE – CLASSROOM TEACHERS AND OTHER PROFESSIONAL PERSONNEL**

It is the responsibility of the Board of Education to provide classroom teachers and other professional personnel necessary for the implementation of the educational program of the CountyDistrict.

The Board reserves the right to abolish classroom teaching and other professional positions and to reduce classroom teaching and other professional positions whenever reasons of decreased enrollment of students, return to duty of regular professional staff members after leaves of absence, lack of need, change in financial conditions, or other good cause warrant.

The Superintendent shall, when circumstances warrant, recommend the reduction of classroom teaching positions and other professional personnel positions in accordance with Federal requirements, state laws, local board policies, and the best interests of the CountyDistrict. Specifically, the requirements of West Virginia Code 18-9A-4, 18A-2-2, 18A-4-7a, and any amendments thereto, shall be observed in achieving a reduction-in-force of classroom teaching positions and other professional personnel.

#### **Definitions**

- A. Lateral area – For the purposes of complying with the requirements of West Virginia Code 18A-4-7a the term "lateral" shall be defined and

applied as follows:

1. Employment as a classroom teacher shall be deemed an area of lateral employment to classroom teaching positions requiring that one (1) or more of the certifications and/or licenses be held by such teacher.
2. Employment as a guidance counselor shall be deemed lateral to guidance counseling positions requiring certification in a span of grade levels in which the guidance counselor holds seniority. Guidance counselors lacking seniority to move to a lateral guidance counseling position shall be lateral to classroom teaching positions requiring that one (1) or more of the certifications and/or licenses be held by such guidance counselor.
3. Employment as a school nurse shall be deemed lateral to other school nurse positions.
4. Employment in a professional position requiring licensure, including physical therapist, speech language pathologist, and occupational therapist shall be lateral to professional positions requiring like licensure.

B. Reduction-in-force vacancy – Means a vacancy created for the purpose of accommodating the placement of an employee who, by virtue of seniority and certification, is qualifications are entitled to employment in a position in connection with a reduction-in-force.

C. Employment in a position where previously employed – Means the employment of a professional employee in a classification of employment of previous employment as contrasted with employment in an exact position of previous employment.

D. Qualifications - As defined by Policy 3131.05

#### Reduction in Force Steps

The following steps shall be observed in staffing schools, adjusting other professional personnel assignments and, if necessary, accomplishing a reduction in force:

A. Each year the Superintendent shall determine the professional staffing levels of each school.

B. Each year the Superintendent shall determine any recommended reductions or additions of other professional personnel positions.

- C. Each year, provided there are no provisions of State law to the contrary, all employees subject to release shall be considered applicants for any vacancy in an established, existing or newly created position that, on or before February 15 March 1, is known to exist for the next ensuing school year, and for which they are qualified. It will then be upon the recommendation of the superintendent, that the board shall appoint the successful applicant from among such qualified employees Applicants. All employees subject to release shall be considered applicants for the positions for which they were qualified and shall be considered before posting such vacancies for application by other persons nonemployees. This provision shall not preclude a county Board from posting and filling vacancies that exist in the current school year nor shall it supersede or alter the operation of WV Code 18A-4-8f or WV Code 18A-4-8i.

An employee shall be considered subject to release if the Superintendent would recommend the individual to the Board for release but for the availability of the known position. A vacancy for a position that will exist on the first day of the next ensuing school year will be known to exist when the person holding the position has submitted his/her resignation or retirement to the Board, in writing, and the resignation or retirement has been accepted by the Board. Newly created positions will not be considered to be known to exist until the County Board has voted to approve their creation.

An individual will be considered to be qualified for a known vacancy if he or she fully meets the qualifications for the vacancy. If more than one individual subject to release is qualified for a known vacancy, the successful candidate shall be selected based on application of the factors set forth in WV Code §18A-4-7a(b)(1) through (9), weighted equally. This provision shall apply to vacancies and newly created positions known to exist on or before February 15, 2014, and in subsequent school years.

- D. Each year, all persons who are recommended for transfer as a part of a reduction-in-force shall be identified and, on or before April 1st, notified in writing by the Superintendent that s/he is being considered or to be transferred..
- E. The Superintendent shall then ascertain the least senior qualified professional employees according to areas of certification and/or licensure needed to accommodate more senior qualified employees who are to be recommended for transfer.

- F. Prior to March 2nd May 1st of each year, all professional employees who are required to be reduced shall be so notified in a timely fashion and provided with an opportunity to be heard by the Board. The Board shall take action on the termination issue on or before the first Monday of April May 1st of the then current year.
- G. On or before the first Monday in April of each year, all professional employees to be recommended for transfer as part of a reduction-in-force shall, starting with the most senior employee, be notified of the reduction-in-force vacancy to which a transfer is recommended. Reduction-in-force vacancies shall be identified by matching the most senior employee with the position vacated by the least senior employee who is serving in the relevant area of certification and/or licensure.
- H. If, prior to the first day of August 1st of the year a reduction-in-force is approved, the reasons for any particular reduction-in-force no longer exists as determined by the Board in its sole and exclusive judgment, the Board shall rescind the reduction-in-force or transfer and shall notify the released employee in writing of his/her right to be restored to his/her position of employment. Within five (5) days of being so notified, the released employee shall notify the Board, in writing, of his/her intent to resume his/her position of employment or the right to be restored shall terminate. If there is another employee on the preferred recall list with proper certification and higher seniority, that person shall be placed in the position restored as a result of the reduction-in-force being rescinded.

#### Effect of Policy

Nothing within this policy shall be construed to confer any rights upon school employees beyond those rights conferred by statute.

Revised 4/21/09

Revised 7/7/14

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West Virginia State Board of Education policy 5000

WV Code 18-9A-4, 18A-2-2, 18A-4-7a, 18A-4-7a(k)(2)



5047

Book Policy Manual

Section Board Approve 03-06-23

Title DELETE - REDUCTION IN FORCE - SERVICE PERSONNEL

Code po4131

Status

Adopted January 4, 2009

Last Revised July 7, 2014

~~4131 REDUCTION IN FORCE SERVICE PERSONNEL~~

~~Prior to MarchMay 1st of each year all service personnel employees who are required to be reduced shall be so notified in a timely fashion and provided with an opportunity to be heard by the Board. The Board shall take action on the termination issue before MarchMay 1st of the then current year.~~

~~If a reduction in service personnel becomes necessary, the CountyDistrict shall make all decisions on the basis of seniority and follow the procedures listed below:~~

- ~~A. The employee with the least amount of seniority within the classification or grades of classification to be reduced shall be properly released and employed in a different grade of that classification if there is a job vacancy.~~
- ~~B. If there is no job vacancy for employment within the classification or grades of classification, s/he shall be employed in any other job classification which s/he previously held with the Board if there is a vacancy and shall retain any seniority accrued in the job classification or grade of classification.~~
- ~~C. All employees whose seniority with the County Board is insufficient to allow their retention by the County Board during a reduction to work force shall be placed upon a preferred recall list and shall be recalled to employment by the County Board on the basis of seniority.~~

-

~~D. Multi-classified employees are subject to reduction in force in any category of employment contained within their multi-classification title based upon the seniority accumulated within that category of employment: provided, that if a multi-classified employee is reduced in force in one (1) classification category, the employee shall retain employment in any of the other classification categories that s/he holds within his/her multi-classification title. In that case, the County Board shall delete the appropriate classification title or classification category from the contract of the multi-classified employee. Provided, however, multi-classified employees holding the aide/autism mentor or aide/Braille or sign language specialist shall be considered to be employed in a single classification area for purposes of a reduction in force.~~

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~~E. No person employed in the position of an aide, as of August 31, 1990, may be reduced in force or transferred to create a vacancy for the employment of a paraprofessional.~~

-

~~F. Any person employed in an aide position on June 8, 2007 may not be transferred or subject to a reduction in force for the purpose of creating a vacancy for the employment of a licensed practical nurse.~~

~~If, after the reduction in force or transfer is approved by the Board and later the reason for any particular reduction in force or transfer no longer exists as determined by the Board in its sole and exclusive judgement prior to August 1st, the Board shall follow the following procedures:~~

~~A. Rescind the reduction in force or transfer and shall notify the affected employee in writing of his/her right to be restored to his/her former position of employment.~~

-

~~B. Within five (5) days of being so notified, the affected employee shall notify the Board of his/her intent to return to his/her former position of employment or the right of restoration to the former position shall terminate.~~

-

~~C. The Board shall not rescind the reduction in force of an employee until all employees with more seniority in the classification category on the preferred recall list have been offered the opportunity for recall to regular employment.~~

-

~~D. If there are insufficient vacant positions to permit reemployment of all more senior employees on the preferred recall list within the classification category of the employee who was subject to reduction in force, the~~



~~position of the released employee shall be posted per Policy 4132 and filled in accordance with State Law and Policy 4120.~~

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18A-2-6

### **Policy 4124.02 - Continuing Contract - Service Personnel (Revised)**

House Bill 4566 changed the deadline for professional to exercise, in writing, the right to resign as of the end of the school year from on or before March 1 on or before May 1.

Per current law, if professional personnel fail to fulfill their contract, unless for just cause, they shall be disqualified to teach in any WV public school; however, H.B. 4566 now requires the State Department of Education to report such disqualification status in the National Association of State Directors of Teacher Education and Certification database system.

This revision reflects the current state of law and should be adopted in order to maintain accurate policies.

### **Policy 3120 - Employment of Professional Personnel (Revised)**

State Board policy 5202 eliminated the requirements for NCLB highly qualified personnel for federally-funded positions and replaced it with "effective with the 2017-18 school year, all teachers in federally funded programs must meet applicable WV state certification and licensure requirements". Other minor corrections were made to existing language to comport with existing law and policy.

### **Policies 3120.04/4120.04 - Employment of Substitutes (Revised)**

These policies were amended as a result of the passage of H.B. 2669. It eliminated the requirement for school personnel to have a tuberculin test at the time of employment. School personnel found or suspected to have active tuberculosis shall have their employment suspended until the local health officer, in consultation with the commissioner, approves a return to work. The commissioner may require selective testing of school personnel for tuberculosis when there is a reason to believe there has been exposure to the tuberculosis organism or have signs and symptoms indicative of the disease.

These revisions reflect the current state of the law and should be adopted to maintain accurate policies.

### **Policy 3217 - Weapons (Revised)**

### **Policy 4217 - Weapons (Revised)**

These weapon policies were revised to reflect the passage of H.B. 4596 effective June 7, 2022. State juvenile probation officers, home confinement supervisors employed by a county commission, and State parole officers may possess deadly weapons on school premises, school buses and at school-sponsored activities.

These revised policies reflects the current West Virginia Code and should be adopted to have accurate policies.



### **Policy 2370.04 - Learning Pods and Micro Schools (New)**

Senate Bill 268, effective June 10, 2022, adds exemptions for compulsory school attendance for students participating or attending a learning pod or a micro school.

This new policy reflects the current West Virginia Code and should be adopted to have accurate policies.

### **Policy 2371 - Hope Scholarship (New)**

This new policy has been developed to reflect the requirements of H.B. 2013 which amended and reenacted W.V. Codes 18-8-1, 18-8-1a, 18-9A-10 and adding new code provisions W.V. Code 18-31-1 et seq.

The School Board is required to provide this option for a parent or eligible student to meet the individual educational needs of the students in the District. This policy details the responsibilities of the District as they allocate the program funds to eligible students or the parents of eligible students.

This new policy reflects the current West Virginia code and should be adopted to have accurate policies

### **Policy 5111 - Eligibility of Resident/Nonresident Students for Enrollment (Revised)**

This policy has been revised to reflect that all nonresident students requests for enrollment shall be handled in accordance with Policy 5113 - Open Enrollment for Nonresident Students.

This revised policy reflects the current West Virginia Board of Education policy and should be adopted to have accurate policies.

