

To: Mr. Lambert, Superintendent  
J.P. Mowery, Business Manger

From: Bill Rosier

Subject: Policy Manual Update

Date: August 21, 2013

Attached you will find a summary of the changes that should be made to the Policy Manual as a result of new legislation, State Board Policy changes and some necessary work on existing county policies . The new language has been underlined and the outdated language has strikethroughs.

The changes have been broken down by categories in the Policy Manual and I have written a short summary of the basic changes to each of the affected policies.

The State Board is working on a couple of policies which we will have to deal with as soon as they are approved, but it could be the fall before they are completed.

Now is a good time for your colleagues to make any needed adjustments and additions to existing policies. I would be happy to entertain any suggestions they might have. I would also be available to visit your office and work with your staff and discuss the suggested changes and any additional changes you feel are necessary.

Thank you in advance for your input and support.

## GROUP I

### 2013 LEGISLATIVE CHANGES

Our legislature was pretty active this year in regards to public education. In some legislation they made minor, annoying language changes that don't change the intent of the code, but it causes you to edit your policies. In other cases the legislation strikes down existing provisions of the code and either repeal it entirely or significantly change it. Still other legislation imposes new mandates and regulations on local school boards.

The following pages contain the changes I believe are necessary to maintain the integrity of your Policy Manual. The outdated parts of your policies have been crossed out and the new language is underlined for your convenience. In some cases the changes have been so significant that it would be cumbersome to show all of the crossed out language; therefore, you should read the recommended policy as if it were totally new.

### POLICY CHANGES

- (P) B.8.7. Regional Meetings among Certain Officials of County Boards of Education (New)
- (P) B.10.2. Regular Meetings
- (P) B.10.3. Special Meetings and Emergency Meetings
- (P) C.3.5. Substitute Teaching Requirement for Certain Central Office Administrators (New)
- (P) I.4.1. ~~School Year~~ School Calendar
- (P) I.7.1.1. Pre-K Programs
- (P) I.9.9.1. Continued Enrollment of At Risk Student in Public School while Enrolled in an Alternative Program (New)
- (P) I.13.11. Sexting by Minors (New)
- (P) I.13.12. Sexting Educational Diversion Program (New)
- File: I.20. Electronic County Strategic Improvement Plan
- File: P.2. Employment of Professional Staff (Major Changes)
- (P) P.3.4. Commercial Driver's License; Electrician License for School Personnel and Educational Sign Language Interpreter Certification
- (P) P.3.19. Special Requirements for Kindergarten Aides (New)
- (P) P.6.6. Employees Separated from Payroll before Paydays
- (P) P.6.7. Salary Bonus for Classroom Teachers with National Board Certification
- (P) P.8.1. Assignment, Transfer and Promotion
- (P) P.8.2. Reduction in Force Professional Personnel
- ~~(P) P.10.2. Beginning Teacher Internship Program (Repealed)~~
- (P) P.11.1. Professional Personnel Seniority Rights
- (P) P.17.3. Employee Duty Free Planning Period and Lunch Hour
- (P) P.17.5. The Faculty Senate
- (P) R.7.6. Respect for Athletic Officials (New)
- (P) S.6.4. Attendance Director Responsibilities
- (P) S.6.23. Participation in Circuit Court Juvenile Probation Truancy Program (New)
- (P) S.6.24. Juvenile Status Offender who is a Habitual Truant (New)
- (P) S.13.1.4. Voluntary Use of Epinephrine Auto-Injectors (New)
- (P) S.19.8. Management of Concussions and Head Injuries in Student Athletes (New)
- (P) T.6.5. Feed to Achieve (New)

**H.B. 2940 requires all superintendents and members of county boards belonging to the same regional educational service agency to meet together in 2013, and then every two years. The purpose of the meetings will be to identify administrative, coordinating and other county level services and functions that may be shared between or among the county boards, especially when resignations, retirements, staffing realignments or similar events may occur. This is a new policy.**

<b>PENDLETON COUNTY BOARD OF EDUCATION</b>	<b>Adopted: August 20, 2003</b>
<b>B. BOARD OF EDUCATION OPERATIONS</b>	<b>Last Review:</b>
<b>File: B.8. Promoting Board Effectiveness</b>	<b>September, 2012</b>

**(P) B.8.7. Regional Meetings among Certain Officials of County Boards of Education**

WVC §18-2-26a requires all superintendents and members of county boards belonging to the same regional educational service agency to meet together in 2013, and then every two years. The purpose of the meetings will be to identify administrative, coordinating and other county level services and functions that may be shared between or among the county boards, especially when resignations, retirements, staffing realignments or similar events may occur.

The first year's meetings will occur during July and August, 2013. Subsequent meetings will occur during the two months following the county boards' organizational meetings. The regional meetings qualify as special meetings of each participating county board and must be called under the statute governing special meetings.

With the approval of the State Board and its Training Standards Review Committee, county board members may receive training credit for attending the meetings.

The West Virginia School Board Association will schedule the meetings and conduct them using a format to be approved by the State Board of Education. In developing the proposed meeting format, the Association must solicit input from statewide organizations that have an interest in public education, including organizations representing the interest of parents, business and industry, public school administrators, teachers and service personnel. In conducting the meetings, the Association may consult with the regional educational service agencies.

Reports of the meetings will be made by the Association to the State Board and the Legislative Oversight Commission on Education Accountability. At a minimum, the reports must identify the county level services and functions that may be shared between or among county boards, analyze the advantages and disadvantages of sharing services in each instance, and suggest a process for implementing recommended changes.

The bill expressly states that it does not require the elimination or consolidation of county school districts.  
**(WVC §18-2-26a)**

For purposes of the West Virginia Open Governmental Proceedings Act, House Bill 2747 defines regular, special and emergency meetings. This is one of those cases where the Legislature “tweaks” the language in a bill just enough to more clearly define its intent in the law and other minor wording changes.

<b>PENDLETON COUNTY BOARD OF EDUCATION</b> <b>B. BOARD OF EDUCATION OPERATIONS</b> <b>File: B.10. School Board Meetings</b>	<b>Adopted: August 20, 2003</b> <b>Last Review:</b> <b>September, 2011</b>
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**(P) B.10.2. Regular Meetings**

“Regular Meeting” means a meeting at which the regular business of the public is conducted. Regular meetings of the Pendleton County Board of Education shall be held on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month. Normally, all meetings will be held at the Pendleton County Board of Education Annex, unless the location is changed by vote of the Board. To facilitate citizen attendance at its meetings, the Board may choose to hold them at each of the county schools. All meetings shall begin at 6:00 p.m., unless otherwise announced by the Board of Education.  
(WVC§6-9A-3 and §18-5-4)

**(P) B.10.3. Special Meetings and Emergency Meetings**

**Special Meetings:**

“Special Meeting” means a meeting of the Board other than a regular meeting or an emergency meeting.

The president or any three members of the Board may call a special meeting. The only business that can be transacted at the special meeting is that designated in the call. Each Board member shall be given a three-day notice of all special meetings, and advance notice of the time, place, and purpose of the special meeting shall be made available to the public and news media. The only exception to advance notification to the public and media shall be in the event of an emergency meeting requiring immediate official action.

**Emergency Meeting:**

“Emergency Meeting” means any meeting called for the purpose of addressing an unexpected event which requires immediate attention because it poses:

- ❖ A threat to public health or safety;
- ❖ A threat of damage to public or personal property; or
- ❖ A potential material financial loss or other potential substantial harm to a public agency.

In the event of an emergency requiring immediate official action, the Board president ~~may~~ must post an emergency meeting notice ~~at any time prior to the meeting~~ as soon as practicable stating the date, time, place and purpose of the meeting and the circumstances of the emergency.  
(WVC §6-9A-3 and §18-5-4)

**Amendments to WVC § 18-5-32 mandate that all Central Office supervisors, coordinators and administrators who hold or ever held a teaching or administrative certificate shall substitute teach three days each school year. This requirement does not apply to the Superintendent. New policy.**

<b>PENDLETON COUNTY BOARD OF EDUCATION</b>	<b>Adopted: August 20, 2003</b>
<b>C. CENTRAL OFFICE ADMINISTRATION</b>	<b>Last Review:</b>
<b>File: C.3. Administrative Organization Plan</b>	<b>September, 2011</b>

**(P) C.3.5. Substitute Teaching Requirement for Certain Central Office Administrators**

The job duties of a professional educator employed under the provisions WVC § 18-5-32, including a professional educator employed as a “supervisor” or “central office administrator” as defined in WVC §18A-1-1, and who is currently or has ever been properly licensed as a teacher or administrator, shall include substitute teaching on at least three instructional days each school year. The affected professional educators are:

- ❖ associate superintendents, assistant superintendents and other central office administrators who, regardless of job title, administer and supervise the whole or some part of the school system’s program;
- ❖ supervisors and others who, regardless of job title, are responsible for working primarily in the field with professional and other personnel in instructional and other school improvement; and
- ❖ other general and special supervisors or directors of instruction and other educational activities.

This requirement does not apply to Superintendent or those employed by the Board as other professional personnel, as defined in WVC §18A-1-1, who have never held a teaching or administrative certificate.

[WVC §18-5-32(h)]

The school calendar law (§18-5-45) has undergone dramatic changes which will probably cause a good deal of discussion within the community and the school system when it becomes effective July 1, 2014. I think it is a good idea to adopt this policy this year which will allow plenty of time for the public and school personnel to digest its contents. You will follow your existing calendar policy for the 2013-2014 school term.

I recommend that you label the projected policy File: I.4.A. and place it in the manual alongside File: I.4. for this school term. You can delete the current policy prior to next school term and remove the “A” from the file number of the new policy. This will allow your employees to see and better understand the changes that are coming next year.

You will note the suggestion that the title of (P) I.4.1. be changed from School Year to School Calendar.

The changes to this policy are so significant that you should read this policy as if it were new.

<b>PENDLETON COUNTY BOARD OF EDUCATION</b>	<b>Adopted: August 20, 2003</b>
<b>I. INSTRUCTION</b>	<b>Last Review:</b>
<b>File: I.4. A. Organization of Instruction</b>	<b>September, 2012</b>

**(P) I.4.1. ~~School Year~~ School Calendar**

Effective with the 2014-2015 school term, the Pendleton County Board of Education shall prepare and implement a school calendar which will comply with the provisions of WVC §18-5-45.

In formulation of the Pendleton County Schools calendar, the Board shall hold at least two public meetings that allow parents, teachers, teacher organizations, businesses and other interested parties within the county to discuss the school calendar. The public notice of the date, time and place of the public hearing must be published in a local newspaper of general circulation in the area as a Class II legal advertisement, in accordance with the provisions of WVC §59-3.

The school calendar, as defined in this policy, is designed to define the school term for both instruction and employees. The school calendar shall provide for 180 separate instructional days.

As used in this policy:

- ❖ “Instructional Day” means a day within the instructional term which meets the following criteria:
  - Instruction is offered to students for at least the minimum amounts of hours provided by state board rule;
  - Instructional time is used for instruction and cocurricular activities; and
  - Such other criteria as the state board determines appropriate.
- ❖ “Cocurricular Activities” are activities that are closely related to identifiable academic programs or areas of study that serve to complement academic curricula as further defined by the state board.

Prior to the implementing the school calendar, the Board shall secure approval of its proposed calendar from the state board or, if so designated by the state board, from the state superintendent.

The Pendleton County Board of Education shall provide a school term for its schools that contain the following:

### **Employment Term:**

The school calendar shall include an employment term that excludes Saturdays and Sundays; and consists of at least two hundred days, which need not be successive. The beginning and closing dates of the employment term may not exceed 48 weeks. The Board may contract with all or part of its personnel for a longer term of employment.

### **Instructional Term:**

Within the employment term, the Board shall provide an instructional term for students of no less than 180 separate instructional days, which includes an inclement weather and emergencies plan designed to guarantee an instructional term for students of no less than 180 separate days. The instructional term shall commence and terminate on a date selected by the Board.

### **Noninstructional Days:**

Within the employment term, noninstructional days shall total 20 and shall be comprised of the following:

- ❖ Seven paid holidays;
- ❖ Election Day as specified in §18A-5-2;
- ❖ Six days to be designated by the county board to be used by the employees outside the school environment, with at least four outside the school environment days scheduled to occur after the 130<sup>th</sup> instructional day of the school calendar and ;
- ❖ The remaining days to be designated by the Board for purposes to include, but not be limited to;
  - Curriculum development;
  - Preparation for opening and closing school;
  - Professional development;
  - Teacher-pupil-parent conferences;
  - Professional meetings; and
  - Making up days when instruction was scheduled but not conducted; and
  - At least four two-hour blocks of time for faculty senate meetings with each two-hour block of time scheduled once at least every 45 instructional days.

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Other provisions of WVC§18-5-45 which have a bearing upon development and implementation of the school calendar include the following:

### **Steps Taken to Ensure a 180 Day Instructional Term:**

The school calendar shall contain scheduled out-of-calendar days that are to be used for instructional days in the event school is canceled for any reason.

The Pendleton Count Board of Education shall develop a policy that requires additional minutes of instruction in the school day or additional days of instruction to recover time lost due to late arrivals and early dismissals.

If it is not possible to complete 180 separate instructional days with the current school calendar, the Board shall schedule instruction on any available noninstructional day, regardless of the purpose for which the day originally was scheduled, or an out-of-calendar day and the day will be used for instruction of students: Provided, That the provisions of this subsection do not apply to:

- ❖ Holidays;
- ❖ Election Day;
- ❖ Saturdays and Sundays.

**Time Lost by closing Schools (i.e. Inclement Weather):**

Any school or schools may be closed by proper authorities on account of the prevalence of contagious disease, conditions of weather or any other calamitous cause over which the board has no control.

Under any or all of the above provisions, the time lost by the school closings may not be counted as days of employment and may not be counted as meeting a part of the requirements of the minimum term of 180 days of instruction. A school employee’s pay per pay period may not change as a result of a school closing not being counted as a day of employment, and the employee shall be paid the same amount during any pay period in which a school closing occurs that the employee would have been paid during the pay period if a school closing had not occurred.

On the day or days when a school or schools are closed, county boards may provide appropriate alternate work schedules for professional and service personnel affected by the closing of any school or schools under any or all of the provisions of this subsection. Professional and service personnel shall receive pay the same as if school were in session.

Insofar as funds are available or can be made available during the school year, the Board may extend the employment term for the purpose of making up time that might affect the instructional term. (WVC §18A-5-2)

**Scheduling Statewide Assessment Program:**

The state board may not schedule the primary statewide assessment program more than 30 days prior to the end of the instructional year unless the state board determines that the nature of the test mandates an earlier testing date.

**Cocurricular Activities:**

- ❖ The state board shall determine what activities may be considered cocurricular;
- ❖ The state board shall determine the amount of instructional time that may be consumed by cocurricular activities; and
- ❖ Other requirements or restrictions the state board may provide in the rule required to be promulgated by code.

**Extracurricular Activities:**

Instructional time may not be used for extracurricular activities. .

**Other Provisions of WVC §18-5-45**

- ❖ Noninstructional interruptions to the instructional day shall be minimized to allow the classroom teacher to teach.
- ❖ The minimum instructional term may be decreased by order of the state superintendent in any county declared a federal disaster area and where the event causing the declaration is substantially related to a reduction of instructional days.
- ❖ Notwithstanding any provision of the code to the contrary, the state board may grant a waiver to a county board for its noncompliance with provisions of chapter eighteen, eighteen- a, eighteen-b and eighteen -c of the code to maintain compliance in reaching the mandatory 180 separate instructional days established in the code.

Senate Bill 359 is mandating the availability of a five-day-per week, full day program for Pre-K students. The Board does have some flexibility left, but not much.

<b>PENDLETON COUNTY BOARD OF EDUCATION</b> <b>I. INSTRUCTION</b> <b>File: I.7. Basic Instructional Program (Pre-K-Adult)</b>	<b>Adopted: August 20, 2003</b> <b>Last Review:</b> <b>September, 2012</b>
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**(P) I.7.1.1. Pre-K Programs**

**Legislative Mandates**

Beginning no later than the school year 2012-2013, and continuing thereafter, county boards shall provide early childhood education programs for all children who have attained the age of four prior to September 1 of the school year in which the pupil enters the early childhood education program. Beginning no later than the 2016-2017 school year, and continuing thereafter, early childhood education programs that are full day and five days per week shall be available to all children meeting the age requirement set forth in the code.

The program shall meet the following criteria:

- ❖ It shall be voluntary, except, upon enrollment, the provisions of WVC §18-8-1 apply to an enrolled student; and
- ❖ ~~It may be for fewer than five days per week and may be less than full day.~~ All children meeting the age requirement set forth in the code shall have the opportunity to enroll in a program that is full day and five days per week. The program may be for fewer than five days per week and may be less than full day based on family need if a sufficient number of families request such programs and the county board finds that such programs are in the best interest of the requesting families and students: Provided, That the ability of families to request programs that are fewer than five days a week or less than a full day does not relieve the county of the obligation to provide all resident children with the opportunity to enroll in a full-day program; and
- ❖ A parent of a child enrolled in an early education program may withdraw a child from that program for good cause by notifying the district. Good cause includes, but is not limited to, enrollment of the child in another program or the immaturity of the child. A child withdrawn under this policy is not subject to the attendance provisions of this chapter until that child again enrolls in a public school in this state.

The enrollment of students in Head Start or in any other program approved by the State Superintendent of Schools shall be counted toward satisfying the requirement of the law.

For the purposes of implementation financing, all counties are encouraged to make use of funds from existing sources, including:

- ❖ Federal funds provided under the Elementary and Secondary Education Act pursuant to 20 U.S.C. §6301, et seq.;
- ❖ Federal funds provided for Head Start pursuant to 42 U.S.C. §9831, et seq.;
- ❖ Federal funds for temporary assistance to needy families pursuant to 42 U.S.C. §601, et seq.;
- ❖ Funds provided by the School Building Authority pursuant to article nine-d of this chapter;
- ❖ In the case of counties with declining enrollments, funds from the state aid formula above the amount indicated for the number of students actually enrolled in any school year; and
- ❖ Any other public or private funds.

After the school year 2012-2013, on or before July 1 of each year, each county board shall report the following information to the Secretary of the Department of Health and Human Resources and the state superintendent:

- ❖ Documentation indicating the extent to which county boards are maximizing resources by using the existing capacity of community-based programs, including, but not limited to Head Start and child care; and
- ❖ Should the Board include eligible children attending approved, contracted community-based programs in their net enrollment for the purposes of calculating state aid, it will also have to document the equitable distribution of funding for all children regardless of setting.

**(WVC §18-5-44)**

**H.B. 2861 has the purpose of encouraging county boards of education to work with programs inside or outside of the school system to keep at-risk-students moving forward in some combination of educational programs which will ultimately lead them to a more structured life, one with more hope for the future. This is a new policy for you.**

<b>PENDLETON COUNTY BOARD OF EDUCATION</b>	<b>Adopted: August 20, 2003</b>
<b>I. INSTRUCTION</b>	<b>Last Review:</b>
<b>File: I.9. Special Instructional Programs/Concerns</b>	<b>September, 2012</b>

**(P) I.9.9.1. Continued Enrollment of At Risk Student in Public School while Enrolled in an Alternative Program**

The Legislature defines an “at-risk student” as any child who is unlikely to graduate on schedule with the skills and self-esteem necessary to exercise meaningful options in the areas of work, leisure, culture, civic affairs and personal relationships. Public schools should not be deterred from seeking and assisting with the enrollment of students in an alternative program that helps remedy discouragement, lessens skill deficits, and facilitates a successful return to the public schools.

Therefore county boards of education are authorized, subject to approval of the County Superintendent, to permit a student enrolled in the public schools of the county may continue to be enrolled while also enrolled in an alternative program subject to the following conditions:

- ❖ The alternative program is approved by the state board;
- ❖ The student meets the general description of an at-risk student and exhibits behaviors and characteristics associated with a discouraged and defeated learner;
- ❖ The alternative program complies with all requests of the county superintendent for information on the educational program and progress of the student;
- ❖ The alternative program includes a family involvement component in its program. This component shall include, but is not limited to, providing for student and parent participation in activities that help address the challenging issues that have hindered the student's engagement and progress in learning;
- ❖ The alternative program includes an on-site boarding option for students;
- ❖ The alternative program provides an individualized education program for students that is designed to prepare them for a successful transition back into the public schools; and
- ❖ The parents or legal guardian of the student make application for enrollment of the student in the alternative program, agree to the terms and conditions for enrollment, and enroll the student in the program.  
(WVC §18-2-6)

House Bill 2357 gives us two significant pieces of legislation concerning the practice of minors transmitting nude and other inappropriate material via their computers, I-Pads and telephones. While it is not the school systems' role to police such actions which may take place out of the school setting, I have included the following policies for your consideration because I believe it is important for principals, counselors and other school employees to be aware of all current laws which may have an impact upon students in their daily lives and ultimately those issues find their way into the schools. Like it or not, as educators we sometimes find ourselves being the only available port for students who are experiencing a "storm" and we are their only source of guidance. New policies.

<p><b>PENDLETON COUNTY BOARD OF EDUCATION</b></p> <p><b>I. INSTRUCTION</b></p> <p><b>File: I.13. Educational Purposes and Acceptable Use of Electronic Resources, Technologies and the Internet</b></p>	<p><b>Adopted: October 2, 2012</b></p> <p><b>Last Review:</b></p>
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**(P) I.13.11. Sexting by Minors**

Any minor who intentionally possesses, creates, produces, distributes, presents, transmits, posts, exchanges, or otherwise disseminates a visual portrayal of another minor posing in an inappropriate sexual manner or who distributes, presents, transmits, posts, exchanges or otherwise disseminates a visual portrayal of himself or herself posing in an inappropriate sexual manner shall be guilty of an act of delinquency and upon adjudication disposition may be made by the circuit court pursuant to the provisions of article five, chapter forty -nine of this code

As used in this policy:

- ❖ “Posing in an inappropriate sexual manner” means exhibition of a bare female breast, female or male genitalia, pubic or rectal areas of a minor for purposes of sexual titillation.
- ❖ “Visual portrayal” means:
  - A photograph;
  - A motion picture;
  - A digital image
  - A digital video recording; or
  - Any other mechanical or electronic recording process or device that can preserve, for later viewing, a visual image of a person that includes, but is not limited to, computers, cellphones, personal digital assistance and other digital storage or transmitting devices;(c) It shall be an affirmative defense to an alleged violation of this section that a minor charged with possession of the prohibited visual depiction did neither solicit its receipt nor distribute, transmit or present it to another person by any means.

As written, the code allows for court discretion as to whether an adjudicated juvenile should be required to register as a sex offender.

It should be clearly understood that while some of these activities may be initiated outside of the school environment, they will be subject to school discipline under *File: S.8. Expected Behavior in Safe and Supportive Schools* if they disrupt normal school activities.

Students who initiate prohibited activities within the school day, including transportation time, shall be disciplined according to *File: 1.13. Educational Purposes and Acceptable Use of Electronic Resources, Technologies and the Internet*.  
(WVC §61-8c-3b)

**(P) I.13.12. Sexting Educational Diversion Program**

Before a juvenile petition is filed for activity proscribed by WVC §61-8a or 8c, or after probable cause has been found to believe a juvenile has committed a violation thereof, but before an adjudicatory hearing on the petition, the court or a prosecuting attorney may direct or allow a minor who engaged in such activity to participate in an educational diversion program. The prosecutor or court may refer the minor to the educational diversion program, as part of a pre-petition diversion and informal resolution; as part of counseling provided; or as part of the requirements of an improvement period to be satisfied in advance of an adjudicatory hearing pursuant to the provisions of section nine of this article.

The educational diversion program to be developed for minors who are accused of activity proscribed by the provisions of WVC §61-8a or 8c will address the following issues and topics:

- ❖ The legal consequences of and penalties for sharing sexually suggestive or explicit materials, including applicable federal and state statutes;
- ❖ The nonlegal consequences of sharing sexually suggestive or explicit materials including, but not limited to, the effect on relationships, loss of educational and employment opportunities, and being barred or removed from school programs and extracurricular activities;
- ❖ How the unique characteristics of cyberspace and the Internet, including searchability, replicability and an infinite audience, can produce long-term and unforeseen consequences for sharing sexually suggestive or explicit materials; and
- ❖ The connection between bullying and cyber-bullying and minors sharing sexually suggestive or explicit materials.

A minor's successful completion of the program must be considered by the prosecutor and the court in deciding whether to abstain from filing a juvenile petition or dismiss a petition.

- ❖ If the minor has not previously been judicially determined to be delinquent, and the minor's activities represent a first offense for a violation of WVC §61-8c-3b, the minor shall not be subject to the requirements of the code, as long as s/he successfully completes the educational diversion program; and
- ❖ If the minor commits a second or subsequent violation of article WVC §61-8a or 8c, the minor's successful completion of the educational diversion program may be considered as a factor to be considered by the prosecutor and court in deciding to not file a petition or to dismiss a petition, upon successful completion of an improvement plan established by the court.

(WVC §49-5-13g)

**PENDLETON COUNTY BOARD OF EDUCATION**

**I. INSTRUCTION**

**File: I.18. Program Accountability**

**Adopted: August 20, 2003**

**Last Review:**

**September, 2012**

**The legislature did make some changes in the code which will have an impact on the way student achievement is to be assessed going forward; however, that same legislation requires certain actions by the State Board to update its policies to correspond to the wishes of the legislature. In particular, we need to see how SBP 2340 West Virginia Measures of Academic Achievement is going to be amended.**

**I recommend we wait for further information on this process before we amend this policy.**

<b>PENDLETON COUNTY BOARD OF EDUCATION</b>	<b>Adopted: August 20, 2003</b>
<b>I. INSTRUCTION</b>	<b>Last Review:</b>
<b>File: I.19. Performance Based Accreditation System</b>	<b>September, 2012</b>

**The legislature did make some changes in the code which will have an impact on the accreditation process; however, that same legislation requires certain actions by the State Board to update its policies to correspond to the wishes of the legislature. In particular, we need to see if SBP 2320 A Process for Improving Education: Performance Based Accreditation System is going to be amended.**

**I recommend we wait for further information on this process before we amend this policy.**

**The changes in this policy are only minor and they do not dramatically change the responsibility of the Board in developing an Electronic County Strategic Improvement Plan.**

<b>PENDLETON COUNTY BOARD OF EDUCATION</b>	<b>Adopted: August 20, 2003</b>
<b>I. INSTRUCTION</b>	<b>Last Review:</b>
<b>File: I.20. Electronic County Strategic Improvement Plan</b>	<b>September, 2012</b>

Pursuant to State Board policy and State Codes and State Board Policies, the Pendleton County Board of Education will work cooperatively with the Superintendent to develop a five-year Electronic County Strategic Improvement Plan. The plan shall address the need to improve student achievement and to better use instructional time and resources to maximize the effectiveness and efficiency of the instructional program. The writing of the plan shall be a cooperative effort involving county staff, the county steering committee, county staff development councils, technology team, and other stakeholders as appropriate.

~~The five-year Electronic County Strategic Improvement Plan must be initially presented to the State Board of Education by September 15, 2005. The plan shall be based on the Framework for High Performing 21<sup>st</sup> Century School Systems that contains at least the following:~~

The Board and its staff shall develop and implement a Five-Year School System Strategic Plan based on the Standards for High Quality Schools that contains at least the following:

- ❖ Procedures and activities to strengthen the county education program in order to increase student achievement and positively impact other student outcomes.
- ❖ 1) Core beliefs and mission, 2) data analysis, 3) improvement goals, 4) improvement objectives and benchmarks, 5) a work plan that includes action steps and professional development, 6) a system for monitoring and supporting the implementation and effectiveness of the work plan, 7) an evaluation process, 8) a budget and 9) annual planning updates for federal and state programs that meet the specific requirements of each program and support the goals and objectives of the plan.

The plan shall be revised annually and the plan shall include each annual performance measure which the school system fails to meet the standard for performance or progress, the action to be taken to meet each measure, a separate time line and a date certain for meeting each measure, a cost estimate and, when applicable, the assistance to be provided by the West Virginia Department of Education and other education agencies to improve school system performance and progress to meet the annual performance measure. ~~The revised county plan also shall identify any deficiency reported on the checklists, including any deficit more than a casual deficit by the county board.~~

Pendleton County shall utilize the State Department's Electronic School Strategic Improvement Plan boilerplate designed for use by all schools systems that incorporates all required aspects and satisfies all improvement requirements of the *No Child Left behind Act*.

The Performance Standards and High Quality Standards that must be reviewed to complete the task of writing improvement plans may be found in SBP 2320 and 2510. The expenditure of funds, both state and federal, that are allocated to and through the State Board of Education for the improvement of instruction and learning shall be addressed through the Electronic County Strategic Improvement Plan. These funds may include Step 7, Title I, Title VI, Title II, Title IV, and other supplemental funds or grants. Special conditions imposed by the federal or state government for spending of certain funds shall be obeyed.

The Office of Education Performance Audits and other monitoring processes used for Title I, special education, technical and adult education, and other programs will monitor the Electronic County Strategic Improvement Plan through the accreditation procedures conducted by those agencies.  
**(WVC §18-2E-5(b); SBP 2320; SBP 2510)**

**Senate Bill 359 requires both substantive changes and minor wording changes in the laws affecting the process by which the Board employees professional personnel. Therefore, instead of showing the old policies with strikethroughs of certain language, I am going to show you what the current laws require. These updates include legislative action and the new SBP 5000 Procedures for Designated Hiring and Transfer of School Personnel.**

<b>PENDLETON COUNTY BOARD OF EDUCATION</b> <b>P. PERSONNEL – PROFESSIONAL AND SERVICE</b> <b>File: P.2. Employment of Professional Staff</b>	<b>Adopted: August 20, 2003</b> <b>Last Review:</b> <b>September, 2012</b>
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The final decision on the type and number of professional positions to carry out the educational mission of Pendleton County Schools rests with the Board of Education based on the recommendation of the Superintendent. All personnel nominated and recommended for employment shall meet the certification, licensing, and training requirements specified in State Board regulations.

The board of education shall make decisions affecting the filling of vacancies in professional positions of employment other than the county superintendent on the basis of the applicant with the highest qualifications as set forth in statute and in this policy.

The professional employment process shall follow state code and the guidelines established through *SBP 5000 Procedures for Designated Hiring and Transfer of School Personnel*.

**(P) P.2.1. Vacancy Posting and Recruitment of Professional Personnel**

It is the responsibility of the Superintendent, with the assistance of the administrative staff, to determine the personnel needs of the school system and the individual schools, and to locate suitable candidates to recommend for employment. School principals and faculty senates shall be active participants in interviewing applicants for vacancy and making recommendations to the Superintendent regarding personnel to be employed.

The search for all personnel shall extend to a wide variety of educational institutions and geographical areas. It will take into consideration the characteristics and needs of Pendleton County and the need for a heterogeneous staff from various backgrounds.

The Board may not declare a position vacant and post a job opening sooner than 10 days following the death of an individual employed in that position.

**Posting Position Vacancies:**

The Board is required to post and date notices of each opening at least once. At their discretion, boards may post an opening for a position other than classroom teacher more than once in order to attract more qualified applicants. At their discretion, boards may post an opening for a classroom teacher one additional time after the first posting in order to attract more qualified applicants only if fewer than three individuals apply during the first posting.

- ❖ If no applicant meets the qualifications set forth in the job posting, a board may continue to post or repost without limitation.
- ❖ The county superintendent of schools shall have the authority to determine whether a professional position will be reposted.
- ❖ These provisions shall apply to both professional positions and extra-curricular positions.

Openings in established, existing, or newly created positions shall be processed in the following manner:

- ❖ Each notice shall be placed in conspicuous working places for all professional personnel to observe for at least five working days
- ❖ At least one notice shall be posted within 20 working days of the position opening and shall include the job description;
- ❖ Postings for vacancies shall be written so as to ensure that the largest possible pool of qualified applicants may apply;
- ❖ Any special skills or criteria required for the position must be included in the job description and must be directly related to the performance of the job.
- ❖ Job postings may not require criteria which are not necessary for the successful performance of the job and shall not be written with the intent to favor a specific applicant.

No vacancy shall be filled until after the five-day minimum posting period of the most recent posted notice of the vacancy.

If one or more of the applicants under all of 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 30 working days of the end of the first posting period;

A position held by a teacher who is certified, licensed or both and 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 years.

*Special Note: If an approved Innovation Zone plan includes a job posting that exceeds the qualification provided in WVC §18A-4-7a, teachers in the county must approve the job posting by a majority vote in accordance with WVC §18-5B-8.*

Nothing provided herein shall prevent the Board from eliminating a position owing to a lack of need.

Recruitment procedures will not overlook the talents and potential of individuals already employed by the school system. Current employees may apply for any position for which they have certification and meet other stated requirements.

(WVC §18A-4-7a; §18A-4-21; SBP 5000)

## **(P) P.2.2. Procedures for Designated Hiring and Transfer of School Personnel**

The purpose of state code and SBP 5000 is to set forth general hiring criteria for classroom teachers, establish processes that a faculty senate may adopt when making hiring recommendations for classroom teachers, clarify certain transfer procedures, and outline the roles of the principal, county superintendent, and county board of education in the limited hiring and transfer procedures set forth herein. Utilization of these processes and procedures will provide teachers and principals with the ability to have a significant voice in determining the makeup of their school communities and will provide counties with flexibility in staffing schools to meet changing needs and enrollment.

The regulations that follow apply to the filling of vacancies for classroom teachers and the transfers of employees by the Pendleton County Board of Education in the limited instances set forth herein and are not a comprehensive hiring manual for all school employees.

### **Definitions**

- ❖ Classroom teacher - A professional educator who has a direct instructional or counseling relationship with students and who spends the majority of his or her time in this capacity.

- ❖ Classroom teaching position - A position posted pursuant to W. Va. Code §18A-4-7a to fill a vacancy for a professional educator who has a direct instructional or counseling relationship with students and who spends the majority of his or her time in this capacity.
- ❖ Faculty senate - As provided by W. Va. Code §18-5A-5, a faculty senate consists of all permanent, full-time professional educators employed at the school.
- ❖ Permanently employed instructional personnel - Professional educators who are employed by a county board of education under either a probationary or continuing contract of employment and who, as part of their employment, have instructional duties.
- ❖ Principal - A professional educator employed pursuant to W. Va. Code §18A-2-9 who has administrative and instructional supervisory responsibility for the planning, management, operation and evaluation of the total educational program of the school or schools to which he or she is assigned.
- ❖ Service employee - Service person, service personnel, or service employee means any nonteaching school employee who is not included in the meaning of teacher as defined W. Va. Code §18-1-1 and who serves the school or schools as a whole in a nonprofessional capacity including such areas as secretarial, custodial, maintenance, transportation, school lunch and aides.

### **Role of the Superintendent:**

The Superintendent shall receive hiring recommendations for classroom teaching positions from principals and faculty senates and shall nominate and recommend applicants to the county board of education. The Superintendent may, at his or her discretion, conduct interviews of applicants for vacancies in addition to any interview conducted by the principal and faculty senate hiring committee, single designee, or faculty senate chair.

### **Role of the Principal:**

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 or 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 conflict as set forth in W. Va. Code §18A-2-1(a)(2), the Superintendent shall assign a designee from the central office to carry out the role of the principal. Whenever possible, the designee from the central office shall be a coordinator in the same programmatic level as the position to be filled. If it is not possible or practical to designate a coordinator from the same programmatic level, the recommendation of the designee shall not be invalidated or be the basis for objection by any prospective employee or any other person.

If a principal or his or 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 or 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.

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, son -in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother or half-sister.

### **Role of the Faculty Senate:**

Faculty senates may choose one of the options set forth in this policy as a mechanism by which to make hiring recommendations to the school principal. If a faculty senate does not participate in the hiring process as set forth in this policy for a particular vacancy, the right of the faculty senate to submit recommendations regarding employment is forfeited for that vacancy. A forfeiture of the faculty senate's right to submit a hiring recommendation shall not be the basis for objection by any prospective employee or any other person.

**(WVC §18A-2-1; §18A-4-7a; §18A-4-21; SBP 5000)**

### **(P) P.2.2. 1. Criteria for Hiring Classroom Teachers**

The Pendleton County Board of Education shall employ all professional personnel on the basis of the applicant possessing the highest qualifications. In judging qualifications for the filling of vacancies for classroom teachers, consideration shall be given to each of the following:

1. Appropriate certification, licensure or both;
2. 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;
3. The amount of course work, degree level or both in the relevant field and degree level generally;
4. Academic achievement;
5. In the case of a classroom teaching position or the position of principal, certification by the National Board for Professional Teaching Standards;
6. Specialized training relevant to the performance of the duties of the job;
7. Past performance evaluations conducted pursuant to W. Va. 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;
8. Seniority;
9. Other measures or indicators upon which the relative qualifications of the applicant may fairly be judged;
10. The recommendation, if any, of the principal of the school at which the applicant will be performing a majority of his or her duties; and
11. The recommendation, if any, resulting from the process established by the faculty senate of the school at which the employee will be performing a majority of his or her duties.

If one or more permanently employed instructional personnel apply for a classroom teaching position and meet the standards set forth in the job posting, each of the above criterion shall be given equal weight except that the criterion in subdivisions 10 and 11 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 recommendations resulting from the operations of sections 10 and 11 are for the same applicant, and the Superintendent concurs with that recommendation, then the Board shall appoint that applicant notwithstanding any other provision of this policy to the contrary.

Recommendations made pursuant to sections 10 and 11 shall be made based on a determination as to which of the applicants is the highest qualified for the position. When making recommendations, principals and faculty senates shall consider each criterion listed in criterion 1 through 9. Neither principals nor faculty senates are 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 Appendices A and B) 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 or her to teach in the specializations and grade levels shown on the certificate for the period of his or her employment.

As provided in W. Va. Code §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.

(WVC §18A-4-7a; SBP 5000)

#### **(P) P.2.2.2. Faculty Senate Teacher Recommendation Process**

A faculty senate 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 set forth below. These processes and procedures are designed to be effective and consistent among schools and counties and are designed to avoid litigation or grievance. 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 the recommendation process; however, failure to participate as provided below will cause the right of the faculty senate to make employment recommendations to be forfeited.

- ❖ **Hiring Committee** – The majority of the faculty senate may elect a committee, including a committee chair, which will be responsible for making hiring recommendations regarding classroom teachers. Committees and chairs shall be elected by the faculty senate according to one of the following models:
  - Three individuals, which shall include a chair, elected by the majority of the members of the faculty senate; or
  - Not less than seven nor more than eleven individuals, which shall include a chair, elected by a majority of the faculty senate.
    - When electing the committee members the faculty senate should give consideration to selecting individuals who represent the spectrum of curriculum and content areas taught at the school, provided that the failure of the faculty senate to select individuals who represent the spectrum of curriculum and content areas at the school shall not invalidate their election or any subsequent recommendation they render.
    - When utilizing this option, the committee chair shall select three members from the larger committee to form a panel which will make a recommendation for each classroom teacher to be hired. The selection of the three members shall be based, as far as is practical, on the subject matter to be taught by the teacher to be hired as determined on a case by case basis. The failure of the committee chair to select three members based on the subject matter to be

taught by the new teacher will not invalidate the faculty senate's selection or be the basis for objection by any prospective employee or any other person. The committee chair shall be responsible for ensuring that the hiring recommendation made by the three person panel is delivered to the principal in a timely manner.

- ❖ **Single Designee**-The majority of the faculty senate may elect a single designee who will be responsible for making hiring recommendations regarding classroom teachers. In choosing the single designee model, the faculty senate shall select one of the following options:
  - The single designee shall have the discretion to ask up to two other faculty senate members to assist him or her in reviewing relevant application materials or interviewing applicants at his or her discretion. The selection of assistants by the single designee shall be based, as far as is practical, on the subject matter to be taught by the teacher to be hired as determined on a case by case basis. The additional faculty senate members must have completed the WVDE designated or approved interview training prior to assisting the single designee. Failure of the single designee to select additional faculty senate members to assist him or her in rendering a recommendation will not invalidate the designee's recommendation or be the basis for objection by any prospective employee or any other person. The single designee shall be responsible for ensuring that the recommendation is delivered to the principal in a timely manner.
  - The single designee shall ask up to two other faculty senate members to assist in reviewing relevant application materials or interviewing applicants at the designee's discretion. The selection of assistants by the single designee shall be based, as far as is practical, on the subject matter to be taught by the teacher to be hired as determined on a case by case basis. The additional faculty senate members must have completed the WVDE designated or approved interview training prior to assisting the single designee. Failure of the single designee to select additional faculty senate members to assist him or her in rendering a recommendation shall invalidate the designee's recommendation. The single designee shall be responsible for ensuring that the recommendation is delivered to the principal in a timely manner.

For purposes of considering and making hiring recommendations, the following rules shall apply to faculty senates:

- ❖ The principal will notify the chair of the hiring committee or the single designee in writing when the list of candidates meeting the minimum qualifications listed in the job posting for a classroom teaching position is final and will provide the chair of the hiring committee or the single designee with a list of the candidates and relevant application materials. A faculty senate may, but is not required, to adopt a policy permitting the superintendent or his or her designee to narrow the pool of qualified applicants to no fewer than three qualified applicants, unless fewer than three qualified individuals apply, who appear to be the most qualified based on an examination of the factors set forth in W. Va. Code §18A-4-7a(b)(1) through (9). Within 24 hours of such notice, the hiring committee chair or single designee will notify the principal in writing if an interview of candidates is requested. For purposes of this section, electronic mail communications shall satisfy the requirement of providing written notification. Further, for purposes of this section and this policy, interviews shall be permitted to occur in-person or via telephone, teleconference or other virtual means.
- ❖ A faculty senate hiring committee or single designee may consider and make recommendations after reviewing the application materials provided without participation in an interview. All application materials shall be maintained confidentially by all parties and shall not be disclosed or discussed in any manner with individuals who are not part of the hiring/recommendation process for an individual teacher. All application materials shall be returned to the principal by the hiring committee chair or single designee at the time the recommendation is delivered to the principal.
- ❖ If a request for an interview is made, then a faculty senate hiring committee or single designee may consider and make recommendations after participating in interviews of candidates for classroom teaching positions, subject to the following:
  - Prior to participating in interviews or otherwise participating in the recommendation process, a faculty senate member must complete interview training as designated or approved by the West Virginia Department of Education. Once a faculty senate member has completed the designated interview training, additional training shall not be required unless the WVDE or Superintendent determines that additional training shall occur.

- The principal will notify the hiring committee members or single designee in writing of the time and place that the interview will be conducted. For purposes of this section, electronic mail communications shall satisfy the requirement of providing written notification. In determining when and where interviews will occur, consideration shall be given to accommodating the time and travel needs of the applicants and the faculty senate members. Interviews shall be scheduled in such a way that faculty senate members can participate while also minimizing classroom disruption to the greatest extent possible. Whenever possible, interviews shall be conducted at the school where the applicant will spend the majority of his or her instructional time. However, the superintendent or his or her designee shall have the authority to conduct interviews at alternate locations if necessary.
- Interviews of applicants will be conducted jointly with the principal, however, hiring committee members or single designees shall have the authority to deliberate and make their hiring selections separate and apart from the principal.
- In asking questions during an interview, each applicant shall be asked an identical set of initial questions. The questions to be asked may be determined jointly by the principal and the hiring committee or single designee or, in the alternative, the principal and the hiring committee or single designee may prepare questions independently of one another. Provided, that nothing herein shall prohibit the asking of unique follow-up questions to each applicant based on his or her responses to the uniform set of initial questions. The asking of unique follow-up questions to each applicant based on his or her responses to the uniform set of initial questions will not invalidate the recommendation or selection of the applicant by either the superintendent, principal, hiring committee, single designee, or faculty senate chair and shall not be the basis for objection by any prospective employee or any other person so long as those questions do not violate federal or state employment laws.

A hiring committee chair or a single designee must submit a recommendation to the principal within the following timelines:

- ❖ Where no interview is requested by the hiring committee or single designee, three days after receipt of application materials.
- ❖ Where an interview is requested and conducted, within two days of the completion of interviews for a position.
- ❖ The timelines set forth above may be shortened by the superintendent if necessary to comply with the timelines for filling positions set forth in W. Va. Code §18A-4-7a. The timelines may also be shortened to meet other hiring needs of the county school system with the approval of the hiring committee chair or single designee.

Nothing in this policy or in statute requires that any applicant be interviewed prior to being recommended or selected to fill a vacancy and nothing requires that every applicant meeting the minimum qualifications of a posting be interviewed prior to being recommended or selected to fill a vacancy. However, the Superintendent, principal, hiring committee, or single designee, as applicable, shall each have the authority to interview qualified job applicants at their discretion. A faculty senate may, but is not required, to adopt a policy permitting the Superintendent or his or her designee to narrow the pool of qualified applicants to no fewer than three qualified applicants, unless fewer than three qualified individuals apply, who appear to be the most qualified based on an examination of the factors set forth in W. Va. Code §18A-4-7a(b)(1) through (9).

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 or her individual contract shall be compensated based on his or 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 time sheets are accurate before submitting them for payment. In no event shall a teacher be entitled to payment for more than two hours per position.

However, if there are more than four 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.

For purposes of this policy, an itinerant teacher shall be considered to be assigned to the school where he or she spends the majority of his or her instructional time. If an itinerant teacher does not spend the majority of his or her instructional time in any one school the itinerant teacher shall be considered to be assigned to a school as designated by the Superintendent.

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 or herself for this reason, an alternate member may be appointed by the committee chair or the single designee  
**(WVC §18A-4-7a; SBP 5000)**

**(P) P.2.2.3. Interview training for Faculty Senates and Principals**

Prior to participating in an interview or otherwise making any hiring recommendations pursuant to 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 or her individual contract. Compensation for training shall not exceed one hour.

For the 2013-2014 school year only, principals have until September 1 to complete the interview training designated or approved by the WVDE.  
**(WVC §18A-4-7a; SBP 5000)**

**(P) P.2.2.4. Reassignment of Surplus Personnel without Posting Based on Pupil-Teacher Ratio and Class Size Rules**

When actual student enrollment in a grade level or program, unforeseen before March 1 of the preceding school year, permits the assignment of fewer teachers or service personnel to or within a school under any pupil-teacher ratio, class size or caseload standard established in WVC §18-5-18a or any policy of the WVBE, the county 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.

Before any reassignment may occur pursuant to this subsection, written notice shall be provided to the employee via certified mail or hand delivery at least 10 days prior and the employee shall be provided an opportunity to appear before the county board to state the reasons for his or 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 or her objections to the board. The reassignment may be made without following the notice and hearing provisions of WVC §18A-2-7(a) and (b) and may occur at any time during the school year when the conditions in described above are met. However, reassignments may not occur after the last day of the second school month.

A professional employee reassigned under this subsection 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.

A service employee reassigned under this subsection 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 county shall consider each classification and/or multiclassification held by him or her and shall not be limited only to the current program or assignment held by the surplus aide.

No school employee's annual contract term, compensation or benefits shall be changed as a result of a reassignment under this subsection.  
(WVC §18A-4-7a; SBP 5000)

**(P) P.2.2.5. Reassigning Classroom Teachers within a School without Posting**

Notwithstanding any other provision of W. Va. Code to the contrary, upon recommendation of the principal and approval by the classroom teacher, county superintendent, and county 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 WVC §18A-4-7a (m).

For purposes of this section, an itinerant teacher shall be considered to be assigned to the school where he or she spends the majority of his or her instructional time. If an itinerant teacher does not spend the majority of his or her instructional time in any one school the itinerant teacher shall be considered to be assigned to a school as designated by the Superintendent.  
(WVC §18A-4-7a; SBP 5000)

**(P) P.2.2.6. Reserving Vacancies for Individuals Subject to Release**

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 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 W. Va. Code §18A-4-8f or W. Va. 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 or 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.
- ❖ For purposes of this section, an individual will be considered to be qualified for a known vacancy if s/he 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 W. Va. 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.  
**(WVC §18A-4-7a; SBP 5000)**

## Appendix A

The following form shall be completed by the principal and shall be submitted as set forth in section 6.6. of WVBE Policy 5000 and according to timelines as determined by the county superintendent.

### Principal Recommendation:

In accordance with section 6.2 of WVBE Policy 5000, the undersigned certifies that the qualifications of the selected applicants meeting the minimum qualifications/requirements set forth in the job posting for the position of \_\_\_\_\_ have been reviewed.

In determining which of the applicants is the highest qualified for the position, the following factors set forth in sections 6.2.a. through 6.2.i. of WVBE Policy 5000 have been considered:

- 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 level 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 W. Va. 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; and
- i. Other measures or indicators upon which the relative qualifications of the applicant may fairly be judged.

I recognize that no amount of weight is required to be assigned to any factor in making a recommendation and further recognize that a factor may be assigned no weight at all.

Other than this recommendation form, no other matrix or documentation of my recommendation shall be required.

Pursuant to this review as principal or designated representative of the principal of the school at which the applicant will be performing a majority of his or her duties, I hereby recommend \_\_\_\_\_ for the above-referenced position.

Date: \_\_\_\_\_

\_\_\_\_\_  
Principal / Designee

## Appendix B

The following form shall be completed by the faculty senate hiring committee chair or single designee and shall be submitted as set forth in sections 6.6. and 7.2.d. of WVBE Policy 5000.

### **Faculty Senate Recommendation:**

In accordance with section 6.2 of WVBE Policy 5000, the undersigned certify that the qualifications of the selected applicants meeting the minimum qualifications/requirements set forth in the job posting for the position of \_\_\_\_\_ have been reviewed.

In determining which of the applicants is the highest qualified for the position, the following factors set forth in sections 6.2.a. through 6.2.i. of WVBE Policy 5000 have been considered:

- 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 level 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 W. Va. 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; and
- i. Other measures or indicators upon which the relative qualifications of the applicant may fairly be judged.

I/we recognize that no amount of weight is required to be assigned to any factor in making a recommendation and further recognize that a factor may be assigned no weight at all.

Other than this recommendation form, no other matrix or documentation of this recommendation shall be required.

Pursuant to this review, the faculty senate of the school at which the applicant will be performing a majority of his or her duties has recommended \_\_\_\_\_ for the above-referenced position. This recommendation is based on the majority vote of those members participating in the recommendation process or on the recommendation of the single designee.

Date: \_\_\_\_\_

\_\_\_\_\_  
Faculty Senate Hiring Committee Chair or Single Designee

\_\_\_\_\_  
Faculty Senate Representative (if applicable)

\_\_\_\_\_  
Faculty Senate Representative (if applicable)

House Bill 2470 separates the Class title of “Braille or Sign Language Specialist” into two Class titles: Braille Specialist and Sign Support Specialist. It also renames the paraprofessional certificates “Educational Interpreter–Initial” and “Educational Interpreter-Permanent” to “Educational Sign Language Interpreter I and II”, respectively. The educational sign language interpreter II pay grade changes from F to G.

The bill also provides that the cost of certification renewal and satisfying the requirements of the West Virginia Registry of Interpreters is paid in full by the employer. This includes the cost of testing, training or continuing education to advance from sign support specialist to educational sign language interpreter I or II or from educational sign language interpreter I to II.