### **Policy 3213 - Student Supervision and Welfare by Professional Staff (Revised)**

According H.B. 4562, effective, June 7, 2022, upon allegations that a staff member jeopardized the health, safety, welfare, or learning environment of students, at the start of the investigation into the allegation, the staff member shall be suspended, placed on administrative leave, or reassigned to duties that do not involve direct interaction with students. The principal shall report any allegations to the superintendent within twenty-four (24) hours. The principal's report to the superintendent is in conjunction with any other mandatory reports that must be made as a mandatory reporter of suspected child abuse or neglect.

If a staff member is charged with committing a felony, a misdemeanor with a rational nexus to the performance of the staff member's job, or child abuse, the Board shall, pending final disposition of the charges, suspend the staff member, place them on administrative leave, or reassign them to duties that do not involve direct interaction with students.





These revised policies reflects current West Virginia Code and should be adopted to have accurate policies.

### **Policy 9505 - Charter Schools (New)**

Pursuant to W.V. Code and West Virginia State Board policy 3300, this new policy has been added to incorporate by reference the requirements a District must follow for the creation, application process, approval and denial of a charter application, termination of a public charter school, compliance with rules, statutes and regulations, funding, enrollment, transportation, as well as employment matters.

This new policy reflects the current West Virginia code and requirements of State Board policy 3300 and should be adopted to have accurate policies.

### **Policy 4130 – Assignment and Transfer of Service Personnel (Technical Correction)**

The above policy contained duplicate language and has been corrected. Item D and H were the same. Item H has been deleted.

This revised policy reflects the current WV policy and should be adopted to have accurate policies.

### **Policy 3130.01 –Transfer (Revised)**

A minor change was made to this policy as a result of the WVBE amending its policy 5000, Procedures for Designated Hiring and Transfer of School Personnel, effective June 19, 2017.

Revisions to this policy reflect the current WVBE policy and should be adopted to maintain accurate policies.

### **Policy 2522 - Instructional Materials Inspection and Right to File Complaint (New)**

This new policy reflects the current West Virginia Code and should be adopted to have accurate policies.

Under Senate Bill 704, classroom teachers are required to comply with the requests of parents/custodians/guardians of enrolled students to inspect county board-adopted instructional materials, supplemental instructional materials which do not require the approval of the county board, and books available in their classroom for students to read. If requested by the parent/custodian/guardian, the classroom teacher must demonstrate how those instructional materials relate to the county board's adopted content standards.

A classroom teacher must include in the course syllabus information about the books the students must read and make the syllabus available to the students' parents/custodians/guardians upon request.



Parents/custodians/guardians may file a complaint with the county superintendent regarding the alleged failure of a classroom teacher to comply with any of these requirements.

This revised policy reflects the current West Virginia Code and should be adopted to have accurate policies.




Book Policy Manual

Section Board Approve 03-06-23

Title Copy of CONTINUING CONTRACT – SERVICE PERSONNEL

Code po4124.02

Status

Adopted April 21, 2009 

Last Revised July 7, 2014

#### 4124.02 - **CONTINUING CONTRACT – SERVICE PERSONNEL**

After three (3) years of acceptable employment, all service personnel who enter into a new contract of employment shall be granted continuing contract status. A year of experience shall require successful employment for at least 133 days during a school year.

A service personnel employee holding a continuing contract status with one (1) county shall be granted continuing contract status with any other county upon completion of one (1) year of acceptable employment if such employment is during the next succeeding school year or immediately following an approved leave of absence extending no more than one (1) year.

The continuing contract of any service personnel employee shall remain in full force and effect except as modified by mutual consent of the school board and the employee, unless and until terminated:

- A. by a majority vote of the full membership of the Board prior to the first day of March of the then current year, after written notice, served upon the employee, return receipt requested, stating cause or causes and an opportunity to be heard at a meeting of the Board prior to the Board's action;
- B. by written resignation of the employee prior to the first day of **April**May;
- C. by mutual consent, at any time, of the School Board and the employee;
- D. by termination pursuant to WV Code 18A-2-8;

E. By dismissal based upon the lack of need for the employee's services. The written notification of employees being considered for dismissal for lack of need shall be limited only to those employees whose consideration for dismissal is based upon known or expected circumstances which will require dismissal for lack of need. An employee who was not provided notice and an opportunity for a hearing pursuant to Section (A) of this policy may not be included on the list. In case of such dismissal, the employee so dismissed shall be placed upon a preferred list in the order of their length of service with that board, and no employee shall be employed by the Board until each qualified employee upon the preferred list, in order, shall have been offered the opportunity for re-employment in a position for which they are qualified provided that s/he has not accepted a position elsewhere. Such re-employment shall be upon an employee's preexisting continuing contract and shall have the same effect as through the contract had been suspended during the time the employee was not employed.

In the assignment of position or duties of an employee under a continuing contract, the Board may provide for released time of an employee for any special professional or governmental assignment without jeopardizing the contractual rights of such employee or any other rights, privileges or benefits. Released time shall be provided for any service personnel employee while serving as a member of the Legislature during any duly constituted session of that body and its interim and statutory committees and commissions without jeopardizing his/her contractual rights or any other rights, privileges, benefits or accrual of experience for placement on the State minimum salary schedule in the following school year under the provisions of State law and Board policy. An employee who is a member of the Legislature will not receive pay from the Board while executing legislative duties. Such employee may use vacation days, if applicable, or personal leave (not sick) for that purpose, if desired. An employee, who is granted leave under this policy, shall accrue seniority during the period of time that the employee is on this board-approved leave of absence.

Revised 2/12/14

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Legal                    WV Code 18A-2-8  
                              WV Code 18A-2-6  
                              WV Code 18A-2-6a



Book Policy Manual  
 Section Draft 12-9-22  
 Title Copy of EMPLOYMENT OF PROFESSIONAL PERSONNEL  
 Code po3120  
 Status  
 Adopted August 1, 2007  
 Last Revised July 6, 2020

**3120 - EMPLOYMENT OF PROFESSIONAL PERSONNEL**

The Board of Education recognizes that it is vital to the successful operation of the County School System that positions created by the Board be filled with highly qualified and competent personnel.

The Board utilizes in their hiring process the various licensures approved by the West Virginia Board of Education to provide that the educators licensed to work in the District will meet the established levels of competence to deliver an appropriate and effective educational program to the students enrolled in the District. The Licensure requirements defined pursuant to West Virginia Board policy 5202 create standards so that educators will have the necessary knowledge and skills to meet the responsibilities of their assignments in instruction, student support, administration, and any other area of responsibility for which licensure is required.

The employment of professional personnel shall be made by the Board only upon nomination and recommendation of the Superintendent.

The Superintendent shall provide the Principal at the school at which the professional educator is to be employed an opportunity to interview all qualified applicants and make recommendations to the Superintendent regarding their employment. The West Virginia Ethics Act prohibits public school employees from participating in any hiring decisions involving relatives or cohabitating sexual partners. "Relatives" are defined as individuals who are related to the employee as father, mother, son, daughter, brother, sister, spouse, grandmother, grandfather, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law or daughter-in-law. If a faculty senate representative must recuse himself/herself for this reason, an alternate member may be appointed by the committee chair or the single designee. The Principal may not recommend for employment an individual who is related to him or her as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister.

The Principal shall submit recommendations to the superintendent regarding the appointment, assignment, promotion, transfer, and dismissal of all personnel assigned to the school or schools under said Principal's control. Such recommendation shall be submitted in writing as prescribed by the superintendent. Additionally, the Principal shall receive hiring recommendations from the faculty senate at his/her school as provided in this policy and shall submit those recommendations in writing as prescribed by the superintendent. In the event that a Principal is unable to submit hiring recommendations or receive hiring recommendations from the faculty senate as set forth in this policy due to illness or absence, the assistant Principal shall submit hiring recommendations.

If there is no assistant Principal, the Superintendent shall assign a designee to carry out the role of the Principal. In the event that a Principal is unable to submit hiring recommendations or receive hiring recommendations from the faculty senate due to a relationship conflict stated above and as set forth in State law, the Superintendent shall assign a designee from the central office to carry out the role of the Principal. If a Principal or his/her designated replacement does not participate in the hiring process as set forth in this policy for a particular vacancy, the right of the Principal to submit recommendations regarding employment is forfeited for that vacancy.

However, if a Principal or his/her designated replacement does not participate in the hiring process as set forth in this policy, the Principal or his or her designee must still receive any hiring recommendation made by the faculty senate and transmit that recommendation to the superintendent. A forfeiture of the Principal's right to submit a hiring recommendation shall not be the basis for objection by any prospective employee or any other person. Nothing shall prohibit the timely employment of persons to perform necessary duties.

The faculty senate at each school may establish a process for members to interview or otherwise obtain information regarding applicants for classroom teaching vacancies that will enable the faculty senate to submit recommendations regarding employment to the Principal. A faculty senate wishing to submit hiring recommendations to the Principal shall utilize one of the processes established by West Virginia State Board of Education policy 5000 and found in AG 3120A. At the conclusion of each school semester, a faculty senate may vote to change its adopted process for the next ensuing semester. Additionally, if a faculty senate desires to make hiring recommendations over the summer break, it may use the process then in place, if any, or it may vote to adopt a different process to be used only during the summer break. Nothing herein shall be construed to require a faculty senate to participate in this recommendation process. Failure by a faculty senate to choose to one of the processes for participating in the recommendation process shall forfeit the right of the faculty senate to make employment recommendations.

Prior to participating in an interview or otherwise making any hiring recommendations pursuant to West Virginia State Board of Education policy 5000 and this policy, faculty senate hiring committees, single designees, any other faculty senate participants, and Principals must complete interview training as designated or approved by the WVDE. Once a faculty senate member or Principal has completed the designated interview training, additional training shall not be required unless the WVDE or superintendent determines that additional training shall occur. Compensation for participation in training shall be based on the daily rate of pay for the participating classroom teacher who directly participated in the training for periods beyond his/her individual contract. Compensation for training shall not exceed one (1) hour. ~~For the 2012-2014 school year only, Principals have until September 1st to complete the interview training designated or approved by the WVDE.~~

In case the Board refuses to employ any or all of the persons nominated, the Superintendent shall nominate others and submit the same to the Board at such time as the Board may direct.

All personnel so nominated and recommended for employment and for subsequent assignment shall meet the certification, licensing, training, and other eligibility classifications as may be required by law and by State Board regulations.

Although applicable West Virginia school personnel hiring law and policy must be followed in every instance, the Board may grant preference in hiring to a veteran or disabled veteran who has been honorably discharged from the United States Armed Services if the veteran or disabled veteran meets all of the knowledge, skills, and eligibility requirements of the job, and that granting the preference does not violate any State equal employment opportunity law. For purposes of this policy, the term "veteran" means any person who has received an honorable discharge and has provided more than 180 consecutive days of full-time, active-duty service in the United States Armed Services or Reserve components thereof, including the National Guard; or has a service-connected disability rating fixed by the United States Department of Veterans Affairs. However, all applicable hiring laws and policies must be strictly followed, and such a preference may only be considered and/or granted after full compliance with the applicable hiring process and a determination that the applicant is otherwise fully qualified for the position at issue.

Members of the organized militia in the active service of the State or another state shall be entitled to the same reemployment rights granted to members of the reserve components of the Armed Forces of the United States by applicable Federal law, including rights protected by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), as amended, 38 U.S.C. 4301- 4334.

Professional personnel employed as deputy, associate, or assistant superintendents by the Board in offices, departments or divisions at locations other than a school and who are directly answerable to the Superintendent shall serve at the will and pleasure of the Superintendent and may be removed by the Superintendent upon approval of the Board. Such professional personnel shall retain seniority rights only in the area or areas in which they hold valid certification or licensure.

"Professional personnel" means persons who meet the certification requirements of the State, licensing requirements of the State or both and includes the professional educator and other professional employees.

A. "Professional educator" has the same meaning as "teacher" as defined in section one (18-1-1), article one, chapter eighteen of the W. Va. Code. Professional educators shall be classified as:

1. "Classroom teacher" means a professional educator who has a direct instructional or counseling relationship with students, spending the majority of his/her time in this capacity.
2. "Principal" means a professional educator who, as agent of the County Board, has responsibility for the supervision, management, and control of a school or schools within the guidelines established by the County Board. The major area of the responsibility shall be the general supervision of all the schools and all school activities involving students, teachers, and other school personnel;
3. "Supervisor" means a professional educator who, whether by this or other appropriate title, is responsible for working primarily in the field with professional and other personnel in instructional and other school improvement; and





4. "Central Office Administrator" means a superintendent, associate superintendent, assistant superintendent and other professional educators, whether by these or other appropriate titles, who are charged with the administering and supervising of the whole or some assigned part of the total program of the countywide school system.

B. "Other professional employee" means a person from another profession who is properly licensed and is employed to serve the public schools and includes a registered professional nurse, licensed by the West Virginia Board of Examiners for registered professional nurses.

All applications for employment shall be referred to the personnel office.

The spouse of the Superintendent or a Board member may not be employed by the Board in any professional position of employment except principal or classroom teacher. If a Board member's spouse is being considered for such employment, the Board member must not participate in any way in the discussion or vote and must leave the Board meeting during the discussion and vote.

If the Superintendent's spouse is being considered, the Superintendent must not participate in the discussion.

The Board will not employ the unemancipated children or, except for a spouse, a dependent (IRS criteria) of the Superintendent or any member of the Board. Otherwise, the Board may employ a member's or the Superintendent's relatives, including his/her parent or parent-in-law, brother or sister, brother-in-law or sister-in-law, child, son-in-law or daughter-in-law, grandparent, or grandchild. When any such relative of a Board member is employed as a professional employee, the related Board member shall not participate in any way in the discussion or vote on the employment, and the Board member shall leave the Board meeting during the discussion and vote. Likewise, when any such relative of the Superintendent is employed, the Superintendent shall not participate in any way in the discussion. Thereafter, the affected Board member may not vote on a personnel matter involving such a relative unless the matter affects the relative as a member of a profession or occupation, or as a member of a class of at least five (5) persons.

~~No individual shall be appointed to a professional position in which s/he would be responsible for supervising his/her spouse, or in which s/he would be supervised by his/her spouse.~~

~~↯~~ No individual shall be appointed to a professional position in which s/he would be responsible for supervising a member of his/her immediate family, or in which s/he would be supervised by a member of his/her spouse. A professional employee's immediate family members are his/her spouse, parent or parent-in-law, brother or sister, brother-in-law or sister-in-law, child, son-in-law or daughter-in-law, grandparent, or grandchild.

Any person who intentionally misstates facts material to his/her qualifications for employment or the determination of salary shall be subject to dismissal by the Board.

~~The Board may not employ the unemancipated children or bona fide dependents (IRS criteria) of any member of the Board except for a spouse. The Board may employ a member's siblings, parents, or in-laws, provided that such siblings, parents, and/or in-laws may not be dependents of any member of the Board.~~

Applications for employment will not be accepted from any current Board member. If a Board member wishes to apply for a position, his/her resignation must be accepted by the Board prior to submitting an application and circumstances must be such as to avoid the Board member's apparent use of his/her authority or influence as a Board member to secure the employment position. Employment, as used herein, shall include volunteer positions for which no compensation is paid.

The employment of prospective employable professional staff members on a reserve list prior to approval by the Board is authorized in an area of critical need and shortage when the Board adopts a policy authorizing the same, subject to the requirements of WV Code 18A-2-3 and West Virginia State Board of Education policy 5103. In such cases, regular employee status may only be granted in accordance with WV Code 18A-4-7a. "Prospective employable professional personnel" means certified professional educators who:

- A. have been recruited on a reserve list of a county board;
- B. have been recruited at a job fair or as a result of contact made at a job fair;
- C. have not obtained regular employee status through the job posting process provided for in W Va. Code 18A-4-7a and have obtained a baccalaureate degree from an accredited institution of higher education within the past year.

No candidate for employment as a professional staff member shall receive recommendation for such employment without having provided documentation of proper licensing and certification, or clear evidence that s/he has already completed all licensing and certification requirements satisfactorily and is merely awaiting receipt of the proper documents from the licensing agency. Said licensing shall meet the minimum requirements of State law for the position for which s/he is being recommended. The Superintendent shall request an appropriate criminal background check regarding the prospective employee prior to making any recommendation to the Board. Additionally, if a teacher is employed in good faith on the anticipation that s/he is eligible for a certificate and it is later determined that the teacher was not eligible, the State Superintendent of Schools may authorize payment by the County Board of Education to the teacher for a time not exceeding three (3) school months or the date of notification of his/her ineligibility, whichever shall occur first.

~~A county board of education~~ Board shall make decisions affecting the filling of vacancies in professional positions of employment on the basis of the applicant with the highest qualifications.

In judging qualifications for the filling of vacancies of professional positions of employment consideration shall be given to each of the following:

- A. appropriate certification, licensure, or both;
- B. amount of experience relevant to the position; or, in the case of a classroom teaching position, the amount of teaching experience in the required certification area;
- C. the amount of course work, degree, or both in the relevant field and degree level generally;
- D. academic achievement;
- E. in the case of a classroom teaching position or the position of Principal, certification by the National Board for Professional Teaching Standards;
- F. specialized training relevant to the performance of the duties of the job;
- G. past performance evaluations conducted pursuant to WV Code 18A-2-12 and 18A-3C-2 or, in the case of a classroom teacher, past evaluations of the applicant's performance in the teaching profession as a certified educator;
- H. seniority;
- I. other measures or indicators upon which the relative qualifications of the applicant may fairly be judged;
- J. in the case of a classroom teaching position, the recommendation of the Principal of the school at which the applicant will be performing a majority of his/her duties; and
- K. in the case of a classroom teaching position, the recommendation, if any, resulting from the process established pursuant to WV Code 18-5A-5 by the faculty senate of the school at which the employee will be performing a majority of his/her duties.

The Board is free, within its discretion, to assign whatever weight it wishes to the above criterion when assessing an applicant's qualifications; however, if one (1) or more permanently employment instructional personnel apply for a classroom teaching position and meet the standards set forth in the job posting, each criterion above shall be given equal weight except that the criterion J. and K. shall each be double weighted. This shall apply when the faculty senate and the Principal do not agree on a recommendation, when either the faculty senate or Principal forfeit or cannot make a recommendation, or when the Superintendent does not concur with the recommendation of the Principal and the faculty senate.

For a classroom teaching position, if the Principal and faculty senate recommendations are for the same applicant, and the superintendent concurs with that recommendation, then the Board shall appoint that applicant notwithstanding any other provision of WV Code to the contrary.

Classroom teachers who directly participate in making recommendations for filling classroom teaching positions pursuant to the options set forth in this policy for periods beyond his/her individual contract shall be compensated based on his/her daily rate of pay, prorated to an hourly rate. The Principal shall require that the participating teachers keep time sheets documenting the actual time spent on the recommendation process and shall verify that the timesheets are accurate before submitting them for payment. In no event shall a teacher be entitled to payment for more than two (2) hours per position. However, if there are more than four (4) qualified applicants for a single classroom teacher position who are selected for an interview by the hiring committee chair or single designee, the faculty senate members participating in the interviews may be compensated for an additional hour for actual time spent on the interview process for that position.

When making recommendations, the Faculty Senate and Principal shall consider each criterion listed in A-I above to determine which of the applicants is the highest qualified for the position. The Principal or faculty senate is not required to assign any amount of weight to any factor.

Principals and faculty senate chairs or single designees shall complete the applicable hiring recommendation forms (see Form 3120 F3 and Form 3120 F4) and shall submit a completed form as documentation of the recommendation. Other than the recommendation form, no other matrix or documentation of the selection shall be required.



Any professional educator who is employed within the public school system of this State shall hold a valid teaching certificate licensing him/her to teach in the specializations and grade levels shown on the certificate for the period of his/her employment.

As provided in WV Code Section 18-5A-5(b)(2), the processes and procedures set forth in this policy are designed to be effective and consistent among schools and counties and are designed to avoid litigation or grievance. To that end, this policy is designed to allow teachers to be meaningfully involved in the hiring recommendation process in an open and honest manner without fear of reprisal, retaliation or coercion and to minimize lost instructional time and classroom disruption.

~~These criteria shall be utilized in making hiring decisions for any classroom teacher hired on or after July 1, 2013.~~

Notwithstanding any other provision of State law to the contrary, upon recommendation of the Principal and approval by the classroom teacher and the Board, a classroom teacher assigned to the school may at any time be assigned to a new or existing classroom teacher position at the school without the position being posted.

Notwithstanding any provision of WV Code to the contrary, all employees subject to release shall be considered applicants for any vacancy in an established, existing or newly created position that, on or before February 15, is known to exist for the next ensuing school year, and for which they are qualified, and, upon recommendation of the superintendent, the board shall appoint the successful applicant from among them before posting such vacancies for application by other persons. This provision shall not preclude a county board of education from posting and filling vacancies that exist in the current school year nor shall it supersede or alter the operation of WV Code 18A-4-8f or WV Code 18A-4-8l.

The Superintendent shall prepare administrative guidelines for the recruitment and selection of all professional staff.

#### **Teachers in Federally-Funded Programs**

Effective with the 2017-18 school year, all teachers in federally-funded programs must meet applicable West Virginia State certification and licensure requirements.

Revised 4/21/09

Revised 10/18/10

Revised 3/16/15

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Legal  
West Virginia State Board of Education policy 5000, policy 5202 and policy 5310  
WV Code 18-1-1, 18-4-10(2), 18A-1-1, 18A-2-1, 18A-2-3, 18A-2-12, 18A-4-7a and b  
WV Code 5-11-9a, 15-1F-8  
20 U.S.C. 6319  
20 U.S.C. 7801




Book Policy Manual

Section Draft 12-9-22

Title Copy of EMPLOYMENT OF SUBSTITUTES

Code po3120.04

Status

Adopted August 1, 2007 

Last Revised March 1, 2010

**3120.04 - EMPLOYMENT OF SUBSTITUTES**

The Board of Education recognizes the need to procure the services of substitutes in order to continue the operation of the schools as a result of the absence of regular personnel.

The County Superintendent, subject to approval of the Board, may employ and assign substitute teachers to any of the following duties:

- A. to fill the temporary absence of any teacher or an unexpired school term made vacant by resignation, death, suspension or dismissal;
- B. to fill a teaching position of a regular teacher on leave of absence; and
- C. to perform the instructional services of any teacher who is authorized by law to be absent from class without loss of pay, providing the absence is approved by the Board in accordance with the law. The substitute shall be a duly certified teacher.

Persons whose names do not already appear on the substitute list may attain that status only by making application in response to a posted notice of vacancy for the substitute list. The posting process, and the selection of candidates from among the applicants, shall follow the procedures set forth in WV Code 18A-4-7a.

All applications for employment shall be referred to the personnel office.

The spouse of the Superintendent or a Board member may not be employed by the Board in any substitute professional position of employment except as substitute classroom teacher and substitute principal. If a Board member's spouse is being considered for such employment, the Board member must not participate in any way in the discussion or vote and must leave the Board meeting during such discussion and vote. If the Superintendent's spouse is being considered, the Superintendent must not participate in the discussion.