Senate Bill 359 creates new early childhood classroom assistant positions and requires kindergarten and early childhood aides to transition to one of the three new positions beginning July 1, 2014. It would appear that another new training program for aides will have to be developed and implemented.

File: P.3. Employment of Service Personnel has been amended to meet the requirements of the updated code. The changes have been underlined.

<p><b>PENDLETON COUNTY BOARD OF EDUCATION</b>  <b>P. PERSONNEL – PROFESSIONAL AND SERVICE</b>  <b>File: P.3. Employment of Service Personnel</b></p>	<p><b>Adopted: August 20, 2003</b>  <b>Last Review:</b>  <b>September, 2012</b></p>
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**(P) P.3.4. Commercial Driver’s License; Electrician License for School Personnel and Educational Sign Language Interpreter Certification**

Employees engaged in work related activities that require the driving of a motor vehicle used in commerce to transport at least 16 passengers (including the driver) or property shall be required to hold a commercial driver’s license (CDL) as a condition of employment. The Board shall reimburse the employee for any fees related to obtaining the CDL.

A bus operator shall be disqualified from driving a school bus or any other commercial motor vehicle if convicted of driving a school bus commercial motor vehicle while engaged in texting. A driver is considered to be engaged in texting if s/he is operating a motor vehicle with the engine running, including while temporarily stopped because of traffic, a traffic control device, or other momentary delays. However, a driver is not considered to be operating a motor vehicle when the driver has moved the vehicle to the side of or off a highway and halted in a location where the vehicle can safely remain stationary, regardless of whether the motor is running.

If the Board requires employees who perform electrical work to hold a license, it shall also pay the cost of such license.

The cost of certification renewal and satisfying the requirements of the West Virginia Registry of Interpreters shall be paid in full by the Board for any service person who is:

- ❖ Employed as an educational sign language interpreter I or II and is required to complete any testing, training or continuing education in order to renew or maintain certification at that level;
- ❖ Employed as an educational sign language interpreter I and is required to complete any testing, training or continuing education to advance to an educational sign language interpreter II; or
- ❖ Employed as a sign support specialist and is required to complete any testing, training or continuing education in order to advance to an educational sign language interpreter I or II.

For any service person required to hold certification as a condition of employment, any time devoted to acquiring or maintaining the certification, including instructional time and training, constitutes hours of continuing education for purposes of meeting the annual continuing education requirements in state board policy.  
(WVC §18A-2-4)

**(P) P.3.19. Special Requirements for Kindergarten Aides**

Beginning July 1, 2014, any person previously employed as an aide in a kindergarten program and who is employed in the same capacity on and after that date and any new person employed in that capacity in a kindergarten program on and after that date shall hold the position of either Early Childhood Classroom Assistant Teacher – Temporary Authorization, Early Childhood Classroom Assistant Teacher – Permanent Authorization or Early Classroom Assistant Teacher – Professional Certification.

Any person employed as an aide in a kindergarten program that is eligible for full retirement benefits before July 1, 2020, may remain employed as an aide in that position and may not be required to acquire licensure pursuant to the code.  
(WVC §18-5-18)

In the past, when the Board discharged an employee, it was required to pay that employee his/her wages in full within 72 hours. You now have four business days or the next regular payday, whichever comes first. The amended legislation also caused some minor wording changes for employees who resign. The old wording is crossed out and the new wording is underlined for your convenience.

WVC §18A-4-2a has been amended to allow teachers who have renewed their National Board of Professional Teaching Standards Certificate to receive \$3500 for a 10 year period following the renewal. Language regarding reimbursement of expenses incurred while renewing NBPTS certification.

<p><b>PENDLETON COUNTY BOARD OF EDUCATION</b>  <b>P. PERSONNEL – PROFESSIONAL AND SERVICE</b>  <b>File: P.6. Employee Contracts and Compensation Plans</b></p>	<p><b>Adopted: August 20, 2003</b>  <b>Last Review:</b>  <b>September, 2012</b></p>
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**(P) P.6.6. Employees Separated from Payroll before Paydays**

Whenever the Pendleton County Board of Education discharges an employee, it shall pay the employee's wages in full ~~within seventy-two hours~~ no later than the next regular payday or four business days, whichever comes first. Payment shall be made through the regular pay channels or, if requested by the employee, by mail. For purposes of this section, “business day” means any day other than Saturday, Sunday or any legal holiday as set forth in WVC §2-2-1.

In the event an employee resigns, the Board shall pay the employee's wages in full no later than the next regular payday or four business days, whichever comes first. ~~either Payment shall be made through the regular pay channels or by mail if requested by the employee. except that~~ However, if the employee gives at least one pay period's notice of intention to quit the Board shall pay all wages earned by the employee at the time of quitting.

In the event an employee intends to resign his/her position at the conclusion of the school term, and such employee wishes to submit an early letter of resignations as a courtesy to the Board of Education, s/he shall be instructed to indicate the effective date of the resignation as June 30 of the current year. June 30 shall be recognized as the day of separation and all wages due the employee shall be dispersed as prescribed by law.

If the Board fails to pay an employee wages as required under WVC §21.5-4, it ~~shall~~, in addition to the amount which was unpaid when due, ~~be~~ is liable to the employee for three times that unpaid amount as liquidated damages. Every employee shall have ~~such~~ a lien and all other rights and remedies for the protection and enforcement of ~~such~~ his or her salary or wages, as he or she would have been entitled to had he or she rendered service therefore in the manner as last employed.  
(WVC §21-5-4)

**(P) P.6.7. Salary Bonus for Classroom Teachers with National Board Certification**

Pendleton County teachers who have completed requirements for certification by the National Board for Professional Teaching Standards (NBPTS) shall receive an annual bonus in accordance with the following provisions:

- ❖ Three thousand five hundred dollars (\$3,500) shall be paid annually to each classroom teacher who holds a valid certificate issued by the National Board of Professional Teaching Standards for the life of the certification, but in no event more than ten years for any one certification.

- ❖ Three thousand five hundred dollars (\$3,500) paid annually to each classroom teacher who holds a valid renewal certificate issued by the National Board of Professional Teaching Standards for the life of the renewal certificate, but in no event more than ten years for any one renewal certificate.
- ❖ The payments:
  - Shall be in addition to any amounts prescribed in the applicable state minimum salary schedule;
  - Shall be paid in equal monthly installments; and
  - Shall be considered a part of the state minimum salaries for teachers.

One-half the certification fee shall be paid for reimbursement once to each teacher who enrolls in the program for the National Board for Professional Teaching Standards certification and one-half the certification fee shall be paid for reimbursement once to each teacher who completes the National Board for Professional Teaching Standards certification. Completion shall be defined as the completion of 10 scorable entries, as verified by the National Board for Professional Teaching Standards. Teachers who achieve National Board for Professional Teaching Standards certification may be reimbursed a maximum of six hundred dollars (\$600) for expenses actually incurred while obtaining the National Board for Professional Teaching Standards certification.

~~The state board shall limit the number of teachers who receive the initial reimbursements of the certification fees to 200 annually. The state board shall establish selection criteria for the teachers to receive reimbursement.~~

For renewal certification, each teacher who completes the National Board for Professional Teaching Standards certification renewal process shall be reimbursed for the renewal certification fee. Completion of the certification renewal process means the successful renewal of the ten-year certification as verified by the National Board for Professional Teaching Standards.

Funding for reimbursement of the initial certification fee and expenses actually incurred while obtaining the National Board for Professional Teaching Standards certifications and funding for reimbursement of the renewal certification fee shall be administered by the state department of education from an appropriation established for that purpose by the Legislature. If funds appropriated by the Legislature to accomplish the purposes of this subsection are insufficient, the state department shall prorate the reimbursements for expenses and shall request of the Legislature, at its next regular session, funds sufficient to accomplish the purposes of this subsection, including needed retroactive payments.

Professional personnel may not be paid a salary supplement pursuant to the provisions of both WVC §18A-4-2a and §18A-4-2b. Employees are entitled to only one \$3,500 supplement regardless of the number of Board Certifications.

**(WVC §18A-4-2a)**

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WVC §18A-2-7 has been amended to allow the reassignment of teachers or service personnel to another school or within the same school prior to the last day of the second school month; provided the personnel are not needed in a grade level or program owing to actual pupil-teacher-ratio, class size or caseload.

WVC §18A-4-7a has been amended to automatically consider persons subject to a reduction in force applicants for any vacancies for any positions in which they hold certification and upon the recommendation of the Superintendent, they shall be placed in those positions before other applicants may be considered. These are positions the staff can project to be available in the ensuing school term.

<b>COUNTY BOARD OF EDUCATION</b> <b>P. PERSONNEL – PROFESSIONAL AND SERVICE</b> <b>File: P.8. Employment Actions</b>	<b>Adopted: August 20, 2003</b> <b>Last Review:</b> <b>September, 2012</b>
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### **(P) P.8.1. Assignment, Transfer and Promotion**

All initial assignments and subsequent transfers or promotions of personnel are made upon the recommendation of the Superintendent in cooperation with the Directors and subject to the approval of the Board of Education. In the case of transfers, the following procedures shall be followed:

- ❖ In all cases, the Superintendent on or before **March 1** must notify employees in writing if they are being considered for transfer or are being transferred.
- ❖ Only those employees whose consideration for transfer or intended transfer is based upon known or expected circumstances that will require the transfer may be notified of an impending transfer.
- ❖ Employees so notified may request, in writing, written reasons for the transfer. The statement of reasons shall be delivered to the employee within 10 days of the receipt of the request.
- ❖ Within 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 15**. At the hearing, the reasons for the proposed transfer must be shown.
- ❖ At a meeting on or before **April 15**, the Superintendent must provide the Board with a list of employees to be considered for transfer for the ensuing year. The list shall be included in the minutes of the meeting and all persons included in the list must be notified in writing by certified mail, return receipt requested, within ten days of their having been recommended for transfer and reassignment and the reasons for the action.
- ❖ All other teachers and employees not so listed shall be considered as reassigned to the positions or jobs held at the time of this meeting.

Notwithstanding other provisions of §18A-2-7, when actual student enrollment in a grade level or program, unforeseen before March 1 of the preceding school year, permits the assignment of fewer teachers or service personnel to or within a school under any pupil-teacher ratio, class size or caseload standard established in §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.

- ❖ Before any reassignment may occur pursuant to this subsection of the code, 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 or her objections, if any, prior to the board voting on the reassignment.
- ❖ Except as otherwise provided immediately above, 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.

- ❖ A professional employee reassigned under this subsection 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.
- ❖ 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.
- ❖ No school employee's annual contract term, compensation or benefits shall be changed as a result of a reassignment under this subsection.

Notwithstanding any other provision of this code to the contrary, upon recommendation of the principal and approval by the classroom teacher and county 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.

**(WVC §18A-2-7; §18A-4-7a)**

### **Limitations on Transfers:**

- ❖ If prior to **August 1** the reason for a particular transfer no longer exists as determined by the Board, the Board shall rescind the transfer and shall notify the affected employee in writing of his/her right to be restored to his/her position of employment. Within five days of being so notified, the affected employee shall notify the board of his or her intent to return to his or her former position of employment or the right of restoration to the former position shall terminate.
- ❖ After the **twentieth (20<sup>th</sup>) calendar 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 the position does not have valid certification. Exceptions are as follows:
  - Such person may apply for any posted vacancies, and if successful, may assume the position at the beginning of the next instructional term.
  - Persons on an approved leave of absence may fill these positions upon their return from that leave.
  - The Superintendent may fill a position before the next instructional term if it is in the best interest of students. The Superintendent must notify the state board of such action.
  - This restriction does not apply to the filling of a position vacated because of resignation or retirement that became effective on or before the **twentieth (20<sup>th</sup>) calendar day** prior to the beginning of the instructional term, but not posted until after that date; and
  - 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 (20<sup>th</sup>) calendar day** prior to the beginning of the instructional term should be kept to a minimum.
- ❖ The code permits the principal of an elementary school to reorganize teaching assignments within a school without posting any positions under the following conditions:
  - Instructional need require the realignment of the number of teachers in one or more grade levels;
  - The total number of teaching positions in the school does not change from one year to the next; and
  - The Board and the employee mutually agree to the reassignment.
- ❖ An aide may transfer to another position of employment one time only during any one half of a school term, unless otherwise mutually agreed upon by the aide and the Superintendent, subject to Board approval. During the first year of employment as an aide, an aide may not transfer to another position

of employment during the first one-half school term of employment unless mutually agreed upon by the aide and the Superintendent, subject to county board approval.

❖ **Autism Mentors, Aides, Paraprofessionals and Interpreters:**

After the fifth day prior to the beginning of the instructional term service personnel who are employed and assigned as an autism mentor or aide who works with students with autism, or as a paraprofessional, interpreter or aide who works with a student with an exceptionality whose IEP requires one-on-one services may not transfer to another position in the county during that instructional term, unless s/he does not have valid certification for the position currently held.

However, the autism aide, autism mentor or paraprofessional or interpreter or aide may apply for any posted vacant position and, if successful, assume the position at the beginning of the next instructional term. With the Superintendent's recommendation, the Board may allow the successful applicant to fill the position before the end of the instructional term, but only if it is determined to be in the best interest of the students. The Superintendent must notify the State Board of Education when such an exception is made.

It is understood that in the interest of school organization and student benefit, the principal may recommend a change in a teaching assignment so long as such change does not remove a teacher from his/her certification fields. Changes in teacher subject and/or grade level assignments shall be made only after conferring with the affected personnel.

**(WVC §18A-2-7; §18A-4-7a and §18A-5-8)**

**(P) P.8.2. Reduction in Force Professional Personnel**

Reductions in the professional work force may be conducted in the event of a lack of funding, a lack of need, declining enrollments, the elimination of programs, the closing of schools, the consolidation of schools, or other factors beyond the control of the Board. Employees shall be terminated on the basis of their certification and seniority, provided that such employees shall be properly released according to West Virginia Code and employed in any other professional position where they had previously been employed or to any lateral area for which they are certified, licensed or both if their seniority is greater than the seniority of any other employee in that area of certification, licensure or both.

If an employee subject to release holds certification, licensure or both in more than one lateral area and if his/her seniority is greater than the seniority of any other employee in one or more of those areas of certification, licensure or both, s/he shall be employed in the professional position held by the employee with the least seniority in any of those areas of certification, licensure or both. Additionally, any employee who holds a temporary permit in a certification area that is being reduced shall be laid off before any person who is fully certified regardless of their relative seniority.

Prior to **March 1** of the current year, affected professional employees shall receive written notice by certified mail, return receipt requested, advising them that the Superintendent intends to ask the Board on or before **March 1** to terminate their contract at the close of the school year for lack of need. However, written notification of teachers being considered for dismissal for lack of need shall be limited to only those teachers whose consideration for dismissal is based upon known or expected circumstances that require the action. The cause or causes for the termination shall be included in the notification letter. All employees who have received notice of the pending reduction in force have the right to request a hearing before the Board prior to the Board taking final action to complete the termination process.

If, prior to **August 1**, the reason for the reduction in force of any employee no longer exists, as determined by the Board, the Board shall rescind the reduction in force and restore the released employee to his/her former position of employment. Within five days of being so notified, the affected employee shall notify the board of his or her intent to return to his or her former position of employment or the right of restoration to the former position shall terminate. Notwithstanding any other provisions of

WVC §18A-4-7a, if there is another employee on the preferred recall list with proper certification and greater seniority, that person shall be placed in the position restored as a result of the reduction in force being rescinded.

Notwithstanding any provision of this 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 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.

When a reduction in force becomes necessary, tenured professional employees shall be released from employment in the following manner:

- ❖ Teachers working on a permit shall be the first to be released.
- ❖ Teachers with the least seniority in a certification area shall be properly notified and released according to provisions of the code.
- ❖ Teachers holding more than one certification may move to another certification area if their seniority is sufficient to do so. (Lateral movement)
- ❖ Employees subject to a RIF must be notified prior to **March 1**, they must be given reasons for the action, and they must be afforded the opportunity of a hearing if so desired.
- ❖ The full membership of the Board must act upon all Reductions in Force on or before **March 1**.
- ❖ Those professional staff employees reduced in force shall have their seniority frozen and shall be placed on a preferred recall list.

Reductions in classroom teaching positions in elementary schools shall be processed as follows:

- ❖ When the total number of teachers in the school is to be reduced the reduction shall be made on the basis of seniority with the least senior teacher being recommended for transfer or released;
- ❖ If a specific grade level must be reduced and the least senior teacher is not in that grade level, the least senior classroom teacher in the grade level that needs to be reduced shall be reassigned to the vacancy created within the school by transferring or releasing the least senior teacher out provided he/she holds the required certification, license or both and agrees to the reassignment.  
(WVC §18A-2-2 and §18A-4-7a)

House Bill 3157 repealed §18A-3-2b which was the foundation for (P) P.10.2. Beginning Teacher Internship Program. State Board policy still requires new teacher internship, but the funding for mentors in the code is no longer available. New legislation requires the State Board to draft new policies for Professional Development, but we do not have them yet. This topic will have to be revisited when we get additional information.

Senate Bill 369 repealed a section of the code which requires the deletion of the last paragraph in (P) P.10.4. Training Through the Principals' Academy.

<b>PENDLETON COUNTY BOARD OF EDUCATION</b> <b>P. PERSONNEL – PROFESSIONAL AND SERVICE</b> <b>File: P.10. Orientation of Personnel</b>	<b>Adopted: August 20, 2003</b> <b>Last Review:</b> <b>September, 2012</b>
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~~(P) P.10.2. Beginning Teacher Internship Program~~

~~The Pendleton County Board of Education acknowledges that beginning teachers often experience difficulty and frustration in making the transition from education students to the professional teaching level. The Board realizes that new teachers need the understanding, support, and influence of those most closely associated with the new teacher. Central Office Staff, principals, and other colleagues need to become involved in the transition process to help insure the continued growth of the new teacher. One process to provide this needed assistance is a mentorship program.~~

~~The mentor should be a seasoned educator showing evidence of pedagogical competence, interpersonal skills, support of the system, and support of the school. The relationship between mentor and new teacher should be one of experiencing and learning. The experience should enable the new teacher to gain knowledge, skills, support, and inspiration leading to increased productivity, more effective instruction, and reduced turnover.~~

~~Therefore, in accordance with State Board Policy 5900 the Pendleton County Board of Education has established the following guidelines for a beginning teacher's program:~~

- ~~❖ A professional support team shall be established at each school that has a beginning teacher. This team shall be comprised of the school principal, a member of the county professional staff development council, when possible, and an experienced classroom teacher at the school who teaches the same or similar subject and grade level as the beginning teacher, when possible, and who shall serve as a mentor for the beginning teacher;~~
- ~~❖ The county staff shall conduct an orientation program for the new teacher prior to the beginning of the instructional term, but within the employment term, supervised by the mentor teacher;~~
- ~~❖ When possible, schools shall schedule joint planning times for the new teacher and mentor;~~
- ~~❖ When possible, the mentor shall observe the new teacher's classroom teaching skills for at least one hour per week during the first half of the school year. Observation time may be reduced at the discretion of the mentor to one hour every two weeks during the second half of the school year;~~
- ~~❖ Weekly meetings between the mentor and the new teacher shall occur at which the mentor and the new teacher discuss the performance of the beginning teacher and any needed improvements. These meetings may be reduced to biweekly meetings during the second half of the school year at the discretion of the mentor;~~
- ~~❖ Monthly meetings of the professional support team shall occur to discuss any concerns of the beginning teacher;~~
- ~~❖ Professional development programs for both the mentor and the beginning teacher that shall be provided by the Center for Professional development during the first half of the school year.~~

- ~~❖ The mentor shall be released from regular duties, as agreed to by the principal and the mentor in order to implement the mentor-teacher relationship and the mentor shall receive a stipend of \$600 for performance of these duties;~~
- ~~❖ Using a form developed by the State Board of Education, the principal shall complete a final evaluation of the performance of the beginning teacher. The final evaluation form shall be submitted to the County School Superintendent and shall include one of the following recommendations:~~
  - ~~➤ Full professional status: A recommendation of full professional status indicates that the beginning teacher has successfully completed the internship program and in the judgment of the principal has demonstrated competence as a professional educator;~~
  - ~~➤ Continuing internship status: A recommendation of continuing internship status indicates that in the judgment of the principal the beginning teacher requires further supervision and further employment in the district should be conditioned upon successful completion of an additional year under a beginning teacher internship program; or~~
  - ~~➤ Discontinue employment: A recommendation to discontinue employment indicates that in the judgment of the principal the beginning teacher has completed two years of employment under supervision in a beginning teacher internship program, has not demonstrated competence as a professional educator and will not benefit from further supervised employment in the district.~~

~~The provisions of these procedures do not operate to guarantee contract renewal or employment of any teacher by the Pendleton County Board of Education. These procedures apply to all persons to whom a professional teaching certificate is awarded after the first day of January 1992, except such person who was awarded a professional teaching certificate on the basis of at least five years of teaching experience in another state.~~

~~(WVC §18A-2-8a; §18A-3-2b and SBP 5900)~~

#### **(P) P.10.4. Training Through the Principals' Academy**

Beginning on July 1, 2002, every principal shall complete training and professional development through the principals' academy as provided in §18A-3-2c. Participation shall be in accordance with the following guidelines:

- ❖ Persons assigned as principals for the first time in a West Virginia school shall complete specialized training and professional development for newly appointed principals through an academy within twelve months following assignment.
- ❖ Principals of schools that have been designated as seriously impaired shall complete specialized training and professional development through an academy specifically designed to assist them to improve school performance as soon as practicable following receipt of the designation.
- ❖ Principals who are subject to an improvement plan shall complete specialized training and professional development through an academy specifically designed for principals subject to an improvement plan. The specialized training and professional development shall be completed within twelve months from the date that the principal is first subject to the improvement plan.
- ❖ All principals who transfer to a school with a significantly different grade configuration shall complete specialized training and professional development through an academy for principals in schools with the grade configuration to which they are transferred within twelve months following the transfer.
- ❖ All school principals shall complete training and professional development through the academy designed to build the qualities, proficiencies and skills required of all principals as determined by the state board.

The requirement that principals complete training and professional development through the academy shall be subject to the availability of funds for the principals' academy from legislative appropriation or from other sources. However, effective July 1, 2002 and thereafter, the principals' academy shall make every effort to ensure that all principals shall receive training and professional development through the academy at least once every six years.

Principals cannot be required to complete Principal Academy training and professional development before September 15 and after June 1 of the school year.

~~A professional educator may not be required to attend the principals' academy or any other program offered through the Center for Professional Development outside his/her employment term. A professional employee may attend the academy or other program outside his/her employment term by mutual agreement between the Center, the educator, and Board. (WVC §18A-3-2c and §18A-3A-6).~~

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SB 359 tweaked §18A-4-7a in regards to seniority for substitutes and persons who work 133 days in one school term and the manner in which guidance counselors and other non-teaching personnel obtain seniority. Nothing earth shaking here.

<b>PENDLETON COUNTY BOARD OF EDUCATION</b> <b>P. PERSONNEL – PROFESSIONAL AND SERVICE</b> <b>File: P.11. Seniority Rights of County Employees</b>	<b>Adopted: August 20, 2003</b> <b>Last Review:</b> <b>September, 2012</b>
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The Pendleton County Board of Education shall make decisions affecting promotion, reduction, and recall of all personnel on the basis of seniority, qualifications and evaluation of past service. County employees may accrue employment seniority in the manner prescribed by state law as described in the procedures that follow.

**(P) P.11.1. Professional Personnel Seniority Rights**

With the exception of guidance counselors, the seniority of classroom teachers, as defined in WVC §18A-1-1, shall be determined on the basis of the length of time the employee has been employed as a regular full-time certified and/or licensed professional educator by the Pendleton County Board of Education and shall be granted in all areas that the employee is certified, licensed or both.

The Board shall compile and update annually, by July 1, a list of all professional personnel employed by the county, their areas of certification, and their seniority. Said list will be available by electronic or other means as deemed appropriate by the Board.

**The Manner in Which Professional Personnel Seniority is Calculated:**

- ❖ Seniority begins to accrue upon commencement of the employee’s duties.
- ❖ An employee shall accrue seniority for each day employed regardless of whether the employee receives pay for the day except that no employee shall receive credit for any day he/she is suspended without pay. Employees shall accrue seniority during the time they are on an approved leave of absence.
- ❖ Employment for a full term shall equal one year of seniority, but no employee may accrue more than one year of seniority during any given fiscal year. Employment for less than the full employment term shall be prorated.
- ~~❖ Counselors, administrators, and other professional employees shall accrue seniority only for those years they serve in the specialty area.~~
- ❖ Guidance counselors and all other professional employees, as defined in §18A-1-1, except classroom teachers, shall gain seniority in their nonteaching area of professional employment on the basis of the length of time the employee has been employed by the county board of education in that area: *Provided*, That if an employee is certified as a classroom teacher, the employee accrues classroom teaching seniority for the time that that employee is employed in another professional area. For the purposes of accruing seniority under this paragraph, employment as principal, supervisor or central office administrator, as defined §18A-1-1, shall be considered one area of employment.
- ~~❖ Employees certified as a classroom teacher shall also accrue classroom teaching seniority for the time they are employed in a specialty area.~~
- ❖ Persons employed for a full employment term but in a part-time position shall have their seniority prorated to the proportion of a full employment day the employee is required to work.
- ❖ The West Virginia Code requires that a full-time regular professional employee who serves in a part-time position (part day) which spans three and one-half or more hours per day shall be credited with a full day of seniority for each day employed by the Board.

- ❖ Professional employees whose employment has been terminated through reduction in force and have been placed on the preferred recall list shall retain all accumulated seniority for the purpose of seeking reemployment with Pendleton County.
- ❖ A professional employee whose employment is terminated through a reduction in force or voluntarily shall, upon reemployment with the Pendleton County Board in a full-time position, receive credit for all seniority previously accrued at the time the employment was terminated.  
(WVC §18A-4-7b)

**Professional Personnel Substitute Seniority:  
Seniority for 133 Days of Employment:**

~~Substitute professional personnel who work 133 days or more in an instructional term may earn seniority for employment purposes only. Seniority earned as a substitute may not be carried over to employment as a regular, full-time professional employee and all newly appointed professional employees begin with zero seniority.~~

Upon completion of 133 days of employment in any one 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.

One hundred thirty-three days or more of said employment shall be prorated and shall vest as a fraction of the school year worked by the permanent, full-time teacher.  
(WVC §18A-4-7a)

**Professional Employees Holding Identical Seniority:**

In the event of a reduction in force, a random selection system established by the employees and approved by the Board shall be used to determine the priority if two or more employees accumulate identical seniority. The order of priority established by this process shall be recognized for that personnel action season only. Identical seniority issues must be resolved on an annual basis when employment priority is in question.

When two or more principals have accumulated identical seniority, decisions on reductions in force shall be based on qualifications.  
(WVC §18A-4-7b)

[Home](#)

New legislation gives faculty senates a louder voice in the interview process when employing teachers if they so desire. Your policy has been updated to conform to state code and the new SBP 5000 -Procedures for Designated Hiring and Transfer of School Personnel.

The manner which faculty senate meetings are to be scheduled has also been changed.

Teacher planning period time has also been changed.

<b>PENDLETON COUNTY BOARD OF EDUCATION</b> <b>P. PERSONNEL – PROFESSIONAL AND SERVICE</b> <b>File: P.17. Working Conditions</b>	<b>Adopted: August 20, 2003</b> <b>Last Review:</b> <b>September, 2012</b>
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**(P) P.17.3. Employee Duty Free Planning Period and Lunch Hour**

Every school employee (professional and service) employed more than one-half time shall be provided a daily lunch break of not less than 30 consecutive minutes. No employee shall be assigned any responsibilities or duties during this recess.

Every teacher who is employed for a period of time more than one-half the class periods of the regular school day shall also be provided at least one planning period within each instructional day to be used to complete necessary preparation for the instruction of students. ~~Such planning period shall be the length of the usual class period in the school to which the teacher is assigned, and shall not be less than 30 minutes.~~ No teacher shall may be assigned any responsibilities during this period. ~~Substitute teachers who teaches two or more consecutive days in the same position shall, from the second day forward receive the same planning period as that received by the regular teacher s/he is replacing.~~

The duration of the planning period shall be in accordance with the following:

- ❖ For grades where the majority of the student instruction is delivered by only one teacher, the planning period shall be no less than 40 minutes; and
- ❖ For grades where students take separate courses during at least four separate periods of instruction, most usually delivered by different teachers for each subject, the planning period shall be the length of the usual class period taught by the teacher, but no less than 40 minutes. Principals, and assistant principals, where applicable, shall cooperate in carrying out the provisions of this policy, including, but not limited to, assuming control of the class period or supervision of students during the time the teacher is engaged in the planning period. Substitute teachers may also be utilized to assist with classroom responsibilities under this policy: *Provided*, That any substitute teacher who is employed to teach a minimum of two consecutive days in the same position shall be granted a planning period pursuant to this section.

A teacher may exchange the right to a duty free lunch or planning period for compensation or benefit mutually agreed upon by the teacher and the building principal. The parties may not agree to terms that are different from those available to any other teacher within the individual school or which discriminate among teachers within the individual school. Likewise, service personnel may exchange their lunch recess for any compensation or benefit mutually agreed to by the employee and the Superintendent.

**(WVC §18A-4-14)**

**(P) P.17.5. The Faculty Senate**

The intent of the statute that created faculty senates across West Virginia was to facilitate and encourage the involvement of the school community in the operation of the local schools. When it

functions as intended, the local faculty senate can improve the educational quality that children and students receive at the school in which they are enrolled. The Board encourages faculty senates to professionally pursue local initiatives to improve school performance. However, it is not the intent of the statute, or these procedures to restrict the ability of the Board in its efforts to effect countywide school improvement.

Each faculty senate with approval of the principal may, in addition to or as an alternative to the school curriculum team, establish a process for teacher collaboration to improve instruction and learning. The mission of the collaboration process is to review student academic performance based on multiple measures, to identify strategies to improve student performance and make recommendations for improvement to be implemented subject to approval of the principal. The collaborative process shall include such members as determined necessary by the faculty senate to address the needed improvements in the academic performance of students at the school and, if applicable, may consist of multiple subject area subcommittees which may meet independently.

Please refer to *(P) F.11.1. Allocation of Faculty Senate Funds* for information related to the fiscal responsibilities of the faculty senate.

### **Membership:**

- ❖ Every school shall have a faculty senate comprised of all permanent, full-time professional educators employed at the school.
- ❖ Professional educator means teachers, principals, librarians, and any other person regularly employed for instructional purposes.
- ❖ All members of the senate may vote.

### **Organization**

- ❖ Elected officers:
  - Chair;
  - Vice-Chair - "Shall Preside at meetings when the Chair is absent;" and
  - Secretary.
- ❖ The Chair of the Faculty Senate may appoint such committee as may be desirable to study and submit recommendations to the full Faculty Senate, but the acts of the Faculty Senate shall be voted upon by the full body.
- ❖ The Faculty Senate may adopt bylaws.
- ❖ Each Faculty Senate shall organize its activities as it deems most effective and efficient based on school size, departmental structure, and other relevant factors.

### **Duties and Responsibilities:**

- ❖ The faculty senate shall control all funds allocated to the senate pursuant to §18-9A-9, except the \$100 allocated to each classroom teachers, counselors, librarians, and school nurses with a bachelor's degree and who are licensed by the West Virginia Board of Examiners for Registered Professional Nurses. The unused balance of the \$100 per teacher shall revert to the senate. These monies must be expended for academic materials, supplies, equipment, or for programs and materials that in the opinion of the teacher enhance student behavior, academic achievement, improve self-esteem or address problems of students at risk. These categories shall be interpreted broadly, but shall not include anything to be used in interscholastic athletic events or connected with such activities. A budget for spending these monies must be approved by the senate. Accounts shall be maintained for audit purposes. See *File: F.11. Faculty Senate Funds* for additional information.
- ❖ ~~The senate may establish a process for faculty members to interview prospective professional and paraprofessional employees at the school. The principal shall chair the process and he/she may make independent recommendations to the Superintendent.~~

- ❖ The faculty senate 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. See *File: (P) P.2.3. Faculty Senate Teacher Recommendation Process*
- ❖ The senate may nominate persons for recognition programs.
- ❖ The senate may make recommendations to the principal concerning the assignment and scheduling of service personnel.
- ❖ The senate may make recommendations to the principal concerning the master schedule.
- ❖ The senate may set a process for review and comment on sabbatical leave requests pursuant to §18-2-11. (Such leave is at local board option. Pendleton County does not provide for sabbatical leave.)
- ❖ The senate must elect three members to the school improvement council.
- ❖ The senate may nominate a candidate for the county staff development council.
- ❖ The senate may make recommendations on the selection of faculty members to serve as mentors for beginning teachers.
- ❖ The senate may solicit, accept, and expend any grants, gifts, bequests, donations or other funds made available, and it must select a member to keep a record of all funds received and expended. This record must be kept in the school office. It shall be subject to audit.
- ❖ The senate may review the evaluation procedures followed in the school. If a majority of the senate determines that procedures are improper, they shall submit a report to the State Board. The senate has no new right to obtain or to review any individual's evaluations.
- ❖ Each faculty senate shall develop a strategic plan to manage the integration of special needs students into the regular classroom at their respective schools. The strategic plans shall be submitted to the Superintendent by June 30, 1995, and periodically thereafter pursuant to guidelines developed by the State Department of Education. Each faculty senate shall encourage the participation of local school improvement councils, parents and the community at large in the development of the strategic plan for each school. Each strategic plan developed by the faculty senate shall include at least: A) A mission statement; B) goals; C) needs; D) objectives and activities to implement plans relating to each goal; E) work in progress to implement the strategic plan; F) guidelines for the placement of additional staff into integrated classrooms to meet the needs of exceptional needs students without diminishing the services rendered to the other students in integrated classrooms; G) guidelines for implementation of collaborative planning and instruction; and H) training for all regular classroom teachers who serve students with exceptional needs in integrated classrooms.

### **Meetings:**

- ❖ Prior to the beginning of the instructional term, but during the employment term, the principal must convene a meeting of the senate to elect a chair, vice chair, and secretary and discuss matters relevant to the beginning of the school year.
  - ~~❖ The senate must be provided a two hour block of time on each instructional support and enhancement day pursuant to the provisions of §18-5-45 for the purpose of conducting faculty senate business.~~
  - ❖ ~~A faculty senate may meet for an unlimited block of time per month during non instructional days to discuss and plan strategies to improve student instruction and to conduct other faculty senate business~~  
The Board shall provide to each faculty senate a two-hour block of time for a faculty senate meeting on a day scheduled for the opening of school prior to the beginning of the instructional term, and at least four additional two-hour blocks of time during non-instructional days, with each two-hour block of time scheduled once at least every 45 instructional days. A faculty senate may meet for an unlimited block of time during non-instructional days to discuss and plan strategies to improve student instruction and to conduct other faculty senate business.
- A faculty senate meeting scheduled on a non-instructional day shall be considered as part of the purpose for which the non-instructional day is scheduled. This time may be utilized and determined at the local school level and includes, but is not limited to, faculty senate meetings.
- ❖ More than half of the members of the senate must be present at any meeting at which official business is transacted.

- ❖ Emergency meetings may be held during non-instructional time at the call of the chair or a majority of the members.
- ❖ Agendas must be available at least two employment days ahead, or as soon as possible in the case of emergency meetings.
- ❖ The chair may appoint committees as may be needed to study and submit recommendations. However, only the senate itself may take official action.
- ❖ ~~Accrued instructional time may not be used to lengthen the time provided in law for faculty senates.~~  
(WVC §18-5A-5, §18-1-1, §18-9A-2, and §18-9A-9)

### **Open Governmental Meetings Requirements:**

- ❖ A June 7, 2001 opinion issued by the West Virginia Ethics Commission has declared that the Faculty Senate is a public agency and is subject to the provisions of the Open Meetings Act when it is exercising executive or legislative power in taking official public action on behalf of the school. Instances where the Faculty Senate would be exercising executive power include the following:
  - Creating and adopting a budget
  - Allocating funds received through a grant
  - Authorizing the expenditure of funds for academic supplies, materials and equipment (this would not apply to the \$50 per person which is allocated for expenditure by individual educators)
  - Adopting specific policies such as the plans for integrating special needs students in the regular classroom
- ❖ Each Faculty Senate must adopt a policy for giving notice to the public that includes the date, time, place and agenda of all meetings that deal with the above issues. Such notice shall be given two days prior to the meeting and shall be made available to the public through the news media and postings at the school site.
- ❖ Each Faculty Senate must also provide for the preparation of written minutes of all of its meetings that shall be available to the public within a reasonable time after each meeting and shall include at least the following information:
  - The date, time and place of the meeting
  - The name of each member of the governing body present and absent
  - All motions, proposals, resolutions, orders, ordinances and measures proposed, the name of the person proposing the same and their disposition
  - The results of all votes

**(West Virginia Ethics Commission Advisory Opinion No. 2001-09)**

[Home](#)

For some reason the Legislature increased the penalties for assault and battery on athletic officials and assuming that the logic was that in today's society there has been an increase in the number of such events. I thought perhaps you might want to have this new policy in your manual which lets everyone know what the expectations are and the consequences that could follow bad behavior at sporting events.

<b>PENDLETON COUNTY BOARD OF EDUCATION</b> <b>R. RELATIONS WITH THE COMMUNITY</b> <b>File: R.7. Visitors to the School</b>	<b>Adopted: August 20, 2003</b> <b>Last Review:</b> <b>September, 2012</b>
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**(P) R.7.6. Respect for Athletic Officials**

It is the expectation of Pendleton County School officials that all community members and outside guests who attend athletic events in Pendleton County will conduct themselves in a responsible manner and exhibit good sportsmanship at all times. It is especially important that athletic officials are accorded the respect due their professional skills.

Improper behavior toward athletic officials will not be tolerated and will be addressed by school officials according to county policies. Such behavior could also lead to the following legal consequences:

- ❖ If any person commits an assault as defined in the code, to the person of an athletic official during the time the official is acting as an athletic official, the offender is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than \$500, or confined in jail not more than six months, or both fined and confined.
- ❖ If any person commits a battery, as defined in the code, against an athletic official during the time the official is acting as an athletic official, the offender is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than \$1,000, or confined in jail not more than 12 months, or both fined and confined.
- ❖ For the purpose of this section, "athletic official" means a person at a sports event who enforces the rules of that event, such as an umpire or referee, or a person who supervises the participants, such as a coach.

**(WVC §61-2-15a)**

**HB 2764 is only significant in that it grants Assistant Attendance Directors the same authority as Attendance Directors to perform the arduous task of keeping up with truants and their parents and other at-risk-students in the county. Note the strike throughs and underlined wording in File S.6.**

**File: S.6.23. is a new policy which allows you to cooperate with the circuit court’s probation office as a means to improve the supervision of truant juveniles. WVC §18-8-6a is intended to be an incentive for county boards to work with the court system. I am not necessarily recommending this option to you because it involves additional expenses for you at a time when money is tight for many school systems. If you already have a pretty good system for dealing with truancy through the court system, you may not want to engage in this program.**

**Also, juvenile status offenders who are habitual truants may be held under circuit court jurisdiction until the age of 21 or high school completion or GED or release by the court. File: S.6.24. is new to you.**

<p><b>PENDLETON COUNTY BOARD OF EDUCATION</b></p> <p><b>S. STUDENTS</b></p> <p><b>File: S.6. Attendance Policy</b></p>	<p><b>Adopted: August 20, 2003</b></p> <p><b>Last Review:</b></p> <p><b>September, 2012</b></p>
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**(P) S.6.4. Attendance Director Responsibilities**

The County Attendance Director and his/her assistants shall diligently promote regular school attendance by performing the following tasks:

- ❖ All attendance directors and assistants hired for more than two-hundred days (200) may be assigned other duties determined by the superintendent during the period in excess of two-hundred (200) days. The county attendance director and assistants ~~is~~ are responsible under direction of the county superintendent for efficiently administering school attendance in the county.
- ❖ In addition to those duties directly relating to the administration of attendance, the county attendance director and assistant director also shall perform the following duties:
  - Assist in directing the taking of the school census to see that it is taken at the time and in the manner provided by law;
  - Confer with principals and teachers on the comparison of school census and enrollment for the detection of possible non-enrollees;
  - Cooperate with existing state and federal agencies charged with enforcing child labor laws;
  - Promote attendance in the county by compiling data for schools and by furnishing suggestions and recommendations for publication through school bulletins and the press, or in such manner as the county superintendent may direct;
  - Participate in school teachers’ conferences with parents and students;
  - Assist in such other ways as the county superintendent may direct for improving school attendance; and
  - Make home visits of students who have excessive unexcused absences, as provided above, or if requested by the chief administrator, principal, or assistant principal.
- ❖ The County Attendance Director and Assistant Directors, in the performance of ~~his or her~~ their duties, ~~has~~ have authority to take without warrant any student absent from school in violation of the provisions of the code and to place such student in the school in which such student he or she is or should be enrolled.
- ❖ S/he shall ascertain reasons for absences from school of students of compulsory school age and students who remain enrolled beyond the compulsory school age birthday.

- ❖ In the case of five total unexcused absences of a child during a school year, the attendance director or his/her assistant shall serve written notice to the parent, guardian, or custodian of such child that the attendance of such child at school is required and that within ten days of receipt of the notice the parent, guardian, or custodian, accompanied by the child, shall report in person to the school the child attends for a conference with the principal or other designated representative of the school in order to discuss and correct the circumstances causing the unexcused absences of the child.
- ❖ If the parent, guardian, or custodian does not comply, then the Attendance Director or assistant shall make complaint against the parent, guardian, or custodian before a magistrate of the county.
- ❖ More than one parent, guardian, or custodian may be charged in a complaint.
- ❖ The initial service of a summons or warrant issued pursuant to the provisions of §18-8-4 shall be attempted within ten calendar days of receipt of the summons or warrant and subsequent attempts at service shall continue until the summons or warrant is executed or until the end of the school term during which the complaint is made, whichever is later.
- ❖ When any doubt exists as to the age of a student absent from school, the Attendance Director and assistants have authority to require a properly attested birth certificate or an affidavit from the parent, guardian, or custodian of the student, stating age of the student. In the performance of his or her duties, the county attendance director has authority to take without warrant any student absent from school in violation of the provisions of this article and to place the student in the school in which he or she is or should be enrolled.
- ❖ The Director is responsible for reporting all school dropouts each month to the WV Department of Education and to the WV Department of Motor Vehicles, when applicable.
- ❖ The Director is responsible to make a monthly attendance report to the Superintendent of Schools and the Board showing the activities of the school attendance office and the status of attendance in the county at the time due to provisions in W. Va. Code §18-8-4.
- ❖ The Director shall provide each school principal with a current copy of the state regulations as outlined in the compulsory attendance law and driver's license revocation law.
- ❖ Serve on the county's Dropout Prevention Committee comprised of principals, teacher/counselors, parents and community leaders.
- ❖ Develop a countywide good attendance recognition program.
- ❖ Support and require the school principal to implement and execute the duties as defined in WVC18-8-5:
- ❖ Conduct an annual attendance evaluation to determine the effectiveness of this policy.
- ❖ Perform other duties as may be required.  
(WVC §18-8-3; §18-8-4 and §18-8-5)

**(P) S.6.23. Participation in Circuit Court Juvenile Probation Truancy Program**

The Board may enter into a truancy program agreement with the circuit court of the county that provides for the referral of truant juveniles for supervision by the court's probation office pursuant to WVC §49-5-11. If the program requires the county board to pay for the costs of the probation officer or officers assigned to supervise truant juveniles, it shall be reimbursed for one-half of the costs of the probation officer or officers, subject to appropriation of the Legislature for this purpose. For any year in which the funds appropriated are insufficient to cover the reimbursement costs, the county's cost shall be pro rata.

**(WVC §18-8-6a)**

**(P) S.6.24. Juvenile Status Offender who is a Habitual Truant**

If a juvenile is adjudicated as a status offender because he or she is habitually absent from school without good cause, the jurisdiction of the court which adjudged the juvenile a status offender continues until either the juvenile becomes twenty-one years of age, completes high school, completes a high school equivalent or other education plan approved by the court, or the court otherwise voluntarily relinquishes jurisdiction, whichever occurs first. If the jurisdiction of the court is extended pursuant to this subdivision, the court has the same power over that person that it had before he or she became an adult: Provided, That no person so adjudicated who has attained the age of nineteen may be ordered to attend school in a regular, nonalternative setting.  
(WVC §49-5-2)

**H.B. 2729 opens the door for schools to voluntarily maintain, use and stock epinephrine auto-injectors for students and staff that have not been diagnosed with severe allergic reactions (anaphylactic shock) to allergens. At this time, the policy I have drafted only speaks to the requirements set forth in the law. The state board will be issuing rules which will, no doubt, affect the final draft of your county policy.**

<b>PENDLETON COUNTY BOARD OF EDUCATION</b>	<b>Adopted: August 20, 2003</b>
<b>S. STUDENTS</b>	<b>Last Reviewed:</b>
<b>File: S.13. Health Services</b>	<b>September, 2012</b>

**(P) S.13.1.4. Voluntary Use of Epinephrine Auto-Injectors**

The Pendleton Count Schools may possess and maintain at the school level a supply of epinephrine auto-injectors for use in emergency medical care or treatment for an anaphylactic reaction. A prior diagnosis for a student or school personnel requiring the use of epinephrine auto-injectors is not necessary to permit the school to stock epinephrine auto-injectors. Epinephrine auto-injectors shall be maintained by the school in a secure location which is only accessible by medical personnel and authorized nonmedical personnel and not by students.

An allopathic physician licensed to practice pursuant to the provisions of WVC §30-3 or an osteopathic physician licensed to practice pursuant to the provisions of WVC §30-14 of the code may prescribe within the course of his or her professional practice standing orders and protocols for use when necessary by a school which wishes to maintain epinephrine auto-injector pursuant to the provisions of WVC §18-5-22c.

A school nurse, as set forth in the code, is authorized to administer an epinephrine auto-injector to a student or school personnel during regular school hours or at a school function when the school nurse medically believes the individual is experiencing an anaphylactic reaction. A school nurse may use the school supply of epinephrine auto-injectors for a student or school personnel who are authorized to self-administer that meet the requirements of a prescription on file with the school.

Nonmedical school personnel who have been trained in the administration of an epinephrine auto-injector and who have been designated and authorized by the school to administer the epinephrine auto-injector are authorized to administer an epinephrine auto-injector to a student or school personnel during regular school hours or at a school function when the authorized and designated nonmedical school personnel reasonably believes, based upon their training, that the individual is experiencing an anaphylactic reaction. Nonmedical school personnel may use the school supply of epinephrine auto-injectors for a student or school personnel authorized to self-administer that meet the requirements of a prescription on file with the school.

Prior notice to the parents of a student of the administration of the epinephrine auto-injector is not required. Immediately following the administration of the epinephrine auto-injector, the school shall provide notice to the parent of a student who received an auto-injection.

A school nurse or trained and authorized nonmedical school personnel who administer epinephrine auto-injection to a student or to school personnel as provided in this policy is immune from liability for any civil action arising out of an act or omission resulting from the administration of the epinephrine auto-injection unless the act or omission was the result of the school nurse or trained and authorized nonmedical school personnel's gross negligence or willful misconduct.

The Board may participate in free or discounted drug programs from pharmaceutical manufacturers to provide epinephrine auto-injectors to county schools if it chooses to stock auto-injectors.

The Board is required to collect and compile aggregate data on incidents of anaphylactic reactions resulting in the administration of school maintained epinephrine auto-injectors in their county during a school year and forward the data to State Superintendent of Schools.

In addition to the foregoing, the Pendleton County Board of Education shall implement any additional regulations promulgated by the State Board of Education and the State Health Officer.  
**(WVC §18-5-22c)**

**It comes as no surprise that concussions and other head injuries have drawn the attention of the**

**Legislature. WVC § 18-2-25a requires the WVSSAC to draft guidelines for the prevention and treatment of such injuries it is incumbent upon school boards and their employees to meticulously follow these guidelines when they are finally published. The legislation is effective July 12, 2013. (P) S.19.8. is a new policy.**

<b>PENDLETON COUNTY BOARD OF EDUCATION</b>	<b>Adopted: August 20, 2003</b>
<b>S. STUDENTS</b>	<b>Last Reviewed:</b>
<b>File: S.19. Co-Curricular and Interscholastic Programs</b>	<b>September, 2011</b>

**(P) S.19.8. Management of Concussions and Head Injuries in Student Athletes**

The prevention and proper treatment of concussions and other head injuries ranks high on the Pendleton County Board of Education’s list of priorities for all coaches of all athletic endeavors in the Pendleton County Schools, especially those engaged in interscholastic activities overseen by the West Virginia Secondary School Activities Commission.

Legislation has been enacted which requires the West Virginia Secondary School Activities Commission to adopt rules addressing concussions and head injuries in athletes who participate in interscholastic athletics at WVSSAC-member middle and high schools. IT SHALL BE THE RESPONSIBILITY OF ALL PRINCIPALS, COACHES AND ATHLETIC TRAINERS TO BE KNOWLEDABLE OF AND TO STRICKLY ABIDE BY THE GUIDELINES ESTABLISHED BY THE WVSSAC.

In general, WVC §18-2-25a requires the rules to include the following; however, the exact format and wording of the guidelines will be determined by the WVSSAC. The rules must:

- ❖ contain guidelines and information to educate administrators, coaches, athletes and parents of the nature and risk of concussion and head injury;
- ❖ establish an information sheet to be annually signed by the athlete and parent or guardian as a condition to beginning practice or competition;
- ❖ make each head coach annually attend an approved course on concussion and head injury recognition and return-to-play protocol;
- ❖ require the immediate removal from competition of an athlete who is suspected by his or her head coach, athletic trainer or a licensed health care professional of having sustained a concussion or head injury;
- ❖ allow the athlete’s return to play or practice only with written clearance from a licensed health care professional trained in the evaluation and management of concussions;
- ❖ specify categories of licensed health care professionals who, if properly trained, may provide the written clearance; and
- ❖ require all member schools to timely report information to the WVSSAC about each athlete suffering or suspected of suffering a concussion or head injury in a practice or game, including the date the athlete returned to play or practice.

As appropriate, information concerning concussions and head injuries shall be shared with principals and coaches at the elementary level.  
(WVC §18-2-25a)

Senate Bill 663 repeals the “school breakfast programs” statute, W. Va. Code § 18-5-37, that was adopted in 1981. In its place, the bill enacts the new West Virginia Feed to Achieve Act that contains numerous legislative findings regarding child nutrition and its effects. Under the Act, each county board must establish and operate school nutrition programs that effectively make a nutritious breakfast and lunch available to all students in accordance with State Board of Education standards. The standards determine eligibility for paid, free and reduced price meals. They also allow meals to be provided without cost to students in schools where it is practical to do so. The initiative will be phased in for all elementary schools as funds become available from donations and payments made by individuals, communities, businesses, organizations and parents or guardians. W. Va. Code § 18-5D-2. This is a new policy.