The Board will not employ as substitute professionals the unemancipated children or, except for a spouse, a dependent (IRS criteria) of the Superintendent or any member of the Board. Otherwise, the Board may employ the Superintendent's or a member's relatives, including his/her parent or parent-in-law, brother or sister, brother-in-law or sister-in-law, child, son-in-law or daughter-in-law, grandparent, or grandchild. When any such relative of the Superintendent or a Board member is employed as a substitute professional employee, the related Superintendent or Board member shall not participate in any way in the discussion on the employment. The Board member shall not vote and shall leave the Board meeting during the discussion and vote. Thereafter, the Board member may not vote on a personnel matter involving such a person unless the matter affects the Board member's relative as a member of a profession or occupation, or as a member of a class of at least five (5) persons.

No individual shall be appointed to a substitute professional position in which s/he would be responsible for supervising his/her spouse, or in which s/he would be supervised by his/her spouse.

No individual shall be appointed to a substitute professional position in which s/he would be responsible for supervising a member of his/her immediate family, or in which s/he would be supervised by a member of his/her spouse. A substitute professional's immediate family members are his/her spouse, parent or parent-in-law, brother or sister, brother-in-law or sister-in-law, child, son-in-law or daughter-in-law, grandparent, or grandchild.

Any person who intentionally misstates facts material to his/her qualifications for employment or the determination of salary shall be subject to dismissal by the Board.

Applications for employment will not be accepted from any current Board member. If a Board member wishes to apply for a position, his/her resignation must be accepted by the Board prior to submitting an application and circumstances must be such as to avoid the Board member's apparent use of his/her authority or influence as a Board member to secure the employment position. Employment, as used herein, shall not include volunteer positions for which no compensation is payable or paid.

[ ] No candidate for employment as a substitute professional staff member shall receive recommendation for such employment without having proffered visual evidence of proper licensing or that application for such licensing is in process. Said licensing shall meet the minimum requirements of State law for the position for which s/he is being recommended. The Superintendent shall request an appropriate criminal background check regarding the prospective employee prior to making any recommendation to the Board.

Long-term substitute means a substitute employee who fills a vacant position that the Superintendent expects to extend for a least thirty (30) consecutive days, and is either:

A. listed in the job posting as a long-term substitute position of over thirty (30) days; or

B. listed in a job posting as a regular, full-time position and:

1. is not filled by a regular, full-time employee; and

2. is filled by a substitute employee.

For the purposes of eligibility for PEIA benefits, a long-term substitute does not include a retired employee hired to fill the vacant position.

A substitute teacher who has been assigned as a classroom teacher in the same classroom continuously for more than one-half (1/2) of a grading period and whose assignment remains in effect two (2) weeks prior to the end of the grading period, shall remain in the assignment until the grading period has ended, unless the principal of the school certifies that the regularly employed teacher has communicated with and assisted the substitute with the preparation of lesson plans and monitoring student progress or has been approved to return to work by his/her physician. For the purposes of this policy, teacher and substitute teacher means professional educator as defined in WV Code 18A-1-1.

Upon completion of 133 days of employment in any one (1) school year, substitute teachers, except retired teachers and other retired professional educators employed as substitutes, shall accrue seniority exclusively for the purpose of applying for employment as a permanent, full-time professional employee. Employment of 133 days or more as a substitute teacher shall be prorated and shall vest as a fraction of the school year worked by the permanent, full-time teacher.

The pay of a substitute teacher shall not be less than eighty percent (80%) of the daily rate of the State basic salary paid to teachers; however, any substitute teacher who teaches in excess of ten (10) consecutive instructional days in the same position shall, thereafter, not be paid less than eighty percent (80%) of the daily rate of the State advanced salary based upon teaching experience. Any substitute teacher who teaches in

excess of thirty (30) days in the same position shall be paid the daily rate of the advanced salary schedule in the county.

A substitute shall have standing to file a grievance only on matters related to days worked or when there is a violation, misapplication or misinterpretation of a statute, policy, rule or written agreement relating to such substitute.

Substitute teachers shall be evaluated in accordance with State and local policies.

Substitute teachers may be utilized to assist with classroom responsibilities in order to provide for planning time for a regular employee; however, any substitute teacher who is employed to teach a minimum of two (2) consecutive days in the same position shall be granted a planning period.

**Substitutes shall have complied with the tuberculosis examination required by law.**

Daily substitutes shall not earn sick leave and shall not be paid for days when students are not required to attend school.

Revised 4/21/09

Legal WV Code 18A-2-3, 18A-4-7, 18A-4-14, 18A-4-7a, 18A-2-12,  
18-29-2, 16-3D-3

WV Code 61-10-15



Book Policy Manual

Section Board Approve 03-06-23

Title Copy of WEAPONS

Code po3217

Status

Adopted August 1, 2007

Last Revised September 23, 2019

**3217 - WEAPONS**

The Board of Education hereby finds that the safety and welfare of the citizens of this **County**District are inextricably dependent upon assurances of safety for children attending, and the persons employed by, schools in this **county**district.

The Board prohibits professional personnel members from possessing or carrying or causing the possession or carrying of any firearm or other deadly weapon in any setting that is under the control and supervision of the Board including, but not limited to, property leased, owned, or contracted for by the Board, the site of any school-sponsored event, or in a Board-owned vehicle unless such person is a law-enforcement officer acting in his/her official capacity or s/he has the express written permission of the Board or principal to conduct programs with valid educational purposes. Any professional employee who violates this policy shall be subject to disciplinary action, up to and including termination.

This prohibition does not apply to an individual twenty-one (21) or older who has a valid concealed handgun permit and possesses a concealed firearm while in a motor vehicle in a public school's parking lot, traffic circle, or other area of vehicular ingress or egress so long as the firearm is out of view from individuals outside the vehicle.

Further, this prohibition does not apply to an individual twenty-one (21) or older who has a valid concealed handgun permit and posses **possesses** an unloaded firearm in a locked vehicle or locked firearm case, that is on any part of school grounds used as a parking facility provided, however that the handgun case or rack is not visible to those

passing by the vehicle (i.e., the case is in the vehicle trunk, glove box or other interior compartment, or in another locked container securely fixed to the vehicle.)

The term "deadly weapon" means an instrument which is designed to be used to produce serious bodily injury or death or is readily adaptable to such use. The term "deadly weapon" shall include, but not be limited to the following:

- A. "Blackjack" means a short bludgeon consisting, at the striking end, of an encased piece of lead or some other heavy substance and, at the handle end, a strap or springy shaft which increases the force of impact when a person or object is struck. The term "blackjack" shall include, but not be limited to, a **billy**, billy club, sand club, sandbag or slapjack.
- B. "Gravity knife" means any knife that has a blade released from the handle by the force of gravity or the application of centrifugal force and when so released is locked in place by means of a button, spring, lever or other locking or catching device.
- C. "Knife" means an instrument, intended to be used or readily adaptable to be used as a weapon, consisting of a sharp-edged or sharp-pointed blade, usually made of steel, attached to a handle which is capable of inflicting cutting, stabbing or tearing wounds. The term "knife" shall include, but not be limited to, any dagger, dirk, poniard or stiletto, with a blade over three and one-half (3 1/2) inches in length, any switchblade knife or gravity knife and any other instrument capable of inflicting cutting, stabbing or tearing wounds. A pocket knife with a blade three and one-half (3 1/2) inches or less in length, a hunting or fishing knife carried for hunting, fishing, sports or other recreational uses, or a knife designed for use as a tool or household implement shall not be included within the term "knife" as defined herein unless such knife is knowingly used or intended to be used to produce serious bodily injury or death.
- D. "Switchblade knife" means any knife having a spring-operated blade which opens automatically upon pressure being applied to a button, catch or other releasing device in its handle.
- E. "Nunchaku" means a flailing instrument consisting of two (2) or more rigid parts, connected by a chain, cable, rope or other nonrigid, flexible or springy material, constructed in such a manner as to allow the rigid parts to swing freely so that one (1) rigid part may be used as a handle and the other rigid part may be used as the striking end.
- F. "Metallic or false knuckles" means a set of finger rings attached to a transverse piece to be worn over the front of the hand for use as a weapon and constructed

in such a manner that, when striking another person with the fist or closed hand, considerable physical damage may be inflicted upon the person struck. The terms "metallic or false knuckles" shall include any such instrument without reference to the metal or other substance or substances from which the metallic or false knuckles are made.

- G. "Pistol" means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.
- H. "Revolver" means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.
- I.
- J. "Pepper Spray" means a temporarily disabling aerosol that is composed partly of capsicum oleoresin and causes irritation, blinding of the eyes, and inflammation of the nose, throat and skin that is intended for self-defense use.
- K. Other deadly weapons of like kind or character above which may be easily concealed on or about the person.
- L. Explosive, chemical, biological and radiological materials.

The term "**deadly weapon**" does not include any item or material owned by the school or **County**District Board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

**"Concealed"** means hidden from ordinary observation so as to prevent disclosure or recognition. A deadly weapon is concealed when it is carried on or about the person in such a manner that another person in the ordinary course of events would not be placed on notice that the deadly weapon was being carried.

**"Firearm"** means any weapon which will expel a projectile by action of an explosion.

The principal or, if the violation does not occur within his/her jurisdiction, the administrator with authority, shall report any violation of this policy to the WV State Police and the State Superintendent of Schools within seventy-two (72) hours after the violation occurs, and to the **County**District Superintendent immediately. Any professional employee who violates this policy will be subject to disciplinary action, up to and including termination, as permitted by applicable Board policy.

Exceptions to this policy include:

- A. acting in his/her official capacity, a law enforcement officer employed by a Federal, State, **County**District, or municipal law enforcement agency;
- B. **employed by a Federal, State, county, or municipal law enforcement agency; a qualified retired law enforcement officer who meets all requirements under the Law Enforcement Officer Safety Act of 2004, carries that firearm in a concealed manner, and has the appropriate official identification in accordance with the act; any probation officer in the performance of his/her duties;**
- C. **any probation officer in the performance of his/her duties;**any home confinement supervisor employed by a county submission pursuant to State law in the performance of his/her duties;
- D. a State parole officer appointed pursuant to State law while in performance of his/her official duties;
- E. a retired law enforcement officer who meets all the requirements to carry a firearm as a qualified retired law enforcement officer under the Law Enforcement Officer Safety Act of 2004, and carries that firearm in a concealed manner, and has on his/her person official identification in accordance with that Act;
- F. **a retired law enforcement officer who:**
  - 1. **is employed by a State, county, or municipal law enforcement agency;**
  - 2. **is covered for liability purposes by his/her employer;**
  - 3. **is authorized by the School Board and the school principal to serve as security for a school;**
  - 4. **meets all the requirements to carry a firearm as a qualified retired law enforcement officer under the Law Enforcement Officer Act of 2004, as amended, pursuant to 18 U.S.C. 926C(c); and**
  - 5. **meets all of the requirements for handling and using a firearm established by his/her employer, and has qualified with his/her firearm to those requirements;**a person, other than a student of a primary and secondary facility, specifically authorized by the Board of Education or principal of the school where the property is located to conduct programs with valid educational purposes; (working firearms and ammunition shall never be approved)

- G. persons age twenty-one (21) or older who have a valid concealed handgun permit and possess a concealed handgun while in a motor vehicle in a public school's parking lot, traffic circle, or other areas of vehicular ingress or egress so long as the firearm is out of view from the individuals outside of the vehicle; a person who, as otherwise permitted, possesses an unloaded firearm or deadly weapon in a motor vehicle or leaves an unloaded firearm or deadly weapon in a locked motor vehicle;
- H. a person, other than a student of a primary and secondary facility, specifically authorized by the Board or principal where the property is located to conduct programs with valid educational purposes; programs or raffles conducted with the approval of the Board of Education or school which include the display of unloaded firearms, provided that such unloaded firearm must have first had the firing mechanism removed and the firearm must thereafter have been checked by a member of the West Virginia State Police to ensure that it is safe;
- I. cased, unloaded firearms in a locked vehicle driven or parked in any part of school grounds used as a parking facility that is on any part of school grounds used as a parking facility provided however that the handgun case or rack is not visible to those passing by the vehicle (i.e., the case is in the vehicle trunk, glove box or other interior compartments, or in another locked container securely fixed to the vehicle). the official mascot of West Virginia University, commonly known as "The Mountaineer", acting in his/her official capacity;
- J. persons with written approval from the Board or the Building Principal to conduct programs with valid educational purposes (working firearms and ammunition shall never be approved); programs or raffles conducted with the approval of the Board of Education or school which include the display of unloaded firearms, provided that such unloaded firearm must have first had the firing mechanism removed and the firearm must thereafter have been checked by a member of the West Virginia State Police to ensure that it is safe; the official mascot of West Virginia University, commonly known as "The Mountaineer", acting in his/her official capacity;
- K. the official mascot of West Virginia University, commonly known as "The Mountaineer", acting in his/her official capacity; any person, twenty-one (21) years old or older, who has a valid concealed handgun permit;

That person may possess a concealed handgun while in a motor vehicle in a parking lot, traffic circle, or other areas of vehicular ingress or egress to a school provided that when s/he is occupying the vehicle, the person stores the handgun out of view from persons outside the vehicle; or when s/he is not occupying the vehicle, the person stores the handgun out of

view from persons outside the vehicle, the vehicle is locked, and the handgun is in a glove box or other interior compartment, or in a locked trunk, or in a locked container securely fixed to the vehicle.