<p><b>PENDLETON COUNTY BOARD OF EDUCATION</b></p> <p><b>T. TRANSPORTATION, SAFETY, FOOD SERVICES &amp; INSURANCE</b></p> <p><b>File: T.6. Child Nutrition and Food Services Management</b></p>	<p><b>Adopted: August 20, 2003</b></p> <p><b>Last Review: September, 2012</b></p>
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**(P) T.6.5. Feed to Achieve**

Every child in school needs to have nutritious meals in order to achieve his or her potential. Providing the best schools and teachers alone does not ensure a child is mentally present and able to learn. A growing body of research establishes that a hungry child is less able to process the information provided and is less likely to be attentive to the lessons being taught.

It is the intent of *§18-5D-3-School Nutrition Programs* that healthy nutritious school lunches shall be made available to all students in a manner which maximizes participation and minimizes stigma attached to participating low income students. The Act requires all county boards of education to establish and operate school nutrition programs that effectively make a nutritious breakfast and lunch available to all students in accordance with State Board of Education standards.

The standards shall include guidelines for determining the eligibility of students for paid, free and reduced meals. The standards shall also establish procedures and guidelines for the Feed to Achieve initiative to allow for the provision of healthy, nutritious meals to all elementary school students, without cost to students, where schools find it practical to do so.

The Feed to Achieve initiative will be phased in for all elementary schools as sufficient funds become available, through donations, contributions and payments made by individuals, communities, businesses, organizations and parents or guardians on behalf of students. Nothing in the code prohibits any school from providing free meals to all of its students.

WVC §18-5D-3 requires the Pendleton County Board of Education to fulfill its obligations under the law in the following manner:

- ❖ All schools are required to adopt a delivery system approved by the state Office of Child Nutrition, no later than the 2015 school year, which ensures all students are given an adequate opportunity to eat breakfast. These approved systems shall include, but are not limited to, Grab –And -Go Breakfasts, Breakfast In The Classroom or Breakfast After First Period; and
- ❖ The Board must collaborate with the state Office of Child Nutrition to develop strategies and methods to increase the percentage of children participating in the school breakfast and lunch nutrition programs.

- ❖ In addition to other statistics, the county boards of education, in consultation with the state Office of Child Nutrition, shall determine the number of children in each school who are participating in each meal offered by the school; the number of children who are not eating each meal offered by the school; and the total daily attendance.
- ❖ The Board may utilize the nonprofit funds or foundations established in WVC §18-5D-4 or other available funds to offset the costs of providing free meals, after school and summer nutrition programs to elementary students.
- ❖ If at any time federal financial appropriations to West Virginia for school nutrition programs are terminated, county boards of education are authorized, but not required, to continue the programs at their own expense.
- ❖ Classroom teachers may not be required to participate in the operation of the school breakfast program as part of their regular duties.  
(WVC §18-5D-2; §18-5D-3)

**Requirements of §18-5D-4 – Creating Public-Private Partnerships; Creating Nonprofit Foundation/Fund**

The State Department of Education and the Pendleton County Board of Education must promptly establish a fund or nonprofit foundation solely to receive and spend gifts, grants and bequests to provide supplemental or matching funds to increase participation in the nutrition programs. The State Department’s fund or foundation may assist county boards whose fund or foundation lacks sufficient business, industry and individual contributors to fund the Feed to Achieve programs.

Financial support for the fund or foundation may come from either public or private gifts, grants, contributions, bequests and endowments.

Expenditures from the state or county funds or by the foundations shall be used for provision of food to students through any of the programs or initiatives approved by the Office of Child Nutrition, including the following programs: School Breakfast Program, National School Lunch Program, the Summer Food Service Program, the Fresh Fruit and Vegetable Program, the Child and Adult Care Food Program, the farm -to-school initiative and community gardens. Expenditures may also be made for initiatives developed with the Department of Health and Human Resources and public-private partnerships to provide outreach and nutritional meals when students are not in school.

No administrative expenses or personnel expenses may be paid from the funds or by the foundations

Individuals or businesses that contribute to the funds or foundations may specify schools or nutrition programs for which the contribution is to be used.

The State Department of Education and county boards of education may establish public -private partnerships to enhance current or advance additional nutrition programs that provide nutritious food for children to take home for weekend meals.

The Department of Education and county boards of education shall form or expand existing partnerships with the federal and state departments of agriculture, Department of Health and Human Resources, local master gardeners, county extension agents or other experts in the field of agriculture or gardening to develop community gardens, farm to school programs and other such programs that teach students how to grow and produce healthy food and provide healthy food to the students.

All moneys contributed to a fund or foundation established pursuant to this section and all expenditures made therefrom shall be audited as part of the annual independent audit of the State Board of Education and the county boards of education.  
(WVC §18-5D-4)

## GROUP II

### 2013 State Board of Education Policy Changes

The State Board of Education has also been very active this year, updating existing policies and writing new ones which will change the way school systems will be conducting their affairs in the future. The State Board is still trying to catch up recent legislation; therefore, we can expect more changes as we go forward.

- SBP 2200** Local School Improvement Councils: Engaging Parents, Families, Students, Business and Community in Education
- SBP 2444.4** Issuance of the State of West Virginia High School Equivalency Diploma
- SBP 3235** Definition of Good Cause for Failure to Receive School Board Training
- SBP 4336** West Virginia School Bus Transportation Policy and Procedures Manual
- SBP 5000** Procedures for Designated Hiring and Transfer of School Personnel
- SBP 5202** Licensure of Professional/Paraprofessional Personnel
- SBP 5310** Performance Evaluation of School Personnel
- SBP 5500** Professional Development for West Virginia Educators

I have used the same process for identifying the changes as I used in dealing with legislative changes.

The following pages contain the changes I believe are necessary to maintain the integrity of your Policy Manual. The outdated parts of your policies have been crossed out and the new language is underlined for your convenience. In some cases the changes have been so significant that it would be cumbersome to show all of the crossed out language; therefore, you should read the recommended policy as if it were totally new.

### POLICY CHANGES

- (P) B.5.2. Orientation and Training
- File: I.5. Local School Improvement Councils
- (P) I.22.4. High School Equivalency Diploma
- (P) P.2.4. Professional Certification Requirements
- (P) P.3.19. Revocation of Bus Operator Certification
- File: P.13. Professional Personnel Evaluation (Major Changes)
- (P) S.19.6. Athletic Trainer
- (P) T.1.6. Transporting Special Needs Students (New)
- File: T.1.A. Guidelines for Curricular and Extracurricular Trips
- (P) T.3.1. Driver Responsibility for School Bus Maintenance and Safety
- (P) T.3.4. School Bus Accidents
- (P) T.3.7. Prohibition of Texting and using Handheld Wireless Communication Devices while Driving

The State Board has implemented SBP 3235-Definition of Good Cause for Failure to Receive School Board Training effective July 1, 2013. It appears to be reasonable and the type of rule one would expect a person in public service to follow.

<b>PENDLETON COUNTY BOARD OF EDUCATION</b>	<b>Adopted: August 20, 2003</b>
<b>B. BOARD OF EDUCATION OPERATIONS</b>	<b>Last Review:</b>
<b>File: B.5. School Board Members' Standards of Conduct and Responsibilities</b>	<b>September, 2012</b>

**(P) B.5.2. Orientation and Training**

A person elected to a county board may not assume the duties of county board member unless he/she has first attended and completed a course of orientation relating to boardsmanship and governance effectiveness which shall be given between the date of election and the beginning of the member's term of office under the following conditions:

- ❖ A portion or portions of subsequent training such as that offered in orientation may be provided to members after they have commenced their term of office;
- ❖ Attendance at the session of orientation given between the date of election and the beginning of the member's term of office permits the member-elect to assume the duties of county board member, as specified in WVC §18-5-1a;
- ❖ Members appointed to the county board shall attend and complete the next such course offered following their appointment; and
- ❖ The provisions of this subsection relating to orientation do not apply to members who have taken office prior to July 1, 1988, and who serve continuously from that date forward.

Annually, each member of a county board shall receive seven clock hours of training in areas relating to boardsmanship, governance effectiveness, and school performance issues including, but not limited to, pertinent state and federal statutes such as the "Process for Improving Education" set forth in WVC §18-2E-5 and the "No Child Left Behind Act" and their respective administrative rules.

The orientation and training sessions shall be approved by the State Board and conducted by the West Virginia School Board Association or other organization or organizations approved by the State Board.

In the final year of any four-year term of office, a member shall satisfy the annual training requirement before January 1.

Failure to attend and complete the approved course of orientation and training relating to boardsmanship and governance effectiveness without good cause as determined by the State Board by duly promulgated legislative rules constitutes neglect of duty under WVC §6-6-7.

"Good Cause" means any of the following that prevents the member from attending and completing West Virginia Board of Education approved training to meet requirements of W. Va. Code §18-5-1a:

- ❖ an incapacitating physical or mental condition of the member,
  - ❖ a death in the immediate family of the member,
    - For purposes of the policy, the phrase "immediate family" means the member's spouse, children, parents or any other relative who resides in the member's household and is a dependent of the member.
  - ❖ an accident or illness in the immediate family of the member which requires the member's presence, or
  - ❖ any other cause which is beyond the control of the member.
- (WVC §18-5-1a; SBP 3235)**

**Changes to SBP 2200-Local School Improvement Councils: *Engaging Parents, Families, Students, Business and Community in Education* defines additional responsibilities and requirements placed upon the Local School Improvement Councils and school personnel. The idea is to be more goals driven and to get more input from the local communities your schools serve. The changes in this policy appear to go hand-in-hand with the overall tone of SB 359.**

<b>PENDLETON COUNTY BOARD OF EDUCATION</b>	<b>Adopted: August 20, 2003</b>
<b>I. INSTRUCTION</b>	<b>Last Review:</b>
<b>File: I.5. Local School Improvement Councils</b>	<b>September, 2012</b>

A local school improvement council shall be established at every school. This advisory group shall focus on improving the education program and operation of the school and it shall have the authority to request waivers of local or state rules, policies, and State Superintendent interpretations. The LSIC ~~may~~ shall also assist take a lead role in the development of the Electronic Strategic School Improvement Plan and it may apply for grants and awards. ~~The LSIC shall have cooperation from the school in implementing such programs and policies as it may adopt for the following purposes:~~

- ~~❖ Encourage parent involvement;~~
- ~~❖ Encourage business to provide time for employees to meet with teachers;~~
- ~~❖ Encourage involvement by the business community;~~
- ~~❖ Encourage volunteer and mentorship programs; and~~
- ❖ Foster utilization of school facilities for public community activities.

**Redundant to another section!!**

What follows is a summary of state regulations related to the efficient organization and utilization of Local School Improvement Councils within Pendleton County. Persons wishing more detailed information should refer to the code citation contained within this document and *SBP 2200-Local School Improvement Councils: Engaging Parents, Families, Students, Business and Community in Education*.

**(P) I.5.1. Organizational and Operational Guidelines**

**Membership:**

The Local School Improvement Council membership shall consist of the following:

- ❖ The principal (who serves as an ex-officio member and is entitled to vote);
- ❖ Three teachers (elected by the faculty senate);
- ❖ One bus operator who transports students enrolled at the school and one other school service person, both of whom shall be elected by the school service personnel employed at the school;
- ❖ Three parents, guardians, or custodians of students enrolled in the school (elected by the school's parent-teacher organization). Under no circumstances may more than one parent member of the council be employed at the school in any capacity;
- ❖ Two at-large members (appointed by the principal); and
- ❖ In secondary schools (grade 7 or higher), a student (elected by students or the student body president).
- ❖ At-large members may not be eligible for membership in any other council slots. One of these must reside in the school attendance area, and one must represent business or industry.
- ❖ Council members may only be replaced upon death, resignation, and failure to attend three consecutive meetings.

- ❖ In the case of a vacancy in an elected membership, the chair of the council shall appoint another qualified person to serve the unexpired term of the person being replaced. Replacements serve for the remainder of a term only.
- ❖ In the case of a vacancy in an appointed membership of the council, the principal shall appoint a replacement as soon as practicable.
- ❖ The principal, utilizing resources at the State Department of Education) shall ensure that all members of the LSIC shall receive training regarding their roles and responsibilities.

### **Elections:**

- ❖ The principal shall arrange for elections prior to the 15th day of September each year to elect a council for the ensuing school year. Notice of elections must be given at least a week in advance. All these elections, to the extent practical, should be held within the same week. Special elections must be held throughout the year for replacements.
- ❖ Terms of office are for two years. Elections shall be arranged in such a manner that no more than two teachers, no more than two parent(s), guardian(s) or custodian(s) and no more than one service person are elected in a given year. All other non-ex officio members shall serve one-year terms.
- ❖ The council shall elect from its membership a chair and two members to assist the chair in setting the agenda for each meeting. The chair shall serve a term of one year and no person may serve as chair for more than two consecutive terms.

### **Meetings:**

- ❖ As soon as practicable after the election of council members, but no later than October 1 of each school year, the principal shall convene an organizational meeting of the LSIC. Each member shall be notified in writing at least two days prior to the organizational meeting.
- ❖ The principal must distribute any information developed by the Department of Education on the operations and powers of the LSIC and its important role in improving student and school performance progress at the organizational meeting.
- ❖ Members must be given two employment days of advance written notice of all subsequent council meetings.
- ❖ Councils must meet at least once every nine weeks or equivalent grading period at the call of the chair or three-fourths of the members.
  - The school improvement council shall schedule any meeting that involves the issue of student discipline outside the regularly scheduled working hours of any school employee member of the council.
  - The school improvement council annually shall conduct a meeting to engage parents, students, school employees and other interested parties in a positive and interactive dialogue regarding effective discipline policies. The meeting shall afford ample time for dialogue to take place and the council must comply with any applicable provision of state, federal or county board policy, rule or law, as appropriate, regarding student privacy rights.
  - All meetings of the LSIC must be open to the public in compliance with the provisions of the Open Governmental Proceedings Act (WVC §6-9A-2).
- ❖ At the first meeting the principal must provide each member of the council with a copy of the current applicable code section and any existing State Board rules and regulations pertaining to the operation of the council.

### **Organization, Power and Duties of the Council:**

#### **(P) I.5.2. LSIC Authority and Responsibilities**

Legislative enactments and SBP 2200 authorize and/or require each LSIC to perform several tasks related to school improvement.

In order to promote innovations and improvements in the environment for teaching and learning at the school, a school improvement council shall receive cooperation from the school in implementing policies and programs it may adopt to:

- ❖ Encourage the involvement of parent(s), guardian(s) or custodian(s) in their child's educational process and in the school;
- ❖ Encourage businesses to provide time for their employees who are parent(s), guardian(s) or custodian(s) to meet with teachers concerning their child's education;
- ❖ Encourage advice and suggestions from the business community;
- ❖ Encourage school volunteer programs and mentorship programs; and
- ❖ Foster utilization of the school facilities and grounds for public community activities.

Each local school improvement council annually shall develop and deliver a report to the countywide council on productive and safe schools. The report shall include:

- ❖ Guidelines for the instruction and rehabilitation of students who have been excluded from the classroom, suspended from the school or expelled from the school, the description and recommendation of in-school suspension programs, a description of possible alternative settings, schedules for instruction and alternative education programs and an implementation schedule for such guidelines. The guidelines shall include the following:
  - A system to provide for effective communication and coordination between school and local emergency services agencies;
  - A preventive discipline program which may include the responsible students program devised by the West Virginia board of education as adopted by the Board, pursuant to the provisions of WVC §18A-5-1(e); and
  - A student involvement program, which may include the peer mediation program or programs devised by the West Virginia board of education as adopted by the Board, pursuant to the provisions of WVC §18A-5-1(e); and
- ❖ The report shall also include the local school improvement council's findings regarding its examination of the following, which also shall be reported to the county superintendent:
  - Disciplinary measures at the school; and
  - The fairness and consistency of disciplinary actions at the school. If the council believes that student discipline at the school is not enforced fairly or consistently, it shall transmit that determination in writing, along with supporting information, to the Superintendent. Within 10 days of receiving the report, the Superintendent, or designee, shall respond in writing to the council. The Board shall retain and file all such correspondence and maintain it for public review.
- ❖ Any report or communication made as required by this subdivision shall comply with any applicable provision of state, federal or county board policy, rule or law, as appropriate, regarding student privacy rights.
- ❖ The council may include in its report to the county-wide council on productive and safe schools provisions of *SBP 4373, Expected Behavior in Safe and Supportive Schools*, or any expansion of such policy which increases the safety of students in schools in this state and is consistent with the policies and other state laws.

The LSIC shall meet with the Board at least annually. At this annual meeting, the local school improvement council chair, or another member designated by the chair, shall be prepared to address any matters as may be requested by the Board as specified in the meeting agenda provided to the council and may further provide any other information, comments or suggestions the local school improvement council wishes to bring to the Board's attention. Anything presented under this subsection shall be submitted to the Board in writing.

Every school must develop and implement a five year school strategic plan (WVBE Policy 2510, Section 12.2.1). The plan must be prepared and monitored by the LSIC and other stakeholders as appropriate under the leadership of the school principal and in cooperation with faculty senate, school technology team and school curriculum team.

- ❖ The five-year school strategic plan specifies how the school intends to increase student achievement and positively impact other student outcomes. The plan must be developed and implemented using a continuous improvement process, be based on all available data regarding student achievement and align with the goals of the district Five-Year System Strategic Plan.
- ❖ The LSIC shall assist the school in embedding parental, family, business and community involvement strategies in all aspects of the strategic plan.

Each LSIC may propose alternatives to the operation of the public school which will meet or exceed the high quality standards established by the WVBE and will increase administrative efficiency, enhance the delivery of instructional programs, promote community involvement, or improve the educational performance of the school generally.

The alternatives proposed by the LSIC may include matters which require the waivers of policies or rules promulgated by the WVBE or county board or state superintendent interpretations (W. Va. Code §18-5A-3). The WVBE has established procedures to receive waiver requests and take appropriate action.

Councils may adopt their own guidelines and they may adopt all or any part of the guidelines proposed by other local school improvement councils which are not inconsistent with state laws, the policies of the West Virginia Board of Education or the policies of the county board.

The school curriculum team, and not the council, has jurisdiction in all matters, which may fall within both its scope and that of the improvement council.

The council may receive and expend competitive grants and receive school of excellence awards.

### **Expectations for Local School Improvement Councils: Desired Outcomes and Results:**

Principals and LSIC members should consult SBP 2200 to review a rather detailed list of desired outcomes and results prescribed by the State Department of Education. SBP 2200 may be accessed through the State Departments website.

### **(P) I.5.3. County Board of Education Responsibilities**

The Board shall meet with each LSIC at least annually. The Board identifies the issues it wishes the LSIC to address (W.Va. Code §18-5-14(a)(1)(D)). The LSIC may also provide other information, comments or suggestions the council wishes to bring to the Board's attention. All information presented during the meeting shall also be submitted to the Board in writing.

- ❖ The Board shall report details of its meetings with LSICs to the State Board at the conclusion of the school year, but no later than the first day of September each year (W. Va. Code §18-5-14 D (2)).

The Board shall adopt and implement a policy that provides for parent, family, business and community involvement in the schools.

- ❖ The policy shall promote parents, families, community and business members, through a variety of means, to become involved in children's education.
- ❖ The policy shall meet the criteria for compliance with federal programs.

- ❖ The policy shall be developed by a committee consisting of, but not limited to, classroom teachers, parents/family members of school-age children, community members, business members, principals and other school personnel. The committee shall be representative of a variety of schools and shall include representation from early, middle and adolescent levels.
- ❖ The Board shall provide training for teachers, parents and administrators, in cooperation with state and local agencies that would help realize the objectives set forth in the county policy.

The Board's strategic plan shall be developed utilizing a collaborative strategic planning committee comprised of education personnel, parents, family, students, business, and community members. The collaborative approach assures involvement of all stakeholders in the planning for students' success. The county's strategic plan shall reflect the importance of stakeholder involvement and advocacy as critical elements of students' academic success, healthy living and emotional well-being.

- ❖ The five-year school system strategic plan specifies how the county school system intends to strengthen the county education program in order to increase student achievement and positively impact other student outcomes.
- ❖ Each county's strategic plan shall include an ongoing, two-way communication system that includes feedback mechanisms for parents, families, students, communities and school staff.  
**(WVC §18-5A-2; 18-5A-3; SBP 2200; SBP 2510)**

**The updating of SBP 2444.4 Issuance of the State of West Virginia High School Equivalency Diploma removes the old GED terminology, but beyond that, there are a significant number of changes in the process to be followed to meet the standards for a High School Equivalency Diploma. Lots of important information for the person in charge of this program.**

<b>PENDLETON COUNTY BOARD OF EDUCATION</b>	<b>Adopted: August 20, 2003</b>
<b>I. INSTRUCTION</b>	<b>Last Review:</b>
<b>File: I.22. Community and Adult Education Programs</b>	<b>September, 2012</b>

**(P) I.22.4. High School Equivalency Diploma**

The purpose of the State of West Virginia ~~General Educational Development (GED®)~~ High School Equivalency Diploma is to provide appropriate recognition of educational attainment to those individuals who have demonstrated that they have attained academic skills equivalent to those at the high school completion level by satisfactorily passing the ~~General Educational Development (GED) Tests~~ the high school equivalency assessment approved by the West Virginia Department of Education.

The West Virginia Department of Education approved high school equivalency assessment mirrors the common core standards and performance standards reflected at the national and state levels and demonstrate the attainment of developed abilities acquired through completion of a four-year high school program of study.

~~West Virginia is a GED Option State. GED~~ West Virginia provides the Option Pathway. Approved testing sites are authorized to test a selected population of students sixteen (16), seventeen (17) and eighteen (18) years of age, enrolled in an accredited school and engaged in an appropriate GED Option Pathway Program. The student may earn a State of West Virginia GED Diploma High School Equivalency Diploma or a high school diploma, according to the completion level of the program

**Applying for Testing:**

~~First time applicants are required to complete the local GED Testing Orientation Seminar or the GED Option Orientation Seminar which includes, viewing of the calculator and alternate format video, calculator practice exercises, taking and passing the Official GED Practice Test (OPT) with the minimum score as determined by the State GED Office (WV OPT passing standard may exceed national minimum passing standard) and completing online registration at least five business days prior to testing~~

First time applicants are required to take and pass an approved practice test with the minimum score as determined by the State Department (WV passing standard may exceed national minimum passing standard).

A valid and current state-issued photo identification, i.e., driver's license, state alternative identification, military identification or a valid passport, with current name, birth date, and preferably a Social Security number will be required prior to and during all testing sessions. Option Pathway students may use photo identification issued by the high school. Failure to present applicable photo identification will result in a loss of testing privilege until such identification is presented.

**Basis for Granting the State of West Virginia General Educational Development (GED®) Diploma:**

The State Department requires that applicants taking the ~~GED Tests~~ approved high school equivalency assessment achieve a minimum passing score of ~~2250 or above on the battery of five subtests~~

and a standard score of not lower than 410 on any one of the five subtests as determined by the State Department.

Prior to taking the ~~GED Tests~~ high school equivalency assessment, individuals must provide ~~written~~ documentation from an Adult Basic Education (ABE) instructor or a ~~GED Option~~ Pathway instructor of taking and passing ~~the OPT~~ an approved practice test by achieving the minimum score as determined by the State ~~GED Office~~ Department (WV ~~OPT~~ passing standard may exceed national minimum passing standard).

~~The State Department requires that the initial battery testing be completed within six weeks, or no more than two consecutive complete test sessions (whichever is longer in duration). First time examinees are expected to take two or more sub tests per testing session except as provided by the GEDTS accommodations policy. GED Option students do not have to complete the initial battery testing within six weeks and may take only one content test per testing session.~~

Individuals passing the ~~GED Tests~~ the high school equivalency assessment will receive a State of West Virginia ~~GED High School Equivalency~~ Diploma. Students enrolled in the ~~GED Option~~ Pathway and passing the ~~GED Tests~~ approved high school equivalency assessment may receive a State of West Virginia ~~GED West Virginia High School Equivalency~~ Diploma or a high school diploma according to the completion level of the program.

### **Testing of Individuals Eighteen (18) Years of Age and Younger:**

For the purposes of ~~GED testing~~ admission to take the high school equivalency assessment, the official dropout date shall be defined as, “the school day after the student’s last day of attendance,” as outlined in W. Va. 126CSR81, West Virginia Board of Education Policy 4110, “Attendance.”

Individuals who are eighteen (18) years of age are eligible to test by qualifying under any of the following categories:

- ❖ The candidate has been officially withdrawn from a regular high school (~~a secondary school characterized as a “regular” accredited high school by the jurisdiction as defined by GEDTS~~), i.e., officially withdrawn or home-schooled prior to test registration as evidenced by documentation from the last school/system attended or by ~~written~~ documentation from the county attendance director for the home-schooled student. Documentation must include the withdrawal date as indicated above, or home-school dates and the original class graduation date. The candidate must also provide documentation from an ABE instructor of taking and passing ~~the OPT~~ an approved practice test by achieving the minimum score as determined by the State ~~GED Office~~ Department (WV ~~OPT~~ passing standard may exceed national minimum passing standard. ); ~~or evidenced by written documentation from an Adult Basic Education (ABE) instructor; or~~
- ❖ The candidate is enrolled in the ~~GED Option~~ Pathway.

Individuals who are seventeen (17) years of age are eligible to test by qualifying under any of the following categories:

- ❖ The candidate’s original high school class has graduated before the candidate makes application for ~~GED~~ testing as evidenced by ~~written~~ documentation from the last school/system attended. Documentation must include the withdrawal date and the original class graduation date. The candidate must also provide documentation from an ABE instructor of taking and passing the ~~OPT~~ approved practice test by achieving the minimum score as determined by the State ~~GED Office~~ Department (WV ~~OPT~~ passing standard may exceed national minimum passing standard); or
- ❖ The candidate has been officially withdrawn from a regular high school (~~a secondary school characterized as a “regular” accredited high school by the jurisdiction as defined by the GEDTS~~), i.e., officially withdrawn or home-schooled for a period of one month prior to test registration as evidenced by ~~written~~ documentation from the last school/system attended or ~~written~~ documentation from the county attendance director for the home-schooled student. Documentation must include the withdrawal

date, or home-school dates, and the original class graduation date. The seventeen (17) years of age candidate must also provide ~~written~~ documentation from an ABE instructor of taking and passing the ~~OPT~~ practice test by achieving the minimum score as determined by the State ~~GED Office~~ Department (WV ~~OPT~~ passing standard may exceed national minimum passing standard); or

- ❖ The candidate is enrolled in the ~~GED~~ Option Pathway.

Individuals who are sixteen (16) years of age are eligible to test by qualifying under the following categories:

- ❖ The candidate is enrolled in the ~~GED~~ Option Pathway. ~~or~~
- ❖ ~~The sixteen (16) year old GED Option student may begin taking the GED Tests at the age of sixteen (16) but may not complete the exam until the seventeenth (17) birthday.~~

### **Testing of Individuals Enrolled in the GED Option Pathway:**

Examinees, at least sixteen (16) years of age, who are enrolled in the ~~GED~~ Option Pathway program, may take the ~~GED Tests~~ the high school equivalency assessment without withdrawing from high school provided that the following conditions are met:

- ❖ The school, government program or institutional facility was approved by the ~~West Virginia GED Office State Department~~ to implement the ~~GED~~ Option Pathway;
- ❖ The course content must be rigorous enough to support passage of the ~~GED Tests~~ approved high school equivalency assessment and align with the academic expectations of the high school. ~~GED Option Pathway~~ classes should be structured as closely as possible to the ~~West Virginia Strategic Planning in Occupational Knowledge for Employment and Success (SPOKES) classroom~~ or an ABE classroom providing a very comprehensive program of study for mathematics, writing, social studies, reading, science and workforce readiness;
- ❖ The ~~GED~~ Option Pathway student must be recommended to the ~~GED~~ Option Pathway program by a member of the school, government program or institutional facility's professional staff;
- ❖ The ~~GED~~ Option Pathway student receives counseling prior to entering the program, while participating in the program and upon exiting the program;
- ❖ A parent/guardian, unless the student is placed in an institutional facility, must give written consent for the student to participate in the ~~GED~~ Option Pathway;
- ❖ The candidate must also provide written documentation from the ~~GED~~ Option Pathway instructor of taking and passing the ~~OPT~~ approved practice test by achieving the minimum score as determined by the State ~~GED Office Department~~ (WV ~~OPT~~ passing standard may exceed national minimum passing standard); or
- ❖ ~~The sixteen (16) year old GED Option student may begin taking the GED Tests at the age of sixteen (16) but may not complete the exam until the seventeenth (17<sup>th</sup>) birthday.~~
- ❖ The Option Pathway student may begin taking the approved high school equivalency assessment at the age of sixteen (16).

The ~~GED~~ Option Pathway student may receive a State of West Virginia ~~GED~~ Equivalency Diploma or a high school diploma according to the completion level of the program. A high school diploma is earned and the student is counted as a graduate if the student meets the following requirements:

- ❖ Attends ~~GED~~ Option Pathway preparation classes;
- ❖ Passes the ~~GED~~ approved practice tests;
- ❖ Completes a 21<sup>st</sup> Century job preparation "soft skills" curriculum;
- ❖ Completes the four (4) required core courses in a Career Technical Education (CTE) skilled pathway concentration or any program of study resulting in a certification;

- ❖ Meets the standards on the Workkeys" job skills assessments; and
- ❖ Reaches or exceeds the cut score set by the State Department on the End-of-Concentration Performance Assessments if applicable.
- ❖ A student who successfully completes the Option Pathway has a compelling reason to attend school for fewer than four full years and/or be scheduled for courses for less than the full instructional day. For example, a student successfully passes the Option Pathway high school equivalency assessment and completes the career and technical concentration. At that point they have completed the requirements for graduation even though their graduation cohort may not yet have graduated. Another example would be when a student has successfully passed the Option Pathway high school equivalency assessment but has not yet completed their career and technical concentration. That student may only need to attend school during the part of the day for the career and technical courses. In both examples, the students would not need to be enrolled for the four full years or for the full instructional day. The county or school would not acquire a penalty for graduation rate or attendance rate in either scenario.

A high school diploma is earned and the student is counted as a graduate if the student meets the following requirements:

- ❖ Is a senior and will not graduate with ninth grade cohort;
- ❖ Receives ~~GED~~-preparation classes for the high school equivalency assessment in the deficient content areas;
- ❖ Passes the content area ~~GED~~-practice test and the high school equivalency assessment by achieving the minimum score as determined by the State ~~GED Office~~ Department (WV ~~GED~~ passing standard may exceed national minimum passing standard); and
- ❖ Continues attending and maintaining passing grades in all other classes.

The State of West Virginia ~~GED Diploma~~ High School Equivalency Diploma is earned and the student is counted as a completer but not a dropout or a graduate if the student passes the ~~GED Tests~~ high school equivalency assessment prior to leaving the "regular" high school.

### **Testing of Individuals Participating in a Government Program: ~~or a West Virginia State Institutional Facility~~**

Examinees, at least 16, 17, or 18 years of age, who are participating in a residential, non-residential, or post-residential government program, i.e., Job Corps, Mountaineer Challenge Academy and/or other approved career focused federal residential programs, may be tested provided that the following conditions are met:

- ~~❖ The candidate (17) or eighteen (18) years of age has been officially withdrawn from a "regular" high school (a secondary school characterized as a "regular" accredited high school by the jurisdiction as defined by GEDTS) as evidenced by written documentation from the last school/system attended; or~~
- ❖ The candidate at least sixteen (16) years of age has been officially withdrawn from a regular high school as evidenced by documentation from the last school/system attended, or
- ❖ If the program is approved as an ~~GED~~ Option Pathway program and the candidate is enrolled in the program, the candidate sixteen (16), seventeen (17) or eighteen (18) years of age must follow the ~~GED~~ Option Pathway guidelines.
- ❖ The candidate has taken ~~the OPT~~ taken and passed the practice test for the approved high school equivalency assessment (WV ~~OPT~~ passing standard may exceed national minimum passing standard) as evidenced by ~~written~~ documentation from an instructor at the facility.
- ~~❖ A Mountaineer Challenge Academy cadet desiring to retest during the post residential phase, which lasts one year from graduation date, may use the Mountaineer Challenge Academy's photo identification if documentation reflecting the cadet's graduation date is presented to the GED Examiner.~~

Individuals who are sixteen (16), seventeen (17) or eighteen (18) years of age and are residents of a West Virginia state-operated institutional facility may take the tests while the examinee is under the control of the facility. ~~Candidate sixteen (16) years of age may begin testing if the program or institution is approved as a GED Option program.~~

Adjudicated youth (16), seventeen (17) or eighteen (18) years of age, who are under the control of a court, detention center, group care facility, or probation office may be admitted to ~~GED~~ testing by qualifying under any of the following categories:

- ❖ Adjudicated youth with a court order from a judge or an order from a magistrate designated as a juvenile referee is to be admitted for ~~GED~~ testing, even if the individual is still enrolled in school; or
- ❖ Upon entering the control of a detention center or group care facility, an assessment that addresses the educational needs of the child is to be conducted by qualified personnel of the facility. If it is determined that there is no reasonable expectation of graduation from the ~~“regular”~~ high school or origin (a secondary school characterized as a “regular” accredited high school by the jurisdiction as defined by the American Council on Education GED Testing Service) and if the possibility of being placed at a long-term instate facility is very unlikely, the youth may be admitted to ~~GED~~ Testing.
  - Prior to testing, the ~~GED~~ candidate (16), seventeen (17) or eighteen (18) years of age must be officially transferred from the public school system to the detention center or group care facility as evidenced by ~~written~~ documentation from the last school/system attended. ~~unless enrolled in an approved GED Option program.~~
  - ~~S/he must pass the OPT (WV OPT passing standard may exceed national minimum passing standard) as evidenced by written documentation from an instructor at the facility.~~
  - Must pass the practice test for the approved high school equivalency assessment (WV passing standard may exceed national minimum passing standard) as evidenced by documentation from an instructor at the facility.
  - If the program is approved as a ~~GED~~ Option Pathway program and the candidate is enrolled in the program, the candidate sixteen (16), seventeen (17) or eighteen (18) years of age must follow the ~~GED~~ Option Pathway guidelines. Students, who are enrolled in the Option Pathway and are no longer a resident of the West Virginia state-operated institutional facility or are no longer adjudicated, upon release are eligible to continue completion of the Option Pathway at the high school of origin.

All youth who have taken the ~~GED Tests~~ approved high school equivalency assessment as per the above regulations but did not pass the ~~GED~~ test and are no longer a resident of a government program or are no longer a resident of a West Virginia state-operated institutional facility or are no longer adjudicated are eligible to continue testing upon completion of the program or upon release by presenting state issued photo identification and qualifying under either of the following categories:

- ❖ A copy of a court order from a judge or an order from a magistrate, designated as a juvenile referee, is provided for the ~~GED~~ Examiner. The order must state that the individual ~~is to take the GED Tests.~~ will take the high school equivalency assessment. Such an order allows an individual, sixteen (16), seventeen (17), or eighteen (18) years of age, to test even if the individual is still enrolled in school; or
- ❖ The ~~GED~~ candidate’s previous scores are located in the ~~GED~~ databank indicating to the ~~GED~~ Examiner that the previous ~~GED~~-Examiner obtained all necessary documentation needed for testing.

### **Testing of Option Pathway Students Enrolled in Mountaineer Challenge Academy:**

Mountaineer Challenge Academy is approved by the State Department to implement the Option Pathway.

Examinees, at least sixteen (16), seventeen (17) or eighteen (18) years of age, who are participating in the Mountaineer ChalleNGe Academy may take the high school equivalency assessment without withdrawing from a West Virginia high school.

The sixteen (16) seventeen (17) or eighteen (18) years of age student currently enrolled in a West Virginia high school participating in the Option Pathway shall be awarded a high school diploma from their high school of origin by Mountaineer ChalleNGe Academy and be counted as a graduate if the student meets the following requirements:

- ❖ Attends preparation classes for high school equivalency assessment;
- ❖ Passes the high school equivalency assessment;
- ❖ Completes the 22 week Mountaineer ChalleNGe Academy Program;
- ❖ Successfully completes the competencies in the four (4) National Guard Youth Challenge Program Courses, a career technical education (CTE) skilled pathway concentration; and
- ❖ Meets a level 4 on the WorkKeys® job skills assessments.

The Mountaineer ChalleNGe Academy students who successfully complete the Option Pathway have a compelling reason to attend school for fewer than four full years while a resident and during the post-residential phase. For example, students successfully pass the Option Pathway high school equivalency assessment and complete the career and technical concentration while at the Academy. At that point they have completed the requirements for graduation even though their graduation cohort may not yet have graduated. Another example, students complete competencies in the four (4) National Guard Youth Challenge Program Courses, a career technical education (CTE) skilled pathway concentration but did not pass the high school equivalency assessment. The students may return to the home high school to complete the high school equivalency content areas where the passing scores were not achieved at the Academy. Upon completion of the high school equivalency assessment, at that point the students have completed the requirements for graduation even though their graduation cohort may not yet have graduated. The county or school would not acquire a penalty for graduation rate or attendance rate in either scenario.

The high school diploma is earned and the student is counted as a graduate of their school of origin for the purposes of calculating the graduation rate after successfully mastering standards of the Mountaineer ChalleNGe Program.

Mountaineer ChalleNGe Academy student who does not complete the Option Pathway while a resident of the program, may return to the high school of origin during the post-residential phase, which lasts one year from Mountaineer ChalleNGe Academy graduation date, to complete only the deficient areas of study.

A Mountaineer ChalleNGe Academy student who does not pass the high school equivalency assessment while in the Academy may retest during the post-residential phase and may use the Mountaineer ChalleNGe Academy's photo identification if documentation reflecting the cadet's graduation date is presented to the Examiner.

### **Testing of Option Pathway Students in West Virginia State Correctional or Residential Facilities for Custody and Treatment:**

Examinees, at least sixteen (16) seventeen (17) or eighteen (18) years of age, who are participating in an educational program designated by the WVBE as a state correctional or residential facility for custody and treatment shall have the opportunity to complete the State Department approved Option Pathway and earn a high school diploma if the following conditions are met:

- ❖ Attends preparation classes for high school equivalency assessment;
- ❖ Passes the practice test and the high school equivalency assessments following guidelines in 7.2.;

- ❖ Successfully completes the competencies in the four (4) core courses in an approved Career Technical Education skilled pathway concentration;
  - Virtual;
  - Career-Integrated Experiential Learning (CIEL); or
  - State approved program of study; and
- ❖ Meets a required level for the WorkKeys® job skills assessments.

The students in a state correctional or residential facility who successfully complete the Option Pathway have a compelling reason to attend school for fewer than four full years while a resident and during the post-residential phase. For example, students successfully pass the Option Pathway high school equivalency assessment and complete the career and technical concentration while at the institution. At that point they have completed the requirements for graduation even though their graduation cohort may not yet have graduated. Another example, students complete competencies in the four (4) core courses of a career technical education (CTE) skilled pathway concentration but did not pass the high school equivalency assessment. The students may return to the home high school to complete the high school equivalency content areas where the passing scores were not achieved at the institution. Upon completion of the high school equivalency assessment, at that point the students have completed the requirements for graduation even though their graduation cohort may not yet have graduated. The county or school would not acquire a penalty for graduation rate or attendance rate in either scenario.

The high school diploma is earned and the student is counted as a graduate of their school of origin for the purposes of calculating the graduation rate after successfully mastering standards of the state correctional or residential facility.

The student in a state correctional or residential facility who does not complete the Option Pathway while a resident of the program may return to the high school of origin to complete only the deficient areas of study.

## **Residence**

Persons meeting all criteria and demonstrating themselves eligible under the State of West Virginia ~~GED~~ High School Equivalency Diploma guidelines shall be admitted to ~~GED~~-testing for the purpose of securing a State of West Virginia ~~GED~~ High School Equivalency Diploma. The candidate must present clear, current, state-issued photo identification, i.e., driver's license, state alternative identification, military identification or a valid passport. The ~~GED~~ Examiner may request further proof or other pertinent documentation as evidence of identity, i.e., birth certificate, Social Security card, etc.

## **Transcripts of Scores**

The fact that a person has or has not taken the ~~GED Tests~~ high school equivalency assessment is confidential information since disclosing participation in the ~~GED Testing~~ program is tantamount to reporting the absence of a traditional high school diploma. Therefore, no name of a credential recipient will be released unless an individual candidate has signed written permission to release the information. Nevertheless, the ~~GED~~ candidate when registering for the ~~GED Tests~~ high school equivalency assessment agrees that information will be shared with necessary West Virginia public school systems for data sharing purposes.

The original copy of the transcript and diploma shall be issued at no cost. Persons requesting a ~~duplicate GED~~ transcript and/or a replacement copy of their State of West Virginia ~~GED~~ High School Equivalency Diploma as evidenced by passing the ~~GED Tests~~ high school equivalency assessment must do so in writing to the State ~~GED Office~~ Department. The request must originate from the graduate and include the name under which testing occurred, Social Security number, date of birth, place and year of testing, daytime phone number, a copy of a current and valid state-issued photo identification, an original

signature and designation as to whom the copy is to be sent. In addition, a check or money order for the research/printing fee, which is determined by the State Department ~~GED Office~~, must be included for each transcript requested. No requests, including those for correctional purposes, military enlistment, job placement, or test verification, will be honored without the research/printing fee.

All requests must be submitted to the West Virginia Department of Education, GED Office, Capitol Complex, Building 6, Room 250, 1900 Kanawha Boulevard, East, Charleston, WV 25305.

**Falsification of GED Tests Information and/or Center Violations:**

Any falsification of information and/or cheating on the ~~GED Tests~~ high school equivalency assessment will result in penalties as outlined in the West Virginia ~~GED Examiners' Manual. "West Virginia GED Security and Administrative Procedures," and as directed by GEDTS regulations.~~

Testing center violations will be processed according to the procedures outlined in the West Virginia ~~GED Examiners' Manual. "West Virginia GED Security and Administrative Procedures."~~

**Testing Fees**

~~Testing fees shall be established as outlined in the West Virginia GED Examiners' Manual, "West Virginia GED Security and Administrative Procedures." Altering fees for the GED Tests by local testing centers must be approved by the State GED Office.~~

Testing fees shall be established by the State Department.

**All correspondence regarding this policy should be directed to:**

Office of Adult Education and Workforce Development  
West Virginia Department of Education  
Capitol Complex, Building 6, Room 728  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0330  
(304) 558-6315.

(WVC §18-5-19c and SBP 2444.4: Issuance of the State of West Virginia High School Equivalency Diploma  
[Home](#))

The update of *SBP 5202 - Minimum Requirements for the Licensure of Professional and Paraprofessional Personnel and Advanced Salary Classifications* contains some significant changes. The policy you have before you is not an attempt to recreate that massive document in your policy manual. This policy is intended to answer some of the most asked questions and to guide people to the right places to get answers to their more detailed questions.

<p><b>PENDLETON COUNTY BOARD OF EDUCATION</b>  <b>P. PERSONNEL – PROFESSIONAL AND SERVICE</b>  <b>File: P.2. Employment of Professional Staff</b></p>	<p><b>Adopted: August 20, 2003</b>  <b>Last Review:</b>  <b>September, 2012</b></p>
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**(P) P.2.4. Professional Certification Requirements**

A license to work in the public schools of West Virginia may be granted to an applicant who meets the following criteria:

- ❖ applicant is a United States citizen, unless otherwise noted;
- ❖ of good moral character;
- ❖ physically, mentally and emotionally qualified to perform the duties to which s/he is assigned; and
- ❖ has attained the age of 18 years on or before the first day of October of the year in which the license is issued.

All professional personnel shall hold certification or licensure for the subject or grades to which they are assigned. Pendleton County professional personnel shall be certified or licensed in accordance with *SBP 5202 - Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications*.

All readers of this policy are cautioned that the following discussion of certification issues is only an attempt to provide information about certification requirements that most often confuse persons seeking a teaching license. Persons who have questions concerning certification may review *SBP 5202 - Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications* on-line at the West Virginia State Department web site and/or contact the Pendleton County Schools Personnel Office for additional information.  
**(WVC §18A-3-2a; SBP 5202)**

**Most Commonly Issued Certificates:**

- ❖—~~Temporary Teaching Certificate;~~
- ❖—~~Initial Professional Teaching Certificate;~~
- ❖—~~Professional Five-Year Teaching Certificate;~~
- ❖—~~Temporary Administrative Certificate;~~
- ❖—~~Initial Professional Administrative Certificate;~~
- ❖—~~Professional Student Support Certificate;~~
  - ~~School Counselor;~~
  - ~~Professional Student Support Certificate;~~
  - ~~Speech Language Pathologist;~~
  - ~~Attendance Director;~~
  - ~~Athletic Trainer;~~

- ❖ ~~Paraprofessional Certificate ; and~~
- ❖ ~~Permits Issued to Professional Educators.~~

### **Categories of Licenses:**

The following is a listing of the types of professional certificates which may be issued to qualified person. Persons interested in obtaining one or more of these certificates should refer to the section of SBP 5202-*Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classification* as directed in the brief descriptions which follow. SBP 5202 may be found on the State Department of Education's website.

**Professional Certificate** – The Professional Certificate may be issued to an individual who meets prescribed experience and/or academic and professional standards and who has been assessed as competent to assume a role in public education in keeping with the specialization(s) and grade levels designated on this license. A Professional Certificate may be issued in teaching, student support services, or administrative specializations. (Refer to §126-136-10)

**Alternative Teaching Certificate** – The Alternative Teaching Certificate may be issued to an individual provided s/he fulfills the general requirements for issuance as specified in §126-136-15.1. An Alternative Teaching Certificate may only be issued in teaching specializations.

**Temporary Certificate** – The Temporary Certificate may be issued to an individual who meets prescribed experience and/or academic and professional standards but has not met the testing requirements prescribed for issuance of the Professional Certificate. A Temporary Certificate may be issued in teaching, student support or administrative specializations. (Refer to §126-136-10)

**Career and Technical Education Certificate** – The Career and Technical Education Certificate may be issued to an individual who has acquired prescribed Career and technical education and/or technical skills through specific wage-earning experience and/or training and who has been assessed as competent to assume a role in public education in keeping with the specialization(s) and grade levels designated in this license. The Career and Technical Education Certificate is equivalent to the Professional Certificate for salary purposes. (Refer to §126-136-10)

**Temporary Career and Technical Education Certificate** – The Temporary Career and Technical Education Certificate may be issued to an individual who holds a valid out-of-state Career and Technical Education certificate but does not hold the required industry recognized credential and/or has not met the citizenship and/or testing requirements prescribed for issuance of the Career and Technical Education Certificate. (Refer to §126-136-10)

**Permit** – The Permit may be issued to an individual who does not meet the requirements for the Professional or Career and Technical Education Certificate, but who has been determined by the county superintendent to be the most qualified applicant for the position. (Refer to §126-136-11) The Non-United States Citizen Permit may be issued to a non-United States citizen in accordance with §126-136-17.

**Adult Permit** – The Adult Permit may be issued to an individual who meets the prescribed experience and/or academic standards for teaching adults in the specialization(s) designated on the license. (Refer to §126-136-11)

**Authorization** – The Authorization may be issued to an individual who does not meet criteria for any of the above licenses or who is assigned to a position for which a specialization related to public schools instruction or a public school programs does not exist on the Professional or Career and Technical Education Certificate. A Temporary or Permanent Authorization that requires a Professional Certificate

as a prerequisite shall be valid provided the Professional Certificate remains valid. (Refer to §126-136-11)

**Paraprofessional Certificate** – The Paraprofessional Certificate may be issued to an individual who meets prescribed academic or equivalent standards and/or experience to work in a support capacity to assist in the facilitation of instruction and supervision of pupils while under the direction of a professional educator. An educator who holds a valid Professional Certificate and is employed as a paraprofessional does not need to hold a Paraprofessional Certificate. (Refer to §126-136-12)

**Special Education Content Endorsement** – The Special Education Content Endorsement may be issued to an individual who holds a Professional Teaching Certificate endorsed in Autism, Emotional/Behavior Disorders, Mild/Moderate Mental Impairment, Multi-Categorical Special Education, and/or Specific Learning Disabilities and who meets the prescribed academic standards and/or equivalent WVDE-approved professional development.

**Advanced Credential** – Advanced Credentials are awarded to educators for completing professional development, coursework, and/or testing that exceeds the requirements for a professional certificate. Endorsements identified as Advanced Credentials have unique and specific requirements for the initial issuance and subsequent renewal. Advanced Credentials may be required for employment.

### **Responsibilities for Licensure:**

Every educator is responsible for familiarizing her/himself with the West Virginia licensure and salary classification requirements and for making application for any licensure/salary classification to which s/he is entitled. Failure to apply for a certificate or an additional endorsement within 12 months from the completion of an approved program may result in additional requirements before the educator can be licensed. It is the educator's responsibility to ensure that s/he holds a license valid for her/his assignment.

Assistance with certification questions is available in the Pendleton County Schools Personnel Office. Also, questions may be directed to the Licensing Agency at the West Virginia Department of Education.

It is the responsibility of each certified person to see that a valid certificate is on file in the Superintendent's office. When certified personnel have increased their certification, either by upgrading or by adding endorsements in certification for pay purposes, they are responsible for informing the Superintendent's office of the change. The Personnel Office should be informed of all expected changes before the start of each school year.

### **Renewal of Professional Certification:**

An educator who is not employed in West Virginia but who taught or resides in this state and wishes to renew her/his West Virginia Professional Certificate(s) must consult with the county superintendent in the county in which s/he last taught or resides (W. Va. Code §18A-3-3). The county superintendent or professional designee shall approve the college/university coursework to be used for renewal. Failure to secure prior approval from the county superintendent or professional designee may result in the denial of the use of certain coursework for the purpose of renewal.

The county superintendent shall recommend, or not recommend, the issuance and renewal of all licenses, as noted, for educators employed by the board of education in accordance with W. Va. Code §18A-3-2a.

An educator who is not employed as an educator in West Virginia and has never taught or resided in West Virginia but desires to renew her/his West Virginia license shall select, in consultation with the

licensing agency staff, the college/university coursework most appropriate to her/his anticipated assignment and long-range professional development plan. Failure to secure prior approval from the licensing agency may result in the denial of the use of certain college/university coursework for the purpose of renewal. The State Superintendent shall recommend the applicant for renewal of her/his Professional Certificate.

The educator is encouraged to complete the college/university coursework for the renewal of the Professional Certificate one year prior to the expiration date of the certificate being renewed.

Standards and guidelines for certification renewals may be found in SBP 5202.