L. the official mascot of Parkersburg South High School, commonly known as the Patriot, acting in his/her official capacity;

**M.**

N. starter pistols, incapable of expelling a projectile by action of an explosion, when used in appropriate sporting events.

Professional employees shall report any information concerning weapons and/or threats of violence by students, other employees, or visitors to the immediate supervisor. Failure to report such information may subject the employee to disciplinary action, up to and including termination.

Revised 12/3/07

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Legal

18 U.S.C. 922

WV State Code 61-7-2, 61-7-11, 61-7-11a, 61-7-17

Book Policy Manual

Section Board Approve 03-06-23

Title Copy of WEAPONS

Code po4217

Status

Adopted August 1, 2007

Last Revised January 4, 2010



**4217 - WEAPONS**

The Board of Education hereby finds that the safety and welfare of the citizens of this **County**District are inextricably dependent upon assurances of safety for children attending, and the persons employed by, schools in this **county**district.

The Board prohibits service personnel members from possessing or carrying or causing the possession or carrying of any firearm or other deadly weapon in any setting that is under the control and supervision of the Board including, but not limited to, property leased, owned, or contracted for by the Board, the site of any school-sponsored event, or in a Board-owned vehicle unless such person is a law-enforcement officer acting in his/her official capacity or s/he has the express written permission of the Board or principal to conduct programs with valid educational purposes. Any employee violating this policy shall be subject to disciplinary action, up to and including termination.

This prohibition does not apply to an individual twenty-one (21) or older who has a valid concealed handgun permit and possesses a concealed firearm while in a motor vehicle in a public school’s parking lot, traffic circle, or other area of vehicular ingress or egress so long as the firearm is out of view from individuals outside the vehicle.

Further, this prohibition does not apply to an individual twenty-one (21) or older who has a valid concealed handgun permit and posses an unloaded firearm in a locked vehicle or locked firearm case, that is on any part of school grounds used as a parking facility provided, however that the handgun case or rack is not

visible to those passing by the vehicle (i.e., the case is in the vehicle trunk, glove box or other interior compartment, or in another locked container securely fixed to the vehicle.)

The term "deadly weapon" means an instrument which is designed to be used to produce serious bodily injury or death or is readily adaptable to such use. The term "deadly weapon" shall include, but not be limited to the following:

- A. "Blackjack" means a short bludgeon consisting, at the striking end, of an encased piece of lead or some other heavy substance and, at the handle end, a strap or springy shaft which increases the force of impact when a person or object is struck. The term "blackjack" shall include, but not be limited to, a **billy**, billy club, sand club, sandbag or slapjack.
- B. "Gravity knife" means any knife that has a blade released from the handle by the force of gravity or the application of centrifugal force and when so released is locked in place by means of a button, spring, lever or other locking or catching device.
- C. "Knife" means an instrument, intended to be used or readily adaptable to be used as a weapon, consisting of a sharp- edged or sharp-pointed blade, usually made of steel, attached to a handle which is capable of inflicting cutting, stabbing or tearing wounds. The term "knife" shall include, but not be limited to, any dagger, dirk, poniard or stiletto, with a blade over three and one-half (3 1/2) inches in length, any switchblade knife or gravity knife and any other instrument capable of inflicting cutting, stabbing or tearing wounds. A pocket knife with a blade three and one-half (3 1/2) inches or less in length, a hunting or fishing knife carried for hunting, fishing, sports or other recreational uses, or a knife designed for use as a tool or household implement shall not be included within the term "knife" as defined herein unless such knife is knowingly used or intended to be used to produce serious bodily injury or death.
- D. "Switchblade knife" means any knife having a spring-operated blade which opens automatically upon pressure being applied to a button, catch or other releasing device in its handle.
- E. "Nunchaku" means a flailing instrument consisting of two (2) or more rigid parts, connected by a chain, cable, rope or other nonrigid, flexible or springy material, constructed in such a manner as to allow the rigid parts to swing freely so that one (1) rigid part may be used as a handle and the other rigid part may be used as the striking end.



- F. "Metallic or false knuckles" means a set of finger rings attached to a transverse piece to be worn over the front of the hand for use as a weapon and constructed in such a manner that, when striking another person with the fist or closed hand, considerable physical damage may be inflicted upon the person struck. The terms "metallic or false knuckles" shall include any such instrument without reference to the metal or other substance or substances from which the metallic or false knuckles are made.
- G. "Pistol" means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.
- H. "Revolver" means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.
- I. "Pepper Spray" means a temporarily disabling aerosol that is composed partly of capsicum oleoresin and causes irritation, blinding of the eyes, and inflammation of the nose, throat, and skin that is intended for self-defense use.
- J. Other deadly weapons of like kind or character above which may be easily concealed on or about the person.
- K. Explosive, chemical, biological and radiological materials.

The term "**deadly weapon**" does not include any item or material owned by the school or **County**District Board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes. The term "deadly weapon" does not include pepper spray as defined above when used by any person over the age of sixteen (16) solely for self-defense purposes.

**"Concealed"** means hidden from ordinary observation so as to prevent disclosure or recognition. A deadly weapon is concealed when it is carried on or about the person in such a manner that another person in the ordinary course of events would not be placed on notice that the deadly weapon was being carried.

**"Firearm"** means any weapon that will expel a projectile by action of an explosion.

The principal or, if the violation does not occur within his/her jurisdiction, the administrator with authority, shall report any violation of this policy to the **WV State Police** appropriate local office of the State Police, county sheriff, or municipal police agency and the State Superintendent of Schools within seventy-two (72) hours after the violation occurs, and to the **County**District Superintendent immediately. Any

service personnel employee who violates this policy will be subject to disciplinary action, up to and including termination, as permitted by applicable Board policy.

Exceptions to this policy include:

- A. persons with written approval from the Board or the building principal to conduct programs with valid educational purposes (working firearms and ammunition shall never be approved); a law enforcement officer employed by a Federal, State, county, or municipal law enforcement agency;
- B. official mascot of West Virginia University, commonly known as "The Mountaineer", acting in his/her official capacity; any probation officer in the performance of his/her duties;
- C. theatrical props (never to include any working firearm or other deadly weapon as defined above) used in appropriate settings; any home confinement supervisor employed by a District commission pursuant to State law in the performance of his/her duties;
- D. a State parole officer appointed pursuant to State law while in performance of his/her official duties;
- E. a retired law enforcement officer who meets all the requirements to carry a firearm as a qualified retired law enforcement officer under the Law Enforcement Officer Safety Act of 2004, and carries that firearm in a concealed manner, and has on his/her person official identification in accordance with that Act;
- F. a person, other than a student of a primary and secondary facility, specifically authorized by the Board of Education or principal of the school where the property is located to conduct programs with valid educational purposes; (working firearms and ammunition shall never be approved)
- G. a person, other than a student of a primary and secondary facility, specifically authorized by the Board or principal of the school where the property is located to conduct programs with valid educational purposes; (working firearms and ammunition shall never be approved);
- H. a person who, as otherwise permitted, possesses an unloaded firearm or deadly weapon in a motor vehicle or leaves an unloaded firearm or deadly weapon in a locked motor vehicle;
- I. programs or raffles conducted with the approval of the Board or school which include the display of unloaded firearms, provided that such unloaded firearm must have first had the firing mechanism removed and the firearm must thereafter have been checked by a member of the West Virginia State Police to

ensure that it is safe;

- J. official mascot of West Virginia University, commonly known as "The Mountaineer", acting in his/her official capacity;
- K. official mascot of Parkersburg South High School, commonly known as the Patriot, acting in his/her official capacity;
- L. any person, 21 years old or older, who has a valid concealed handgun permit;

That person may possess a concealed handgun while in a motor vehicle in a parking lot, traffic circle, or other areas of vehicular ingress or egress to a school provided that when s/he is occupying the vehicle, the person stores the handgun out of view from persons outside the vehicle; or when he or she is not occupying the vehicle, the person stores the handgun out of view from persons outside the vehicle, the vehicle is locked, and the handgun is in a glove box or other interior compartment, or in a locked trunk, or in a locked container securely fixed to the vehicle.

- M.  starter pistols, incapable of expelling a projectile by action of an explosion, when used in appropriate sporting events.

**N.**

- O. **starter pistols used in appropriate sporting events.**

Service personnel employees shall report any information concerning weapons and/or threats of violence by students, staff members, or visitors to the principal or immediate supervisor. Failure to report such information may subject the employee to disciplinary action, up to and including termination.

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Revised 12/3/07

Legal

WV Code 61-7-14

18 U.S.C. 922

WV State Code 61-7-2, 61-7-11, 61-7-11a



VOL 14, NO. 2.  
5055

Book Policy Manual

Section Board Approve 03-06-23 *copy LS/TM*

Title Copy of New Policy - Vol. 14, No. 2 - August 2022 - LEARNING PODS AND MICRO SCHOOLS

Code po2370.04

Status

**New Policy - Vol. 14, No. 2 - August 2022**

**2370.04 - LEARNING PODS AND MICRO SCHOOLS**

A child is exempt from the compulsory school attendance requirement if the child participates in a learning pod or micro school pursuant to State law.

**Definitions**

A "**Learning pod**" means a voluntary association of parents choosing to group their children together to participate in their elementary or secondary academic studies as an alternative to enrolling in a public school, private school, homeschool, or micro school, including participation in an activity or service provided to the children in exchange for payment.

A "**Micro school**" means a school initiated by one or more teachers or an entity created to operate a school that charges tuition for the students who enroll and is an alternative to enrolling in a public school, private school, homeschool, or learning pod.

**General Provisions**

Upon beginning participation in a learning pod or micro school, the parent or legal guardian of the child who is participating shall present to the Superintendent or Board a notice of intent to participate. The notification from the parent or legal guardian shall include the name, address, and age of any child of compulsory school age participating. The parent or legal guardian shall also provide an assurance that the child shall receive instruction in reading, language, mathematics, science, and social studies. Any child who is of compulsory school age participating in a learning pod or micro school shall be assessed annually in accordance with this subsection.

If a child is enrolled in a public school, notice of intent to participate in a learning pod or micro school shall be given on or before the date participation is to begin.

### **Provision of Instruction Requirements**

The person providing instruction shall notify the Superintendent if a child who is of compulsory school age terminates participation in a learning pod or micro school.

If a person who is providing instruction establishes residency in a new county, the individual shall notify the Superintendent that they no longer are a resident of that county. A new notice of intent to provide instruction in a learning pod or micro school shall be provided to the Superintendent where the person providing instruction has established residency.