### **Permanent Certification:**

~~The holders of professional certificates may qualify for permanent certification once they have completed the requisite number of years of professional experience and when they have met the academic and other requirements contained in SBP 5202~~

The applicant for permanent licensure must submit evidence of satisfying the following:

- ❖ Five-Year Certificate. – Hold or be eligible for the Professional Teaching Certificate valid for five years; AND
- ❖ Master’s Degree. – Hold a master’s degree related to the public school program as defined in §126-136-9.6.6; AND
- ❖ Experience. – Complete five years of educational experience including two within the specialization(s) for which the permanent certificate is requested; OR
- ❖ Valid Five-Year Certificate. – Hold a valid Professional Teaching Certificate; AND
- ❖ Two Renewals. – Renew the Professional Teaching Certificate valid for five years two times based on: 1) six semester hours of appropriate renewal credit reflecting a 3.0 GPA; or 2) a minimum of a M.A. plus 30 salary classification based on the awarding of a master’s degree; or 3) age sixty; OR
- ❖ Obtain certification through the NBPTS; OR
- ❖ Valid out-of-state certificate that reflects permanent status by the issuing state, verification of a minimum of five years of teaching experience in the endorsement area(s) listed on the valid license and in a public school setting, and which is verified by the appropriate licensing agency or district —Refer to §126-136-16; AND
- ❖ Recommendation of Superintendent. – Receive the recommendation of the county superintendent in the county in which the educator teaches or last taught.
- ❖ Validity Period. – The Permanent Professional Teaching Certificate shall remain valid unless surrendered, suspended or revoked.

### **(P) P.2.6. Paraprofessional Certificates**

#### **General Criteria:**

A Paraprofessional certificate may be issued to a person who has completed: 1) the general requirements specified in §126-136-9; and 2) the general conditions for issuance identified in §126-136-12.1.3. The Paraprofessional Certificate entitles the holder to serve in a support capacity including, but not limited to, facilitating the instruction and direct or indirect supervision of pupils under the supervision of a professional educator.

#### **Validity Period:**

The Permanent Paraprofessional Certificate shall continue to be valid unless surrendered, suspended or revoked. The Initial Paraprofessional Certificate endorsed for Educational Interpreter shall

be valid for one school year and shall expire on June 30. The Initial Paraprofessional Certificate – Educational Interpreter that is effective on or after January 1 may be issued as an Initial Paraprofessional Certificate – Educational Interpreter valid until June 30 of the following school year. The Initial Paraprofessional Certificate – Educational Interpreter may not be renewed more than two times.  
(SBP 5202 §126-136-12)

**(P) ~~P.2.9. Reimbursement for Tuition Costs:~~**

~~Teachers may petition the State Department of Education for reimbursement of tuition, registration and other required fees for coursework completed toward both certification renewal and additional endorsement in a shortage area. Reimbursements will be granted to applicants to the extent of funds appropriated by the legislature for these purposes.~~

~~Payment may be made to any teacher who holds either a valid West Virginia certificate or a first class permit for full time employment; and is seeking an additional endorsement in a shortage area or certification renewal, and has a continuing contract with the Board.~~

~~If funds appropriated for the purposes specified above are insufficient for the reimbursement of all eligible courses within the limits provided in the code, the West Virginia Department of Education shall make the reimbursements for courses for additional endorsement in a shortage area and certification renewal in a shortage area first.~~

~~The payment shall be made as reimbursement for the tuition, registration and other required fees for any course completed at any college or university within the state or college or university outside the state if prior approval is granted by the State Department. However, payment made for any single fee may not exceed the amount of the highest corresponding fee charged at a state institution of higher education.~~

~~Reimbursement for courses completed toward certification renewal is limited to 15 semester hours of courses for any teacher. Reimbursement for courses completed toward additional endorsement in a shortage area is limited to 15 semester hours of courses for any teacher.~~

~~\_\_\_\_\_ A Central Office administrator shall be designated to provide advice and assistance to professional personnel with regard to certification.  
(SBP 2320, 5202 and §18A-3-3)~~

**(P) P.2.9. Tuition Reimbursement for License Renewal or Shortage Areas:**

**Criteria:**

As stated in W. Va. Code §18A-3-3a, an educator applying for tuition reimbursement must meet the following criteria:

- ❖ holds either a valid West Virginia Certificate or First Class Permit for full-time employment and is seeking an additional endorsement in a shortage area, and either resides in the state or is employed regularly for instructional purposes in a public school in the state; or
- ❖ is seeking certification renewal, and has a continuing contract with a county board. Reimbursement is dependent upon the amount of legislative funding granted.

**Limitations:**

Reimbursement is limited to the cost of tuition, registration and other required fees only for appropriate college or university coursework used for license renewal or for an additional endorsement in a verified shortage subject area.

Reimbursement for an educator who has prior approval to attend an out-of-state institution of higher education as described in W. Va. Code §18A-3-3a(d)(2), or a private institution of higher education may not exceed the amount of the highest corresponding tuition charged at a West Virginia state-supported college or university.

Reimbursement for courses completed toward certification renewal is limited to 15 semester hours of courses for any educator. Reimbursement for educators completing courses after July 1, 2007, will be limited to 15 semester hours of coursework completed towards an additional endorsement in a shortage area.

The educator must have completed the appropriate college or university coursework with a minimum 3.0 GPA.

**Reimbursement Schedule:**

The reimbursement for courses completed towards an additional endorsement, or for the renewal of a license, in an area of critical shortage is prioritized. A request for tuition reimbursement must be received by the WVDE no later than June 15 of each year for coursework completed during that fiscal year.

A Central Office administrator shall be designated to provide advice and assistance to professional personnel with regard to certification.  
(SBP 2320, 5202 and §18A-3-3a)

**Policy (P) P.3.19. Revocation of Bus Operator Certification has been amended to reflect that SBP 4336 also list a number of reasons for which a bus operator’s license may be suspended or revoked. In addition, WVC §17E-1-13 states that a bus operator shall be disqualified from driving a school bus or any other commercial motor vehicle if convicted of driving a school bus or commercial motor vehicle while engaged in texting.**

<p><b>PENDLETON COUNTY BOARD OF EDUCATION</b>  <b>P. PERSONNEL – PROFESSIONAL AND SERVICE</b>  <b>File: P.3. Employment of Service Personnel</b></p>	<p><b>Adopted: August 20, 2003</b>  <b>Last Review:</b>  <b>September, 2012</b></p>
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**(P) P.3.19. Revocation of Bus Operator Certification**

The State Superintendent may, after ten days' notice and upon proper evidence, revoke the certificate of any bus operator for any of the following causes:

- ❖ Intemperance, untruthfulness, cruelty or immorality;
- ❖ Conviction of or guilty plea or plea of no contest to a felony charge;
- ❖ Conviction of or guilty plea or plea of no contest to any charge involving sexual misconduct with a minor or a student;
- ❖ Just and sufficient cause for revocation as specified by State Board rule; and
- ❖ Using fraudulent, unapproved or insufficient credit to obtain the certificates.

Of the causes for certificate revocation listed above, the following causes constitute grounds for revocation only if there is a rational nexus between the conduct of the bus operator and the performance of the job:

- ❖ Intemperance, untruthfulness, cruelty or immorality;
- ❖ Just and sufficient cause for revocation as specified by State Board rule; and
- ❖ Using fraudulent, unapproved or insufficient credit to obtain the certificate.

The certificate of a bus operator may not be revoked for either of the following unless it can be proven by clear and convincing evidence that the bus operator has committed one of the offenses listed above and his or her actions render him or her unfit to operate a school bus:

- ❖ Any matter for which the bus operator was disciplined, less than dismissal, by the employing county board; or
- ❖ Any matter for which the bus operator is meeting or has met an improvement plan determined by the county board.

Also, WVC §17E-1-13 states that a bus operator shall be disqualified from driving a school bus or any other commercial motor vehicle if convicted of driving a school bus or commercial motor vehicle while engaged in texting. A driver is considered to be engaged in texting if s/he is operating a motor vehicle with the engine running, including while temporarily stopped because of traffic, a traffic control device, or other momentary delays. However, a driver is not considered to be operating a motor vehicle when the driver has moved the vehicle to the side of or off a highway and halted in a location where the vehicle can safely remain stationary, regardless of whether the motor is running.

SBP 4336- West Virginia School Bus Transportation Policy and Procedures Manual also list several rules infractions which will lead to suspension for revocation of a person’s bus certification. See section 19-Reasons for Suspension, Revocation or Non-renewal of Certification of School Bus Operators.

The State Superintendent shall designate a review panel to conduct hearings on certificate revocations or denials and make recommendations for action by the State Superintendent.

It is the duty of any county superintendent who knows of any acts on the part of a bus operator for which a certificate may be revoked in accordance with §18A 4-8e (k) to report the same, together with all the facts and evidence, to the State Superintendent for such action as in the State Superintendent's judgment may be proper.

If a certificate has been granted through an error, oversight or misinformation, the State Superintendent may recall the certificate and make such corrections as will conform to the requirements of law and State Board rules.  
**(WVC §17E-1-13; WVC §18A-4-8e(k); SBP4336)**

**Significant changes have been made to SBP 5310-Performance Evaluation of School Personnel. Rather than try to save a few bits and pieces from the old policy, I am showing you what the new policy requires. This policy should be read as if it were completely new. SBP 5310 speaks only to professional personnel; therefore, I am separating the evaluation of service personnel into a separate policy. Service personnel evaluations have not been changed, but when the updated Policy Manual is finished, you will find a new File: P.13.A Service Personnel Evaluation.**

<p><b>PENDLETON COUNTY BOARD OF EDUCATION</b>  <b>P. PERSONNEL – PROFESSIONAL AND SERVICE</b>  <b>File: P.13. Professional Personnel Evaluation</b></p>	<p><b>Adopted: August 20, 2003</b>  <b>Last Review:</b>  <b>September, 2012</b></p>
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The Pendleton County Board of Education is committed to the implementation of State Board Policy 5310, Performance Evaluation of School Personnel. County administrative personnel will adhere to the definitions, training, rating structure, and evaluation criteria and procedures for evaluating classroom teachers, professional supports personnel, administrators, and coaches.

The various categories of professional personnel will be evaluated upon the basis of their performance and compliance with the responsibilities and performance criteria listed in State Board Policy 5310. Classroom teachers, professional supports personnel and administrators must demonstrate competency in the knowledge and implementation of technology effective July 1, 2003.

A standardized evaluation system for all professional education personnel is hereby established by the Pendleton County Board of Education.  
**(SBP 5310)**

**(P) P.13.1. Purposes**

This evaluation policy has five (5) major purposes:

- ❖ to promote professional growth and development that advances student learning in Pendleton County Schools;
- ❖ to define and promote high standards for professional personnel and their performance;
- ❖ to provide data that indicates the effectiveness of professional personnel as one basis for sound personnel decisions;
- ❖ to provide data for educator preparation programs to identify areas of need and guide program improvement; and
- ❖ to establish county and school evaluation data that serve as a basis for professional development that specifically targets the area(s) identified for professional growth.

Other worthwhile outcomes of the professional personnel evaluation process include:

- ❖ clarifying employees' duties and responsibilities;
- ❖ facilitating communication between evaluator and employee;
- ❖ providing for an on-going record of performance;
- ❖ fostering the self-improvement of each employee; and
- ❖ cultivating positive morale.

**(P) P.13.2. Definitions**

- ❖ **Athletic Coach** -- For the purposes of this policy, athletic coach is defined as a member of a school faculty, substitute teacher or student teacher within a public school or an authorized certified individual under contract with a county board of education who provides instruction, direction, or supervision to athletic teams for the purpose of developing ability or skill to perform in athletic contests.
- ❖ **Classroom Teacher** -- For the purposes of this policy, classroom teacher is defined as the professional educator who has a direct instructional relationship with pupils.
- ❖ **Conference:** A scheduled meeting between the evaluator and focusing on the educator's performance, the educator's performance.
- ❖ **Corrective Action Plan (CAP)** -- Initiated when a focused support plan results in inadequate progress and when an evaluation is completed that shows unsatisfactory performance based on one or more of the standards OR when certain instances of misconduct as specified in W.Va. Code §18A-2-8 may require immediate action and/or a Corrective Action Plan. The Corrective Action Plan may address unsatisfactory performance involving student learning goals when in conjunction with one or more of the standards.
- ❖ **Educators** -- The professionals who play active roles in the evaluation process within the system. The term encompasses school leaders, teachers, and counselors.
- ❖ **Evaluation Instruments:** the approved evaluation forms containing the performance criteria.
- ❖ **Evidence Collection for School Leaders** -- School leaders provide evidence to support their goals based on the nine leadership standards. Examples of evidence are presented in the broadest terms and may include observable practices and other tangible items or artifacts.
- ❖ **Evidence for Educators** -- A collection of materials assembled and selected by the educator and/or the evaluator to support the determination of performance level ratings for the professional standards. The evidence may be used by the educator during the observation or the evaluation conference.
- ❖ **Focused Support Plan (FSP)** -- A proactive, preventative measure that supports individual improvement and professional growth. The Focused Support Plan may commence only after a purposeful conversation between the evaluator and the educator and when there is documented evidence indicating an area of concern based on one or more of the performance standards. The plan may address a documented area of concern involving the student growth standard when in conjunction with one or more of the performance standards.
- ❖ **Goal Setting** -- The process of developing rigorous, measurable goals to improve student learning. Goals span a school year, semester or quarter. The end measure of the goal must be complete prior to the summative evaluation.
- ❖ **Immediate Supervisor** -- For the purposes of this policy, immediate supervisor is defined as a professional educator/school leader identified by the county superintendent to conduct observations, complete evaluations, and write and monitor Focused Support and Corrective Action Plans.
- ❖ **Observation** -- The opportunity to view educator practice and collect data to evaluate performance. Evidence collected during observation helps educators clarify strengths and identify areas for growth.
- ❖ **Orientation** -- A meeting to assure that all employees have a full understanding of the purposes, instruments and procedures used in evaluating the performance of employees.
- ❖ **Performance Levels** -- A Distinguished, Accomplished, Emerging, or Unsatisfactory rating is assigned to the performance of an educator.
- ❖ **Professional Support Personnel** -- For the purposes of this policy, professional support person is an individual who provides educational services within the school such as: athletic trainer, education audiologist, school nurse, school psychologist, social service and attendance, and speech language pathologist.
- ❖ **Progression** -- A designation of teachers based on the number of years' experience used in the evaluation process to determine the number/frequency of observations. The progressions are as follows:
  - Initial Progression -- Teachers in their first (1<sup>st</sup>), second (2<sup>nd</sup>), or third (3<sup>rd</sup>) year of experience.

- Intermediate Progression -- Teachers in their fourth (4<sup>th</sup>) or fifth (5<sup>th</sup>) year of experience.
- Advanced Progression -- Teachers with six (6) or more years of experience.
- Teachers returning to the classroom.
  - Teachers who began their teaching careers in West Virginia, and are returning to the classroom after a hiatus of three (3) or more years, are to be evaluated as a teacher in the Initial Progression during their first year's return to the classroom. After the initial year and an evaluation, the teacher may be moved to the appropriate progression based on years of experience and an evaluation of accomplished or higher.
  - Teachers who began their teaching careers in states other than West Virginia shall be evaluated as a teacher in the Initial Progression for the initial three (3) years of their service in the state of West Virginia. After the initial year and an evaluation, the teacher may be moved to the appropriate progression based on years of experience and an evaluation of accomplished or higher.
- ❖ **School Counselor** -- For the purposes of this policy, school counselors are individuals with appropriate certification who serve as counselor within a school.
- ❖ **School Leader** -- For the purposes of this policy, school leaders are administrators responsible for the collective success of their school including the learning, growth and achievement of students, staff and self.
- ❖ **Standards and Elements** -- Indicators of professional practice used to evaluate the performance of an employee.
  - Performance Standards -- Standards of professional practice that are used to demonstrate what educators know and are able to do.
  - Student Growth Standard -- Standard that requires educators to demonstrate their students' success through multiple measures.
  - Professional Conduct Standard -- Standard that sets clear criteria for those competencies and habits of mind without which professional teaching simply cannot occur.
- ❖ **Student Impact Goal** -- The student impact goal requires counselors to document student changes as an outcome of the school counseling program. The counselor, in collaboration with school leader, sets a student impact goal in an area of need.
- ❖ **Summative Evaluation** -- The final annual assessment that measures levels of performance in performance standards, professional conduct and goals as documented in the online educator evaluation system.
- ❖ **Summative Rating** -- The summative rating for performance provided by the educator evaluation process which will determine the overall performance level of the educator based upon performance, student growth and professional conduct standards.

### **(P) P.13.3. Training**

All evaluators shall be trained in management and evaluation skills in the current system.

The Center for Professional Development and the State Board of Education shall provide education and training in evaluation skills to administrative personnel who will conduct evaluations.

### **(P) P.13.4. Principles of Operation**

The staff evaluation process is to be regarded as a vital link in the communication between evaluator and employee for the purpose of improved instruction and services for students through the improvement of the job performance of the employee.

- ❖ County administrative procedures for conducting employee evaluations shall include: a) the identity of the immediate supervisor who conducts the observations and evaluations; b) the process to be used in improving an employee's performance based on the evaluation results.
- ❖ All monitoring and/or observations of the employee shall be conducted openly.
- ❖ An employee whose performance evaluation is rated unsatisfactory shall be given an opportunity to correct the deficiencies.
- ❖ Each county school district's administrative procedures shall be implemented in conformity with grievance and other due process requirements.
- ❖ To assure that all employees have a full understanding of the evaluation policy and procedures, an orientation shall be convened for all employees at the beginning of the employment period. Employees shall be provided access to the instruments and procedures.
- ❖ To assure that all employees have a meaningful opportunity to implement the evaluation policy and procedures, appropriate time for collaboration during the school day shall be provided.

**(P) P.13.5. Rating Structure for Professional Personnel**

The four (4) performance rating categories in the educator evaluation system for the performance and student growth standards are a) distinguished, b) accomplished, c) emerging, and d) unsatisfactory. The scale for assessing the performance criteria is as follows:

- ❖ Distinguished --- Performance which is consistently exceptional.
- ❖ Accomplished --- Performance which demonstrates mastery of the standard.
- ❖ Emerging -----Performance which meets the basic standard and has an opportunity for professional growth.
- ❖ Unsatisfactory -- Performance which does not meet the basic standard.

The three (3) performance rating categories on the personnel evaluation form for employees for the professional conduct standard are: a) meets standard, b) below standard, and c) unsatisfactory. The scale for assessing the criteria is articulated in the professional conduct rubric.

Rating Structure for Professional Student Support, Central Office Personnel, and Athletic Coaches -- The four (4) performance rating categories on the personnel evaluation form for employees are a) exemplary, b) exceeds standards, c) meets standards, and d) unsatisfactory. The scale for assessing the performance criteria is as follows:

Exemplary - Performance is consistently exceptional in meeting performance criteria demonstrated by providing extraordinary opportunities for student success through instructional strategies that confirm the teacher's expertise and the ability to reach all students.

- ❖ Exceeds Standards - Performance is consistently above average in meeting performance criteria demonstrated by going beyond the established standards and instructional practices in reaching all students.
- ❖ Meets Standards - Performance is consistently adequate in meeting performance criteria.
- ❖ Unsatisfactory - Performance is not consistently acceptable in meeting performance criteria.

**(P) P.13.6. Educator Evaluation**

As specified in W.Va. Code §18A-3C-2, educators shall complete one (1) summative evaluation each year.

- ❖ Eighty (80) percent of the educator evaluation shall be based on an appraisal of the educator's ability to perform the established professional standards.
- ❖ Five (5) percent of the evaluation shall be based on student growth measured by the school-wide score

on the state summative assessment. For educators assigned to schools for which a student growth score based on the state summative assessment is not available, the school shall determine an alternative measure for determining the five (5) percent school growth score. Both the measure and the growth calculation shall be approved by the WV Department of Education.

- ❖ Fifteen (15) percent of the evaluation shall be based upon student growth as measured by the student learning goals. Beginning in the 2014-2015 school year, for educators who teach in tested grades and subjects (for which two consecutive years of summative assessment data is available), the results shall be established from a student growth percentile based on the statewide summative assessment. The guidelines for calculating the student growth percentile at the classroom level will be developed during the 2013-2014 school year through meaningful consultation with the Educator Evaluation Task Force and through a pilot program. For all other educators, progress toward meeting the two (2) student learning goals shall be measured using formal and/or teacher-created assessments.

**Self-reflection** -- Educators shall complete an annual self-reflection based upon the standards on or before October 1. Evaluators review the educator self-reflection which is transmitted electronically by educators.

**Educator Evidence** -- Evidence is utilized to support performance level determination.

- ❖ Evidence must be noted in the system for a distinguished rating on either/both the self-reflection and/or the evaluation.
- ❖ Evaluators record data using the online observation form.
- ❖ If an evaluator disagrees with a rating in the self-reflection, the individual being evaluated has the opportunity to provide evidence to support his/her self-reflection rating.
- ❖ The evidence provided will be considered by the evaluator when determining the summative rating.

**Goal setting** - Educators shall complete the goal setting process on or before November 1.

### **(P) P.13.6.1. Plans to Support Continuous Improvement**

A Plan to Support Continuous Improvement shall be developed by the evaluator and the educator when an educator's performance indicates an area of concern and/or is unsatisfactory in any area of the educator's responsibilities. There are two types of plans:

- ❖ **Focused Support Plan** -- A proactive measure that supports individual improvement and professional growth. The focused support plan may commence only after a purposeful conversation between the educator and the evaluator and when there is documented evidence indicating an area of concern based on one or more of the performance standards. The focused support plan, and its implementation, is an improvement process between the educator and the evaluator. The Focused Support Plan spans at minimum nine (9) weeks and may commence at any time during the school year and may be repeated once per plan.
  - The Focused Support Plan must include the following essential components: (a) identified area of concern with reference to the standards to be addressed, (b) expectations for change, (c) nine (9) week timeline for implementation, and (d) resources for support.
  - The following supports may be considered to meet individual needs: (a) professional development, (b) coaching/instructional support, (c) mentoring, (d) peer observation, (e) programs of study, and (f) other supports and resources
  - The Focused Support Plan enacted for an educator may address an area of concern involving student learning goals when in conjunction with one or more of the performance standards. School-wide student growth performance levels cannot be considered in a focused support plan.
  - At the conclusion of the nine (9) week Focused Support Plan, if evidence demonstrates that the standard has been met, then the plan is successfully completed. If evidence demonstrates that adequate progress has been made but the standard has not been met, the focused support plan will

continue for a second nine (9) week period. In the event of inadequate progress on the standard related to the area of concern, an evaluation will be completed and a Corrective Action Plan will be initiated.

- ❖ **Corrective Action Plan** -- The Corrective Action Plan is initiated when a focused support plan results in inadequate progress and when an evaluation is completed that shows unsatisfactory performance based on one or more of the standards OR when certain instances of misconduct as specified in W.Va. Code §18A-2-8 may require immediate action and/or a Corrective Action Plan. The Corrective Action Plan may address unsatisfactory performance involving student learning goals when in conjunction with one or more of the standards. The Corrective Action Plan spans eighteen (18) weeks and may commence at any time during the school year.
  - The Corrective Action Plan must include the following essential components: (a) identified area of unsatisfactory performance with reference to the standard(s) to be addressed, (b) timeline for implementation, and (c) resources for support, including referral to other educators.
  - The Corrective Action Plan is determinative and may not be repeated. Evidence of adequate progress must be demonstrated by the conclusion of the eighteen (18) week Corrective Action Plan. If evidence does not demonstrate that adequate progress has been made at the conclusion of the eighteen (18) week period, termination for unsatisfactory performance shall ensue. The area of unsatisfactory performance guides the choice of evidence within a Corrective Action Plan that may include observation if appropriate.
  - Unsatisfactory performance related to a single element is addressed through quality sustained job-embedded professional development and support. Two consecutive unsatisfactory performance-level summative ratings related to the same element are addressed through evaluation based on the rubrics associated with the standard that addresses the educator's professional responsibilities for self-renewal that stipulate professional self-renewal as a requirement. Unsatisfactory performance related to a single element cannot initiate a Corrective Action Plan.

If an educator transfers within the county, as determined by county policy or to any other county within the state during the implementation of a Focused Support Plan, the existence of a Focused Support Plan shall be noted in the online system. The new supervisor will conduct a conference and an observation of the educator to determine the need and parameters of a continued Focused Support Plan.

If an educator transfers within the county, as determined by county policy or to any other county within the state during the implementation of a Corrective Action Plan, the plan is noted in the online system and transferred to the new supervisor for continuation.

Unsatisfactory performance in any area of the Professional Conduct Standard results in an unsatisfactory rating of the standard.

- ❖ Certain instances of misconduct as specified in W.Va. Code §18A-2-8 may require immediate disciplinary action and/or a Corrective Action Plan.
- ❖ Instances of unsatisfactory Professional Conduct not specified in W.Va. Code §18A-2-8 shall result in either a Focused Support Plan or Corrective Action Plan determined at the discretion of the evaluator.

For educators on an improvement plan prior to the effective date of this policy, the evaluator must complete an evaluation within six (6) weeks of the first instructional day of the 2013-2014 school year to determine whether the prior improvement plan will continue as a Focused Support Plan or a Corrective Action Plan.

Nothing in this section shall supersede the provisions of W.Va. Code §§18-2E-6, 18-3-4, or 18A-2-8.

#### **(P) P.13.7. Evaluation Process for School Leaders**

- ❖ All school leaders shall participate in an annual summative evaluation conference on or before July 1 that is recorded in the online evaluation system.