The person(s) providing instruction shall submit satisfactory evidence of a high school diploma or equivalent, or a post-secondary degree or certificate from a regionally accredited institution, or from an institution of higher education that has been authorized to confer a post-secondary degree or certificate in West Virginia by the West Virginia Council for Community and Technical College Education or by the West Virginia Higher Education Policy Commission.

Annually, the person or persons providing instruction shall obtain an academic assessment of the child for the previous school year in one of the following ways:

- A. The child participating in a learning pod or micro school takes a nationally normed standardized achievement test published or normed not more than 10 years from the date of administration and administered under the conditions as set forth by the published instructions of the selected test and by a person qualified in accordance with the test's published guidelines in the subjects of reading, language, mathematics, science, and social studies. The child is considered to have made acceptable progress when the mean of the child's test results in the required subject areas for any single year is within or above the fourth stanine or, if below the fourth stanine, shows improvement from the previous year's results;
- B. The child participates in the testing program currently in use in the state's public schools. The test shall be administered to the child at a public school in the county of residence. Determination of acceptable progress shall be based on current guidelines of the state testing program;
- C. A portfolio of samples of the child's work is reviewed by a certified teacher who determines whether the child's academic progress for the year is in accordance

with the child's abilities. The teacher shall provide a written narrative about the child's progress in the areas of reading, language, mathematics, science, and social studies and shall note any areas which, in the professional opinion of the reviewer, show need for improvement or remediation. If the narrative indicates that the child's academic progress for the year is in accordance with the child's abilities, the child is considered to have made acceptable progress; or

- D. The child completes an alternative academic assessment of proficiency that is mutually agreed upon by the parent or legal guardian and the Superintendent.

## **Retention Requirements**

A parent or legal guardian shall maintain copies of each student's Academic Assessment for three years. When the annual assessment fails to show acceptable progress, the person or persons providing instruction shall initiate a remedial program to foster acceptable progress. The Board upon request shall notify the parents or legal guardian of the child, in writing, of the services available to assist in the assessment of the child's eligibility for special education services. Identification of a disability does not preclude the continuation of participation in a learning pod or micro school. In the event that the child does not achieve acceptable progress for a second consecutive year, the person or persons providing instruction shall submit to the county superintendent additional evidence that appropriate instruction is being provided.

## **Academic Assessments**

The parent, legal guardian, learning pod, or micro school shall submit to the county superintendent the results of the academic assessment of the child with the same frequency prescribed in State law, however, instead of the academic assessment results being submitted individually, the learning pod or micro school may submit the school composite results.

## **Instructional Materials and Class Participation**

The Superintendent shall offer assistance, including textbooks, other teaching materials and available resources, all subject to availability, as may assist the person or persons providing instruction. Any child participating in a learning pod or micro school may upon approval of the Board exercise the option to attend any class offered by the Board as the person or persons providing instruction may consider appropriate subject to normal registration and attendance requirements.

## **Statutory Requirements**

No learning pod or micro school which meets the requirements of this WV Code 18-8-1 is subject to any other provision of law relating to education; however, any learning pod or micro school which has a student requiring special education instruction must comply with the provisions of WV Code 18-20-11, including, but not limited to, placement of video cameras for the protection of that exceptional student.

Making learning pods and micro schools subject to the home instruction provisions and requirements does not make learning pods and micro schools the same as homeschooling.

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Legal

WV Code 18-8-1



Book Policy Manual

Section Board Approve 03-06-23 *ok per TM/LD*

Title Copy of New Policy - Vol. 14, No. 1 - February 2022 - HOPE SCHOLARSHIP PROGRAM

Code po2371

Status

**2371 - HOPE SCHOLARSHIP PROGRAM**

The Hope Scholarship Program (Program) is established to provide the option for a parent or eligible student to better meet individual educational needs.

It shall be the responsibility of the District to provide accurate records to any education service provider that has enrolled an eligible student with a complete copy of the student’s school records, while complying with the Family Educational Rights and Privacy Act of 1974 (FERPA). (See Also: Policy 8330 - Student Records)

**General Requirements**

The Program funds will be allocated by the Hope Scholarship Board to an eligible student or the parents of an eligible student. The funds will be awarded to an eligible recipient to pay qualifying education expenses.

For a student to be eligible for the program, they must meet the requirements established in 18-31-5 W.V. Code and complete the standard, confidential application form.

The application shall be approved and the eligible student granted the scholarship by the Hope Scholarship Board, if the parent meets the requirements established in W.V. Code and signs an agreement promising to meet the standards set forth in statute.

The Superintendent shall develop a guideline to establish an appeal process if a parent or eligible student is denied a scholarship. This process will be consistent with 18-31-10 W.V. Code.

If granted a scholarship, the parents and eligible students must agree to use the funds deposited into the scholarship account only for the qualifying expenses as established in 18-31-7 W.V. Code.

## **Exemption**

A student is exempt from the compulsory school attendance requirements set forth in State law if the student is an eligible recipient participating in the Hope Scholarship Program and notice has been provided about the student's intent to participate in the Hope Scholarship Program to the Superintendent. The Superintendent shall enter the following information into the West Virginia Education Information System (WVEIS):

- A. The filing of the notice of intent pursuant to State law;
- B. In the case of a Hope Scholarship recipient who chooses an individualized instructional program, annually, the student's test results or determination that a student is making academic progress commensurate with his or her age and ability, as applicable, pursuant to State law requirements; and
- C. In the case of an eligible recipient enrolling in a participating school, annually, the filing of a notice of enrollment pursuant State law.

## **Statewide Assessments**

The District will notify any student who resides in the District and receives a Hope Scholarship, and the student's parent, about the locations and times to take all Statewide assessments. Parents shall be responsible for transporting the student to the assessment site.

## **Term of Hope Scholarship**

Annually, by July 1 of each year, the Hope Scholarship Board is required to verify with the West Virginia Department of Education (WVDE) the criteria established in 18-31-7 W.V. Code.

The parent or eligible student shall annually renew the recipient's scholarship.

Unless there has been a change in eligibility the scholarship shall remain in force until one of the following conditions occur:

- A. A parent of an eligible recipient fails to renew a Hope Scholarship account or withdraws from the Program;

- B. The Hope Scholarship Board determines that a student is no longer eligible for a scholarship;
- C. The Hope Scholarship Board suspends or revokes participation in the Hope Scholarship Program for failure to comply with the requirements of state statute;
- D. The eligible student successfully completes a secondary education program; or
- E. The eligible scholarship student reaches 21 years of age.

If the scholarship will be terminated due to the above stated, statutory criteria, the Hope Scholarship Board shall notify the parent of the eligible student that their account will be closed in forty-five (45) calendar days. If the parent of an eligible student fails to respond to the notification by the Hope Scholarship Board regarding the condition or conditions upon which the termination is based within thirty (30) days, the account will be officially closed and remaining money will be returned to the State.

### **Limited Liability**

The School Board shall not be liable based on the award or use of a Hope Scholarship awarded to an eligible student pursuant to this policy and the provisions of 18-31-1 et seq. W.V. Code.

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- WV Code 18-8-1(m)
- WV Code 18-31-1
- WV Code 18-31-5
- WV Code 18-31-3(a)
- WV Code 18-31-3(e)
- WV Code 18-31-8(a), (f)
- WV Code 18-31-9(c)
- WV Code 18-31-10(d)
- WV Code 18-31-11
- WV Code 18-31-13
- 20 U.S.C. 1232g

Cross  
References

[Hope Scholarship Program FAQ Link](#)

|              |   |                |
|--------------|---|----------------|
| Book         | Policy Manual   |                |
| Section      | Board Approve 03-06-23  | <i>appeals</i> |
| Title        | Copy of ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS FOR ENROLLMENT |                |
| Code         | po5111  |                |
| Status       |   |                |
| Adopted      | August 1, 2007  |                |
| Last Revised | December 16, 2019   |                |

**5111 - ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS FOR ENROLLMENT**

The Board of Education establishes the following policy for determining eligibility to attend the public schools of this county.

The Board shall provide a free and appropriate education to all children who have:

- A. attained the age of five (5) years prior to the first day of July of the school year in which the child is enrolled in kindergarten; or
- B. attained the age of six (6) years prior to the first day of July of the school year in which the child is enrolled in grade one (1); and
- C. not yet attained the age of twenty-two (22) years.

Further, the Board shall provide a free appropriate education to all children who are attending public school in accordance with provisions of WV Code 18-20-1 and West Virginia Board of Education policy 2419. These provisions relate to the education of pre-school, early childhood, middle childhood, adolescent and adult students whose educational programs require special education and related services, including children who have attained the age of three (3) through children who are five (5) years of age prior to July 1st of a school year. The duty of the school to provide such an education pursuant to WV Code 18-20-1 and West Virginia Board of Education policy 2419 is met only when the student has attained the age of twenty-one (21) prior to July 1st of any

school year or the student has met graduation requirements as specified by the Individualized Education Program and such requirements are within the State and local policy pertaining to graduation requirements.

No student shall be admitted for the first time to any public school in the State unless the person enrolling the student presents a copy of the student's original birth record certified by the State registrar of vital statistics confirming the student's identity, age, and State file number of the original birth record. If a certified copy of the student's birth record cannot be obtained, the student shall be enrolled with an affidavit completed by the person so enrolling the student explaining the inability to produce a certified copy of the birth record; however, if any person submitting such affidavit is in U.S. military service and is in transit due to military orders, a three (3) week extension shall be granted to such person for providing the birth records.

Upon the failure of any person enrolling a student to furnish a certified copy of the student's birth record in conformance with the paragraph above, the principal of the school in which the student is being enrolled or his/her designee shall immediately notify the local law enforcement agency. The notice to the local law enforcement agency shall include copies of the submitted proof of the student's identity and age and the affidavit explaining the inability to produce a certified copy of the birth record. Within fourteen (14) days after enrolling a transferred student, the principal of the school in which the student has been enrolled or his/her designee shall request that the principal or his/her designee of the school in which the student was previously enrolled transfer a certified copy of the student's birth record. Principals and their designees are immune from civil or criminal liability in connection with any notice to a local law enforcement agency of a student lacking a birth certificate or failure to give such notice.

Unless students are transferred to a County school from outside the County according to pertinent provisions of law and policy or are homeless students as that designation is defined by the State and Federal law or are foreign exchange or other foreign students visiting persons who reside in the County, they must be current residents of the County in order to enroll in the school system. **All requests to enroll in District schools from nonresident students will be handled in accordance with Policy 5113 and applicable Statute and policy.**

Revised 12/3/07

Revised 6/18/12

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WV State Superintendent Interpretation, August 29, 2000

West Virginia State Board of Education policy 2419

WV Code 18-2-5c, 18-8-1a, 18-8A-1, and 18-20-1, et seq.






Book Policy Manual

Section Vol 14, No. 2 August 2022 Drafts

Title Copy of STUDENT SUPERVISION AND WELFARE BY PROFESSIONAL STAFF

Code po3213

Status

Adopted August 1, 2007 

Last Revised February 1, 2021

### 3213 - STUDENT SUPERVISION AND WELFARE BY PROFESSIONAL STAFF

Professional staff shall maintain a standard of care for the supervision, control, and protection of students commensurate with their certification, classification, assigned duties, and responsibilities and are expected to establish and maintain professional staff/student boundaries that are consistent with their legal, professional and ethical duties of care for students.

The Superintendent shall maintain and enforce the following standards:

- A. A professional staff member who transports students in a private vehicle shall do so in accordance with Policy 8660.
- B. A professional staff member shall report to a building administrator any accident, safety hazard, or other potentially harmful condition or situation s/he detects in a reasonably prompt manner.
- C. A professional staff member shall provide proper instruction in safety matters as presented in assigned course guides.
- D. Each professional staff member shall immediately report to a building administrator knowledge of threats of violence by students in a reasonably prompt manner.

- E. A professional staff member shall not send students on any personal errands for the benefit of the staff member or other school employees.
- F. A professional staff member shall not associate or fraternize with students at any time in any manner that may give the appearance of impropriety, including, but not limited to, the creation of, instigation, encouragement of, or participation in any situation or activity that could reasonably be considered abusive or sexually suggestive or involve harmful substances such as illegal drugs, alcohol or tobacco. Any romantic, sexual or other inappropriate conduct, including mere communication of such nature, with a student by any staff member will subject the offender to disciplinary action by the Board, up to and including termination of employment.
- G. If a student approaches a staff member to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc., the staff member may attempt to assist the student by facilitating contact with certified or licensed individuals in the County or community who specialize in the assessment, diagnosis, and treatment of the student's stated problem. However, under no circumstances should a staff member attempt, unless properly licensed and authorized to do so, to assess, diagnose, or treat the student's problem or behavior, nor should such staff member inappropriately disclose personally identifiable information concerning the student to third persons unless specifically authorized to do so by law. A report of the staff member's actions with regard to the student shall be made to the school principal or other appropriate supervisory person no later than the end of the following school day.
- H. A student shall not be required to perform work or services that may be detrimental to his/her health.
- I. Professional staff members are strongly discouraged from engaging students on interactive media sites, such as Facebook, Twitter, MySpace, YouTube, Skype, blogs, etc., except when such communication is directly related to curricular matters or co-curricular/extracurricular events or activities with prior approval of the principal.
- J. Professional staff members are prohibited from electronically transmitting any personally identifiable image of a student(s), including video, photographs, streaming video, etc. via email, text message, or through the use of social media and/or online networking media, such as Facebook, Twitter, YouTube, MySpace, Skype, blogs, etc., unless such transmission has been made in connection with a pre-approved curricular matter or co-curricular/extracurricular event or activity such as a school-sponsored publication or production in accordance with Policy

5722.

- K. Since most information concerning a child in school, other than directory information described in West Virginia Board of Education policy 4350 and in Policy 8330, is confidential under Federal and State laws, any staff member who shares confidential information with another person not authorized to receive the information may be subject to discipline. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, and alleged child abuse.

A staff member or volunteer who suspects child abuse or neglect, or observes a child being subjected to conditions that are likely to result in abuse or neglect shall immediately, and not more than twenty-four (24) hours after suspecting this abuse or neglect, report the circumstances, or cause a report to be made, to the Department of Health and Human Resources, and shall also notify the person in charge of the school or facility of such suspicion. Upon such notification, the person in charge of the school or facility may supplement the report or cause an additional report to be made. In cases where the reporter believes that the child suffered serious physical abuse, or sexual abuse or sexual assault, the reporter shall also immediately report, or cause a report to be made, to the State Police and any law enforcement agency having jurisdiction to investigate the complaint (Policy 8462).

**Upon allegations that a staff member jeopardized the health, safety, welfare, or learning environment of students, at the start of the investigation into the allegation, the staff member shall be suspended, placed on administrative leave, or reassigned to duties that do not involve direct interaction with students. The principal shall report any allegations to the Superintendent within twenty-four (24) hours. The principal's report to the Superintendent is in conjunction with any other mandatory reports that must be made as a mandatory reporter of suspected child abuse or neglect.**

**If a staff member is charged with committing a felony, a misdemeanor with a rational nexus to the performance of the staff member's job, or child abuse, the Board shall, pending final disposition of the charges, suspend the staff member, place them on administrative leave, or reassign them to duties that do not involve direct interaction with students.**

Pursuant to State law, any staff member or other person who has been found guilty of sexual assault in the first degree or sexual abuse in the first degree are prohibited from supervising or being responsible for supervising groups of children, including but not limited to religious organizations, Boy Scouts, Girl Scouts, 4-H organizations, sporting and scholastic teams, music, sporting, and theatre groups and camps, and summer day camps. \*

**\*All language contained in this policy comes directly from the statutes and WVBE policies listed below and does not reflect the independent judgment or intent of the Board of Education.**

Revised 5/20/13

Revised 7/6/20

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Legal

WV Code 18A-2-8

WV Code 62-12-26(c)

West Virginia Board of Education policy 4350

West Virginia Board of Education policy 4336

West Virginia Code 49-6A-2

Book

Policy Manual

Section

Board Approve 03-06-23

Title

Copy of New Policy - Vol. 14, No. 1 - February 2022 - CHARTER SCHOOLS

Code

po9505

Status

99009505 - CHARTER SCHOOLS

WV Code 18-5G-1 empowers the School Board with the creation, governance, and oversight accountability for all public charter schools situated within \_\_\_\_\_ Marion County. The Board of Education will be considered to be acting in the capacity of a charter school "authorizer" when the application includes a primary recruitment area that is wholly within the \_\_\_\_\_ Marion County School District.

The Board designates the Superintendent to receive and review all charter applications pursuant to the provisions of State law and West Virginia Department of Education (WVDE) policy 3300 - Charter Public Schools.

Further, the Board, upon the recommendation of the Superintendent, will either approve or reject the charter school application, in accordance with all requirements set forth in applicable statute and WVDE policy 3300.

After approval of an application, the Board shall enter into charter contracts with approved charter school applicants. Approved charter schools are public schools and shall receive goods and services from the Board as required by law and/or specified through a contract with the Board.

The Board hereby incorporates by reference the provisions and requirements of WVDE policy 3300 - Charter Public Schools.

**[Drafting Note: In the absence of a specific local policy setting forth charter school application requirements and process details, school districts are exclusively governed by the provisions of policy 3300. However, school districts do have authorization under State Statute and policy to utilize the request for application or other solicitation process, whereby additional requirements, forms, and criteria may be applied to the charter school application and approval process. Any such provisions must be contained in a formally adopted local policy which fully complies with the applicable statute and state policy provisions.]**

## Legal

WV Code 18-5G-1

WV Code 18-5G-2

WV Code 18-5G-3

WV Code 18-5G-4

WV Code 18-5G-5

WV Code 18-5G-6

WV Code 18-5G-9

WV Code 18-5G-10

WV Code 18-5G-11

WV Code 18-5G-12

WV Code 18-5G-13

WV Code 18-5G-14

WV Code 18-5G-15

West Virginia Department of Education policy 3300 - Charter Public Schools

**Last Modified by Robin Haught on January 30, 2023**

5060


Book Policy Manual

Section Board Approve 03-06-23

Title Copy of ASSIGNMENT AND TRANSFER OF SERVICE PERSONNEL

Code po4130

Status

Adopted August 1, 2007 

Last Revised July 7, 2014

**4130 - ASSIGNMENT AND TRANSFER OF SERVICE PERSONNEL**

Relocation of service personnel may become necessary to meet shifting student population, building or program requirements or for other good reasons.

- A. Service personnel employees shall be notified in writing by the Superintendent on or before **March** April 1st if being considered for transfer or to be transferred. Only those service employees whose consideration for transfer or intended transfer is based upon known or expected circumstances which will require the transfer of employees who shall be considered for transfer or intended for transfer and the notification shall be limited to only those employees. Any service personnel employee who desires to protest such proposed transfer may request in writing a statement of the reasons for the proposed transfer. Such statement of reasons shall be delivered to the service employee within ten (10) days of the receipt of the request. Within ten (10) days of the receipt of the statement of the reasons, the service personnel employee may make written demand upon the Superintendent for a hearing on the proposed transfer before the County Board of Education. The hearing on the proposed transfer shall be held on or before **April 15th** May 1st. At the hearing, the reasons for the proposed transfer must be shown.
  
- B. The Superintendent at a meeting of the Board on or before **April 15th** May 1st shall furnish in writing to the Board a list of service personnel employees to be considered for transfer and subsequent assignment for the next ensuring school year. An employee who was not provided notice and an opportunity for a hearing

pursuant to subsection (A) of this section may not be included on the list. All service personnel employees not so listed shall be considered as reassigned to the positions or jobs held at the time of this meeting. The list of those recommended for transfer shall be included in the minute record of such meeting and all those so listed shall be notified in writing, and shall be delivered which notice shall be delivered in writing, by certified mail, return receipt requested, to such persons' last known addresses within ten (10) days following said Board meeting, with written receipt notification documented by the Superintendent, and shall state that the person is of their having been sobeing recommended for transfer and subsequent assignment and the reasons therefore.

- C. Service personnel employees who are assigned to schools that require a reduction in the number of employees within a classification shall be recommended for transfer on the basis of the best interests of the schools, with consideration being given to achieving the least disruption to educational programming and the efficient operation of the schools. Provided, however, that if the identification of an employee within a classification to be recommended for transfer will have little or no effect upon educational programming or the efficient operation of the schools, the least senior employee within such classification area shall be recommended for transfer.
- D. When actual student enrollment in a grade level or program, unforeseen before MarchMay 1 of the preceding school year, permits the assignment of fewer service personnel to or within a school under any class size or caseload standard established in WV Code 18-5-18a or any policy of the West Virginia State Board of Education, the Superintendent, with Board approval, may reassign the surplus personnel to another school or to another grade level or program within the school if needed there to comply with any class size or caseload standard. Provided:
1. Before any reassignment may occur, notice shall be provided to the employee and the employee shall be provided an opportunity to appear before the Board to state the reasons for his/her objections, if any, prior to the Board voting on the reassignment. The opportunity to be heard shall not be a hearing with the right to present witnesses, rather, it is an opportunity for the employee to concisely state his/her objections to the Board.
  2. Except as otherwise provided in (1) above, the reassignment may be made without following the notice and hearing provisions of WV Code 18A-2-7 and at any time during the school year when the student enrollment conditions above exist; however, the reassignment may not occur after the last day of the second school month.



3. A service employee reassigned shall be the least senior of the surplus personnel who holds the same classification or multiclassification needed to perform the duties at the other school or at the grade level or program within the same school. In considering whether an aide is a surplus employee, the Board shall consider each classification and/or multiclassification held by him/her and shall not be limited only to the current program or assignment held by the surplus aide.
4. No school employee's annual contract term, compensation or benefits shall be changed as a result of a reassignment.

The Superintendent shall provide documentation of the staffing needs as of **March** May 1st.

- E. An aide may transfer to another position of employment one (1) time only during any one half (1/2) of a school term, unless otherwise mutually agreed upon by the aide and the County Superintendent, or the Superintendent's designee, subject to Board approval; provided, that during the first year of employment as an aide, an aide may not transfer to another position of employment during the first one-half (1/2) school term of employment unless mutually agreed upon by the aide and County Superintendent, subject to Board approval.** It is not in the best interest of students with autism or with an exceptionality whose IEP requires one-on-one services, or students in the early childhood years, to have multiple teachers, mentors, aides, paraprofessionals, interpreters or any combination thereof during the instructional term. Therefore, after the twentieth day, prior to the beginning of the instructional term, filling positions through transfers of personnel from one position to another be kept to a minimum for autism mentors and aides who work with students with autism and for paraprofessionals, interpreters, early childhood classroom assistant teachers and aides who work with students with exceptionalities whose IEPs require one-on-one services, in accordance with the following:

1. After the twentieth day prior to the beginning of the instructional term, a service person may not transfer to another position in the District during that instructional term, unless s/he does not have valid certification, if the service person is employed and assigned as an autism mentor or aide who works with students with autism, or as a paraprofessional, interpreter, early childhood classroom assistant teacher, or aide who works with a student with an exceptionality whose IEP requires one-on-one services;

2. The aide, autism mentor, paraprofessional, interpreter, or early childhood classroom assistant teacher may apply for any posted, vacant position with the successful applicant assuming the position at the beginning of the next instructional term; and
  3. The Board, upon recommendation of the Superintendent, may fill a position before the beginning of the next instructional term when it is determined to be in the best interest of the students.
- F. After the fifth day prior to the beginning of the instructional term, no service person employed and assigned as an autism mentor or aide who works with autistic students or as a paraprofessional, interpreter or aide who works with a student with an exceptionality whose IEP requires one-on-one services may transfer to another position in the County during that instructional term unless the service person holding that position does not have valid certification. The aide, autism mentor, paraprofessional or interpreter may apply for any posted, vacant position with the successful applicant assuming the position at the beginning of the next instructional term. The County Board, upon recommendation of the Superintendent, may fill a position before the beginning of the next instructional term when it is determined to be in the best interest of the students. The County Superintendent shall notify the State Board when a service person employed in a position as autism mentor or aide working with autistic students, or as a paraprofessional, interpreter or aide who works with a student with an exceptionality whose IEP requires one-on-one services, is transferred to another position after the fifth day prior to the beginning of the instructional term. Except as provided in Section E above, after the twentieth day prior to the beginning of the instructional term, a service person may transfer to another position of employment one time only during any one-half (1/2) of the instructional term, unless otherwise mutually agreed upon by the service persona and the District Superintendent, subject to School Board approval. During the first year of employment as a service person, a service person may not transfer to another position of employment during the first one-half (1/2) of the instructional term unless mutually agreed upon by the service person and District Superintendent, subject to Board approval, except as follows:
- 1.
  2. upon return from an approved leave of absence, a service person may fill a vacant position for which s/he is qualified or holds valid certification;
  3. a service person may apply for a posted, vacant position at any time. The successful applicant for the position may not assume the

position until the beginning of the next one-half (1/2) of the instructional term; and

4. extra-curricular assignments for school bus operators pursuant to WV Code 18A-4-16 are exempt from the requirements of this policy.

G.

H. Itinerant status means a service person who does not have a fixed work site and may be involuntarily reassigned to another work site. A service person is considered to hold itinerant status if he or she has bid upon a position posted as itinerant or has agreed to accept this status. The Board may establish positions with itinerant status only within the aide and autism mentor classification categories and only when the job duties involve exceptional students. A service person with itinerant status may be assigned to a different work site upon written notice ten (10) days prior to the reassignment without the consent of the employee and without posting the vacancy. A service person with itinerant status may be involuntarily reassigned no more than twice during the school year. At the conclusion of each school year, the **County** Board shall post and fill, pursuant to WV Code 18A-4-8b, all positions that have been filled without posting by a service person with itinerant status. A service person who is assigned to a beginning and ending work site and travels at the expense of the **County** Board to other work sites during the daily schedule, shall not be considered to hold itinerant status.

#### I. **Surplus Personnel**

**Notwithstanding any other provision of State law, when actual student enrollment in a grade level or program, unforeseen before March 1st of the preceding school year, permits the assignment of fewer service personnel to or within a school under any class size or caseload standard established in section eighteen a, article five, chapter eighteen of this code or any policy of the West Virginia State Board of Education, the Superintendent, with Board approval, may reassign the surplus personnel to another school or to another grade level or program within the school if needed there to comply with any such class size or caseload standard.**

- 1. Before any reassignment may occur pursuant to this subsection, notice shall be provided to the employee and the employee shall be provided an opportunity to appear before the County Board to state the reasons for his/her objections, if any, prior to the Board voting on the reassignment.**

2. Except as otherwise provided in subdivision 1. Of this subsection, the reassignment may be made without following the notice and hearing provisions of this section, and at any time during the school year when the conditions of this subsection are met: provided, that the reassignment may not occur after the last day of the second school month.
3. A service employee reassigned under this subsection shall be the least senior of the surplus personnel who holds the same classification or multi-classification needed to perform the duties at the other school or at the grade level or program within the same school.
4. No school employee's annual contract term, compensation, or benefits shall be changed as a result of a reassignment under this subsection.

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WV Code 18A-4-8b, 18A-5-8g, 18A-4-8(r), WV Code 18A-2-7(e)

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 5/16/15

Book Policy Manual

Section Board Approve 03-06-23

Title Copy of TRANSFER

Code po3130.01

Status

Adopted August 1, 2007

Last Revised March 16, 2015

### 3130.01 - **TRANSFER**

The Superintendent, subject only to approval of the Board of Education, shall have authority to transfer professional personnel. However, the employee shall be notified in writing by the Superintendent on or before **the first Monday in March** April 1st if s/he is being considered for transfer or to be transferred.

Only those professional personnel employees whose consideration for transfer or intended transfer is based upon known or expected circumstances which will require the transfer of employees shall be considered for transfer or intended for transfer and the notification shall be limited to only those employees.

Any professional personnel employee who desires to protest such proposed transfer may request in writing a statement of the reasons for the proposed transfer. The statement of reasons shall be delivered to the employee within ten (10) days of the receipt of the request. Within ten (10) days of the receipt of the statement of the reasons, the employee may make written demand upon the Superintendent for a hearing on the proposed transfer before the Board. The hearing on the proposed transfer shall be held on or before **April 15th** May 1st. At the hearing, the reasons for the proposed transfer must be shown.

The Superintendent, at a meeting of the Board on or before **April 15th** May 1st, shall furnish in writing to the Board a list of employees to be considered for transfer and subsequent assignment for the next ensuing school year. An employee who was not provided notice and an opportunity for a hearing pursuant to this policy may not be

included on the list. All other employees not so listed shall be considered as reassigned to the positions or jobs held at the time of this meeting. The list of those recommended for transfer shall be included in the minute record of such meeting and all those so listed shall be notified in writing, which notice shall be delivered in writing, by certified mail, return receipt request, to such person's last known address within ten (10) days following said Board meeting, of their having been so recommended for transfer and subsequent assignment and the reasons for such transfer.

When actual student enrollment in a grade level or program, unforeseen before **March** May 1st of the preceding school year, permits the assignment of fewer teachers to or within a school under any pupil-teacher ratio, class size or caseload standard established in WV Code 18-5-18a or any policy of the State Board, the Superintendent, with Board approval, may reassign the surplus personnel to another school or to another grade level or program within the school if needed there to comply with any such pupil-teacher ratio, class size or caseload standard. Provided:

- A. Before any reassignment may occur, notice shall be provided to the employee via certified mail or hand delivery at least ten (10) days prior to the same and the employee shall be provided an opportunity to appear before the Board to state the reasons for his/her objections, if any, prior to the Board voting on the reassignment. The opportunity to be heard shall not be a hearing with the right to present witnesses, rather, it is an opportunity for the employee to concisely state his/her objections to the Board.
- B. Except as otherwise provided in (A) above, the reassignment may be made without following the notice and hearing provisions of WV Code 18A-2-7(a) and (b) and at any time during the school year when the student enrollment conditions above exist; however, the reassignment may not occur after the last day of the second school month.
- C. A professional employee reassigned under this paragraph, shall be the least senior of the surplus professional personnel who holds certification or licensure to perform the duties at the other school or at the grade level or program within the school.
- D. No school employee's annual contract term, compensation or benefits shall be changed as a result of a reassignment.

The Superintendent shall provide documentation of the staffing needs as of **March** May 1.

It is not in the best interest of the students particularly in the elementary grades to have multiple teachers for any grade level or course during the instruction term. Filling positions through transfers of personnel from one professional position to another after the twentieth day prior to the beginning of the instructional term should be kept to a minimum. Except as otherwise provided herein, pursuant to WV Code 18A-4-7a(m),

after the **fifth** twentieth day prior to the beginning of the instructional term, no person employed and assigned to a professional position may transfer to another professional position in the County during that instructional term unless the person holding that position does not have valid certification subject to the following:

- A. The person may apply for any posted, vacant positions with the successful applicant assuming the position at the beginning of the next instructional term.
- B. Professional personnel who have been on an approved leave of absence may fill these vacancies upon their return from the approved leave of absence.
- C. The Board, upon recommendation of the Superintendent may fill a position before the next instructional term when it is determined to be in the best interest of the students. **The Superintendent shall notify the State Board of each transfer of a person employed in a professional position to another professional position after the twentieth day prior to the beginning of the instructional term. The Legislature finds that it is not in the best interest of the students particularly in the elementary grades to have multiple teachers for any one grade level or course during the instructional term. It is the intent of the Legislature that the filling of positions through transfers of personnel from one professional position to another after the twentieth day prior to the beginning of the instructional term should be kept to a minimum.**
- D. Upon recommendation of the Principal and approval by the classroom teacher, Superintendent, and Board, a classroom teacher assigned to the school may at any time during the school year be assigned to a new or existing classroom teacher position at the school without the position being posted. Transfers made under these provisions are not subject to the limitation on transfers found in WV Code 18A-2-7b(a). **This does not apply to the filling of a position vacated because of resignation or retirement that became effective on or before the twentieth day prior to the beginning of the instructional term, but not posted until after that date.**

**Upon recommendation of the principal and approval by the classroom teacher, Superintendent, and Board, a classroom teacher assigned to the school may at any time during the school year be assigned to a new or existing classroom teacher position at the school during that school year without the position being posted. This provision shall not apply to vacancies that will occur in the ensuing year or other future years. Transfers made under these provisions are not subject to the limitation on transfers found in WV Code 18 A-4-7a(m).**

For purposes of this **section** policy, an itinerant teacher shall be considered to be assigned to the school where s/he spends the majority of his/her instructional time. If an itinerant teacher does not spend the majority of this/her instructional time in any one

school the itinerant teacher shall be considered to be assigned to a school as designated by the Superintendent.

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WV Code 18A-2-7b(a)

West Virginia State Board of Education policy 5000

WV Code 18A-2-7, and 18A-4-7a



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Book Policy Manual

Section Vol 14, No. 2 August 2022 Drafts

Title Copy of New Policy - Vol. 14, No. 2 - August 2022 -  
INSTRUCTIONAL MATERIALS INSPECTION AND RIGHT TO FILE  
COMPLAINT

Code po2522

Status

*MS per LS*

*✓*

### New Policy - Vol. 14, No. 2 - August 2022

#### 2522 - **INSTRUCTIONAL MATERIALS INSPECTION AND RIGHT TO FILE COMPLAINT**

The School Board shall provide instructional materials and equipment, within budgetary constraints, to implement the District's educational goals and objectives and to meet students' needs. The primary objective of such instructional materials and equipment shall be to enrich, support, and implement the educational program of the school. Instructional materials used in the District shall be consistent with the District goals and objectives and the course descriptions established by the State Board of Education and the State standards.

Classroom teachers shall allow the following individuals to inspect Board-adopted instructional materials, supplemental instructional materials which do not require the approval of the Board, and books available in their classroom for students to read if they have a student enrolled in their class:

- A. parents - means a parent who has some allocation of physical custody of the child or who has some share of joint decision-making authority for the student;
- B. **grandparent**custodian - means a **grandparent** **of the child** who has some allocation of physical custody of the child or who has provided to the school written permission of a parent to have access to the information **provided herein** contemplated by this section; or
- C. guardian - means a person other than a parent or **grandparent**custodian who, pursuant to a court order, acts in loco parents for the student.

The classroom teacher may require a parent, **grandparent**custodian, or guardian to schedule an appointment, however, if an appointment is required it shall be scheduled within ten (10) business days of the request.

It is the responsibility of the classroom teacher to demonstrate how the instructional material relates to the content standards adopted by the State Board of Education.

In all classes where reading a book or books will be required, these materials shall be included on a class syllabus, and the syllabus will be available to any parent, **grandparent**custodian, or guardian upon request.

A parent, **grandparent**custodian, or guardian may file a complaint with the superintendent if a classroom teacher fails to comply with this policy. This complaint shall be filed on a form provided by the superintendent and resolved within seven (7) business days. If the complaint has not been resolved within seven (7) days, the parent, **grandparent**custodian, or guardian may file a complaint with the State Superintendent on a state-provided form.

The Superintendent shall, by September 1 of each year, report the total number of complaints made pursuant to this policy to the State Superintendent.

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