- ❖ The school leader's evaluator is responsible for monitoring performance and for preparing the online evaluation.
- ❖ The purpose of the evaluation is to set high standards of performance for school leaders, ensure high-quality leadership focused on increasing student achievement, and encourage continuous growth and improvement through personal reflection and goal setting.
- ❖ The school leader and the evaluator will mutually establish annual written goals for the administrator's performance evaluation on or before November 1. The goals shall be related to student learning and the school leaders' job responsibilities as described in the leadership standards. The administrator shall review school-wide data to establish a student learning goal and identify strategies and measures that will be provided to document progress on the student learning goal. The second goal shall be derived from the self-reflection based on the WV Leadership Standards. The superintendent or designee may require a third goal directly related to an identified data-based deficiency or a county-wide initiative.
- ❖ The school leaders will annually administer a stakeholder survey on the overall effectiveness of the school during the second semester. The surveys will provide the school leader(s) with perceptual data to share with the evaluator at the year-end conference.
- ❖ The evaluator will document performance rating on each standard using the online evaluation form and schedule year-end evaluation conference with the school leader to share results on or before July 1.

**(P) P.13.7.1. School Leader Evaluation Standards**

School leaders shall be evaluated based on their performance within the following nine standards which determine 80% of the summative evaluation rating:

- ❖ Interpersonal and Collaborative Skills -- The school leader demonstrates effective and professional interpersonal and collaborative skills.
- ❖ Clear and Focused Learning Mission -- The school leader facilitates the development of the strategic plan including a clear vision, mission and goals.
- ❖ Rigorous Curriculum, Engaging Instruction and Balanced Assessments -- The school leader provides instructional leadership to establish and support a student-centered learning environment.
- ❖ Positive Learning Climate and Cohesive Culture -- The school leader builds and sustains a safe and positive climate and cohesive culture.
- ❖ Professional Growth and Retention of Quality Staff -- The school leader identifies, supports, and participates in professional development.
- ❖ Support Systems for Student Success -- The school leader creates and supports practices that address students' physical, social/ emotional and academic needs.
- ❖ Operations to Promote Learning -- The school leader demonstrates a proactive approach in effectively managing the resources and operations of the school.
- ❖ Family and Community Connections -- The school leader communicates and creates partnerships to engage students, staff, families and the community.
- ❖ Continuous Improvement -- The school leader ensures continuous improvement through the implementation and monitoring of the strategic plan.

**Student Growth** -- School leaders shall be evaluated based on demonstration of their students' success through multiple measures which determines 20% of the summative evaluation rating. The educator evaluation recognizes the professional commitment and hard work necessary for West Virginia students to achieve at high levels. It recognizes student growth in a variety of settings across diverse social and academic contexts.

**Professional Conduct** -- School leaders shall be evaluated based on clear criteria for those competencies and habits of mind without which professional school leadership simply cannot occur. The standard addresses Adhering to Policy and Procedure, Professional Attendance, Adhering to Schedule, and Respect. An unsatisfactory rating in any of these areas prompts a standard performance rating of unsatisfactory.

**(P) P.13.8. Evaluation Process for Teachers**

All teachers shall participate in an annual summative evaluation conference on or before June 1 that is recorded in the online evaluation system. The teacher's evaluator is responsible for monitoring performance and for preparing the evaluation.

The purpose of the evaluation is to set high standards of performance for teachers, ensure high-quality instruction focused on increasing student achievement, encourage continuous growth and improvement through personal reflection and goal setting, and serve as a tool in developing coaching and mentoring programs for teachers.

Observations are to last the length of a lesson, but not less than thirty (30) minutes. Evaluators record data using the Observation form. Evaluators submit the Observation form electronically to teachers prior to the conference. Evaluators schedule and conduct a conference with teachers within ten (10) days of the observation. Teachers and evaluators exchange reflection and feedback and identify strategies and resources. They likewise review any additional evidence presented at the conference. Evidence accumulated as part of the observation is considered in the determination of the summative performance rating.

- ❖ Teachers in the Initial Progression will be observed a minimum of four (4) times for the summative performance evaluation. Two (2) observations shall be scheduled with the classroom teacher, and shall be conducted during an instructional activity.
  - The first instructional observation shall be completed with the teacher and shall occur on or before November 1.
  - The second observation is to be completed between November 1 and January 1.
  - The third observation is to be completed between January 1 and March 1.
  - The final observation is to be completed between March 1 and May 1.
- ❖ Teachers in the Intermediate Progression will be observed a minimum of two (2) times for the summative performance evaluation. The supervisor shall schedule one (1) of the two (2) observations with the teacher.
  - The first observation is to be completed on or before November 1.
  - The second observation is to be completed on or before May 1.

Evaluators may observe teachers at any time.

Lesson plans may not be used as a substitute for observations.

Teachers annually develop two Student Learning Goals and submit them electronically to their evaluator for review on or before November 1. The goals shall be related to improving student achievement. The determination of the goals shall be based on the identified needs of the students, which shall include a consideration of gaps in subgroup performance. All teachers in grades Kindergarten through 3<sup>rd</sup> grade shall include a goal to address increasing students' reading proficiency. Evaluators verify that the goals are rigorous, measurable, and comparable across classrooms. Evaluators may request goals be modified.

Teachers submit evidence for each goal to validate progress of student learning and briefly describe results on both Student Learning Goals. Evaluators review results and record a performance level for the Student Learning performance standard.

Itinerant teachers, not assigned a home school, shall be evaluated using the itinerant teacher process.

The evaluator shall share the evaluation with the teacher during a scheduled conference and the educator will accept the evaluation rating on or before June 1 with the option to append. The educator will receive notice when school-wide growth data is complete and will then accept the summative performance rating with the option to append.

The teacher shall receive an electronic copy of the final evaluation and acknowledge receipt by finalizing the evaluation denoting that the evaluator has reviewed the evaluation with the teacher. The teacher may provide an addendum to the final evaluation.

### **(P) P.13.8.1. Teacher Evaluation Standards and Elements**

**West Virginia Professional Teaching Standards** -- Teachers shall be evaluated based on their performance within the following five standards which determine 80% of the summative evaluation rating:

- ❖ Curriculum and Planning
  - Element 1.1 -- The teacher demonstrates a deep and extensive knowledge of the subject matter.
  - Element 1.2 -- The teacher designs standards-driven instruction using state-approved curricula.
  - Element 1.3 -- The teacher uses a balanced assessment approach to guide student learning.
- ❖ The Learner and the Learning Environment
  - Element 2.1 -- The teacher understands and responds to the unique characteristics of learners.
  - Element 2.2 -- The teacher establishes and maintains a safe and appropriate learning environment.
  - Element 2.3 -- The teacher establishes and maintains a learner-centered culture.
- ❖ Teaching
  - Element 3.1 -- The teacher utilizes a variety of research-based instructional strategies.
  - Element 3.2 -- The teacher motivates and engages students in learning, problem solving and collaboration.
  - Element 3.3 -- The teacher adjusts instruction based on a variety of assessments and student responses.
- ❖ Professional Responsibilities for Self-Renewal
  - Element 4.1 -- The teacher engages in professional development for self-renewal that guides continuous examination and improvement of professional practice.
  - Element 4.2 -- The teacher actively engages in collaborative learning opportunities for self-renewal with colleagues.
- ❖ Professional Responsibilities for School and Community
  - Element 5.1 -- The teacher participates in school-wide collaborative efforts to support the success of all students.
  - Element 5.2 -- The teacher works with parents, guardians, families, and community entities to support student learning and well-being.
  - Element 5.3 -- The teacher promotes practices and policies that improve school environment and student learning.

**Student Growth** -- Teachers shall be evaluated based on demonstration of their students' success through multiple measures which determines 20% of the summative evaluation rating. The educator evaluation recognizes the professional commitment and hard work necessary for West Virginia students to achieve at high levels. It recognizes student growth in a variety of classrooms across diverse social and academic contexts.

**Professional Conduct** -- Teachers shall be evaluated based on clear criteria for those competencies and habits of mind without which professional teaching simply cannot occur. The standard addresses Adhering to Policy and Procedure, Professional Attendance, Adhering to Schedule, and Respect. An unsatisfactory rating in any of these areas prompts a standard performance rating of unsatisfactory.

**(P) P.13.9. Evaluation Process for Counselors**

- ❖ All counselors shall participate in an annual evaluation conference on or before June 1 that is recorded in the online evaluation system.
- ❖ The evaluator is responsible for monitoring performance and for preparing the online evaluation. When counselors are in multiple schools, counselors will consult with the superintendent and the school leader at their home school to identify their evaluator(s).
- ❖ The purpose of the evaluation is to set high standards of performance for counselors, ensure high-quality instruction focused on increasing student achievement and encourage continuous growth and improvement through personal reflection and goal setting.
- ❖ Counselors annually develop two goals targeted at performance improvement and submit them electronically to their evaluator for review on or before November 1. Evaluators may request goals be modified.
- ❖ Counselors may submit evidence for each goal to validate progress of student impact and briefly describe results on both goals. Evaluators review results and record a performance level for the goals.
- ❖ The counselor shall receive an electronic copy of the final evaluation and acknowledge receipt by finalizing the evaluation denoting that the evaluator has reviewed the evaluation with the counselor. The counselor may provide an addendum to the final evaluation.

**(P) P.13.9.1. Counselor Evaluation Standards and Elements**

These elements describe important competencies of effective school counselors based on observable behaviors and artifacts of practice. These elements reflect best practices as illustrated in the West Virginia School Counseling Model which is aligned with the ASCA National Model® (ASCA, 2012).

- ❖ Standard 1-- Program Planning, Design and Management
  - Element 1.1. -- The school counselor assumes leadership in planning, designing and advocating for a balanced, comprehensive school counseling program aligned with the state model.
  - Element 1.2. -- The school counselor manages the school counseling program and documents alignment with the WV School Counseling Model.
- ❖ Standard 2 -- Program Delivery
  - Element 2.1. -- The professional school counselor facilitates the implementation of an integrated comprehensive guidance curriculum.
  - Element 2.2. -- The school counselor utilizes research-based and best practices as reflected by state school counseling protocols.
  - Element 2.3. -- The school counselor facilitates the delivery of a continuum of interventions and responsive services.
  - Element 2.4. -- The school counselor coordinates a seamless, systematic approach to academic, career and personal/social student supports.

- Element 2.5. -- The school counselor participates in and/or facilitates a coordinated approach to individual student academic and career planning.
- ❖ Standard 3 -- Data Driven Accountability and Program Evaluation
  - Element 3.1. -- The school counselor guides continuous program improvement through multiple forms of evaluation.
- ❖ Standard 4 -- Leadership and Advocacy
  - Element 4.1. -- The school counselor advocates for the success of all students by promoting equity and access.
  - Element 4.2. -- The school counselor collaborates with various stakeholders.
- ❖ Standard 5 -- Professional Growth and Responsibilities
  - Element 5.1. -- The school counselor seeks ongoing, relevant professional development.
  - Element 5.2. -- The school counselor demonstrates professional and ethical practices.
  - Element 5.3. -- The school counselor contributes to the growth of the profession.

**Student Impact** -- Counselors shall be evaluated based on demonstration of their students' success through multiple measures which determines 15% of the summative evaluation rating. The educator evaluation recognizes the professional commitment and hard work necessary for West Virginia students to achieve at high levels. It recognizes student growth in a variety of settings across diverse social and academic contexts.

**Professional Conduct** -- Counselors shall be evaluated based on clear criteria for those competencies and habits of mind without which professional school counseling simply cannot occur. The standard addresses Adhering to Policy and Procedure, Professional Attendance, Adhering to Schedule, and Respect. An unsatisfactory rating in any of these areas prompts a standard performance rating of unsatisfactory.

**(P) P.13.10. Evaluation Process for Professional Support Personnel and Central Office Personnel**

Professional support personnel and central office personnel who are in their first, second, or third year of professional service, a minimum of two (2) written evaluations per year is required.

Professional support personnel and central office personnel in their fourth or fifth year of professional service, a minimum of one (1) written evaluation per year is required.

For professional support personnel and central office personnel with five (5) or more years of experience who have not received an unsatisfactory rating, a minimum of one (1) evaluation every three (3) years is required unless the supervisor determines that an evaluation is needed more frequently. Supervisors may determine that professional support personnel whose written evaluations include identified deficiencies related to specific professional support personnel performance characteristics may be evaluated more frequently than once every three years.

The professional support or central office person's immediate supervisor, as defined by the county superintendent, is responsible for monitoring performance and for preparing the written evaluation.

The purpose of the evaluation is to improve the professional support and central office person's performance and professional growth. The professional support/central office person and the immediate supervisor will mutually establish annual written goals for the professional support person's performance evaluation on or before November 1. The goals shall be related to the professional support person's job responsibilities. In addition to the goal setting conference, the professional support person and the supervisor will meet at least once annually to review progress toward meeting the established goals. The supervisor will schedule an evaluation conference with the professional support person to share findings

and prepare the written evaluation. The professional support person shall receive a copy of the evaluation within five (5) working days.

The primary data source for the performance evaluation will be information and documentation related to the mutually established goals. The professional support / central office person shall maintain a portfolio of materials that validate progress or completion of the mutually established goals. The professional support / central office person's supervisor may also collect documentation relating to these goals. The supervisor will evaluate the professional support / central office person's performance using a narrative description to document the progress made toward goal attainment or to document unsatisfactory performance. Because the mutually established goals will be unique to each professional support / central office person, it follows that the evaluation narrative will focus on the professional support / central office person's demonstration of those skills identified in the performance characteristics. Therefore, the evaluation will be goal directed and may incorporate the performance characteristics in the narrative description. The supervisor may include those performance characteristics appropriate to the mutually established goals. The performance characteristics should be identified during the goal setting conference. The portfolios maintained by the professional support / central office person and the supervisor shall be included as part of the evaluation documentation.

The professional support/central office person's signature on the evaluation form denotes that the supervisor has reviewed the evaluation with the professional support person. The professional support person's signature does not imply concurrence with the evaluation and/or its rating. The professional support person shall receive a copy of the evaluation. The professional support person has the right to include a written statement as an addendum to the evaluation. An addendum and the signature of the professional support person must be affixed to the evaluation not later than five (5) working days following receipt of the written evaluation.

**(P) P.13.10.1. Improvement Plan for Professional Support Personnel and Central Office Personnel**

An improvement plan shall be developed by the supervisor and the professional support/central office person when the professional support person's performance is unsatisfactory in any area of responsibility as contained in §126-142-23 of this policy.

The improvement plan shall designate how the professional support/central office person shall meet standards. The improvement plan shall:

- ❖ identify the deficiency(ies);
- ❖ specify the corrective action to remediate the deficiency(ies);
- ❖ contain the time frame for monitoring and deadlines for meeting performance characteristics, and in no case shall the improvement plan be for more than one semester in length; and
- ❖ describe the resources and assistance available to assist in correcting the deficiency(ies).

After a professional support/central office person has successfully corrected deficiencies the professional support person must continue to meet standards.

Nothing in this section shall supersede the provisions of W.Va. Code §§18-2E-6, 18-3-4, or 18A-2-8.

**(P) P.13.10.2. Improvement Team for Professional Support Personnel and Central Office Personnel**

A referral to an improvement team for the professional support/central office person whose evaluation is unsatisfactory may occur when the supervisor determines s/he needs such assistance. The professional support person may request the assistance of an improvement team.

The improvement team shall be comprised of the professional support/central office person's immediate supervisor, one additional administrator preferably at the same school level, and one professional educator in the same or related specialization. The professional educator shall be selected by the professional support person and approved by the county superintendent. The selection of the other members of the improvement team shall be based upon county administrative procedures adopted pursuant to §126-142-3.2.

The improvement team shall serve only as a resource to the immediate supervisor who shall retain authority for the evaluation.

The improvement team shall monitor the improvement plan and may: a) conduct observations and conferences, b) provide training to assist the professional support/central office person in meeting the responsibilities outlined in the plan, and c) identify additional resources. Release time may be provided for professional educators who serve on the improvement team.

**(P) P.13.10.3. Professional Support Personnel Responsibilities**

In addition to established laws, policies, rules and regulations, job descriptions for professional support personnel may include the following responsibilities when appropriate:

- ❖ plans, prepares and implements new programs or facilitates change in the existing program;
- ❖ organizes, directs, and coordinates programs;
- ❖ gathers and interprets data for individuals, groups or programs;
- ❖ delivers services to students or others;
- ❖ collaborates with school personnel and/or parents to coordinate the delivery of services to students or others;
- ❖ facilitates professional development activities to achieve goals;
- ❖ develops and improves individual competencies and skills to deliver services; and
- ❖ effective July 1, 2003, demonstrates competency in the knowledge and implementation of technology standards.

**(P) P.13.10.4. Professional Support Personnel Performance Characteristics.**

Performance characteristics in this section are the state-adopted responsibilities for professional support personnel. The purpose is to clarify responsibilities of the professional support person and to provide guidance to the professional support person in understanding job expectations.

**Planning, Preparation and Implementation**

- ❖ Engages in activities that prepare for implementation of new programs or facilitates change in existing programs and their implementation. Items that may be used to reflect planning and preparation:
  - identifies needs of students and others;
  - develops action plans based on identified needs;
  - evaluates ongoing programs/plans;
  - revises programs based on assessment;
  - implements ongoing program activities and revises activities as needed; and
  - advises school personnel regarding available resources.

**Administration/Management**

- ❖ Organizes, directs, or coordinates programs that include responsibility for budgeting, staffing,

reporting and other similar activities. Items that may be used to reflect administration/management:

- aids school administration in developing and providing policies and/or programs;
- establishes and communicates practices and procedures to students, parents, community and staff;
- works to integrate program into total school curriculum;
- prepares thorough and accurate reports in a timely manner; and
- makes recommendations to modify the school program to meet individual students' needs.

### **Assessment/Evaluation**

- ❖ Gathers and interprets data from individual, groups, or programs to evaluate needs and programs. Items that may be used to reflect assessment/evaluation:
  - explains nature and purpose of assessment in an understandable manner;
  - demonstrates knowledge of theories, techniques and instruments used for assessment;
  - follows confidentiality procedures;
  - makes provisions for the attainment and evaluation of program goals; and
  - communicates effectively with school personnel, students, parents, and the community.

### **Intervention**

- ❖ Delivers services to students and others to improve skills/functional abilities or inform recipients of services. Items that may be used to reflect intervention:
  - provides activities to foster the development of the whole child/student;
  - demonstrates positive interpersonal relationships with students, educational staff, parents, and the community;
  - assists teachers and students in implementing plans/strategies;
  - involves students in setting objectives; and
  - uses systematic processes to assess needs, plan interventions, and evaluate outcomes.

### **Collaboration**

- ❖ Collaborates with school personnel, parents and the community to assist with and coordinate the delivery of services to students. Items that may be used to reflect collaboration:
  - presents information about services offered to students, school personnel, parents, and the community;
  - assists parents and students with individual needs to secure available services;
  - creates a positive climate during consultation;
  - serves on or leads multidisciplinary teams; and
  - respects values different from her/his own.

### **Professional Development**

- ❖ Facilitates professional development activities to achieve goals. Items that may be used to reflect professional development:
  - seeks input from staff;
  - plans, implements, and evaluates professional development programs;
  - disseminates information at meetings; and
  - develops procedures and provides training for school personnel, students, and parents.

## **Professional Responsibilities**

- ❖ Develops and improves individual competence and skill in delivering services consistent with professional standards. Items that may be used to reflect professional responsibilities:
  - behaves in an ethical manner;
  - demonstrates understanding of own professional limitations;
  - continues professional development by keeping abreast of current trends;
  - keeps appointments and follows up with commitments;
  - adheres to established regulations, policies, rules and laws; and
  - commands respect by example in appearance, manners, behavior and language.

## **Technology Standards, effective July 1, 2003**

- ❖ Definition: demonstrates competency and knowledge in the implementation of technology standards identified by the West Virginia Board of Education policies which are based on the ISTE Standards. Items that may be used to reflect instructional leadership competencies:
  - demonstrates a sound understanding of technology operations and concepts;
  - applies technology to facilitate a variety of effective assessment and evaluation strategies;
  - uses technology to enhance productivity and professional practice; and
  - understands the social, ethical, legal and human issues surrounding the use of technology in PreK-12 schools and applies that understanding in practice.

## **(P) P.13.11. Evaluation Procedures for Athletic Coaches**

### **Evaluation Process for Athletic Coaches:**

The primary purpose of the evaluation is to provide information necessary to make an objective assessment of the performance of coaches and assistant coaches and to assure that quality coaching is provided to the student athlete.

- ❖ A minimum of one (1) written evaluation per coach's and assistant coach's contract period is required each year.
- ❖ Principals, assistant principals, or athletic directors who hold an administrative certificate according to W.Va. Code §18A-2-12 shall evaluate coaches and assistant coaches.
- ❖ The principal, assistant principal or athletic director shall conduct observations and evaluations of head coaches. A minimum of two (2) observations is required for each evaluation.
- ❖ The principal, assistant principal or athletic director with input from the head coach shall conduct observations and evaluations of assistant coaches. A minimum of two (2) observations is required for each evaluation.
- ❖ The principal, assistant principal or athletic director shall share the evaluation with the coach/assistant coach during a scheduled conference and within a four-week period at the conclusion of each sport's season as defined by West Virginia Secondary School Activities Commission (WVSSAC.)
- ❖ The coaches and assistant coaches have the right to include a written statement as an addendum to the evaluation.
- ❖ The coach and or assistant coach shall sign the evaluation form denoting that the supervisor has reviewed the evaluation with the coach and the coach has received a copy. The signature shall not imply concurrence with the findings.

### **Improvement Plan for Athletic Coaches:**

- ❖ An improvement plan shall be developed by the principal, assistant principal or athletic director who holds an administrative certificate, when a coach's performance is unsatisfactory in an area of coaching responsibility as contained in §126-142-28.
- ❖ The improvement plan shall designate how the coach shall meet performance criteria. The improvement plan shall:
  - Identify the deficiencies;
  - Specify the corrective action to remediate the deficiencies;
  - Contain the time frame for monitoring and deadlines for meeting the criteria, and in no case shall an improvement plan be for more than one semester in length; and
  - Describe the resources and assistance available to assist in correcting the deficiencies.
- ❖ After a coach has successfully corrected deficiencies the coach must continue to meet standards.
- ❖ Nothing in this Section shall supersede the provisions of W.Va. Code §§18-2E-6; 18-3-4; or 18A-2-8.

### **(P) P.13.11.1. Improvement Team for Athletic Coaches**

- ❖ A referral to an improvement team for a coach whose evaluation is unsatisfactory may occur when the supervisor determines he/she needs such assistance. The coach may request the assistance of an improvement team.
- ❖ The improvement team shall be comprised of the coach's immediate supervisor, one additional administrator and one coach in the same or related sport. The coach who will serve as a member of the improvement team shall be selected by the coach and approved by the county superintendent. The selection of the other members of the improvement team shall be based upon county administrative procedures adopted pursuant to §126-142-3.2.
- ❖ The improvement team shall serve only as a resource to the immediate supervisor who shall retain authority for the evaluation.
- ❖ The improvement team shall monitor the improvement plan and may:
  - Conduct observations and conferences;
  - Provide training to assist the coach in meeting the performance criteria outlined in the plan; and
  - Identify additional resources.
- ❖ Release time may be provided for employees who serve on the improvement team.

### **(P) P.13.11.2. Athletic Coaches' Responsibilities:**

- ❖ In addition to following established laws, rules, policies and regulations, job descriptions for coaching shall include the following responsibilities:
  - Communicating with parents and the educational community (Professional and Interpersonal Relations); and
  - Implementing fundamental sports skills and sports management systems. (Coaching and Related Areas).

### **(P) P.13.11.3. Athletic Coaches' Performance Criteria**

Performance criteria in this section are the state adopted responsibilities for coaches. The purpose is to clarify coaching responsibilities and help provide guidance to the coach in understanding job expectations.

## **Professional and Interpersonal Relations**

Definition: Communicates with educational personnel, parents, students, and others. Items that may be used to reflect professional and interpersonal relations:

- ❖ cooperates with building principal;
- ❖ cooperates with athletic director;
- ❖ develops rapport with coaching staff within the school;
- ❖ organizes coaching staff;
- ❖ develops positive relationship with participants;
- ❖ develops positive relationship with student body;
- ❖ develops positive relationship with faculty;
- ❖ develops positive relationship with parents and community;
- ❖ develops positive relationship with game officials;
- ❖ develops positive relationship with news media;
- ❖ develops positive relationship with opponents;
- ❖ employs appropriate conduct during games;
- ❖ employs appropriate conduct during practices;
- ❖ attends league, conference and WVSSAC meetings;
- ❖ participate in activities that foster professional growth and development;
- ❖ motivates staff and players toward desired goals; and
- ❖ commands respect by example in appearance, manners, behavior and language.

## **Coaching and Related Areas**

Definition: Organizes strategies for teaching sports skills and sports management systems. Items that may be used to reflect coaching and related areas:

- ❖ develops high caliber and quality instruction;
- ❖ teaches fundamental skills;
- ❖ handles athletic injuries;
- ❖ cares for equipment;
- ❖ supervises participants and disciplines team appropriately;
- ❖ designs quality organization of practice sessions;
- ❖ designs pre-season planning;
- ❖ supervises managers and other support personnel;
- ❖ manages budget;
- ❖ follows purchasing procedures;
- ❖ initiates game organization skills;
- ❖ follows league, conference, and WVSSAC policies;
- ❖ devotes time and energy to coaching duties; and
- ❖ follows end of season procedures.

**(P) P.13.12. Evaluation of Extracurricular Assignments**

Employees who have accepted extracurricular assignments shall be observed at least twice during the tenure of their assignment and shall be given a final evaluation within four weeks of the conclusion of the assignment. The supervisor in charge of the extracurricular assignment shall complete all observations and evaluations. The employee shall receive a written summary of all observations and evaluations and all reports shall be made on the forms provided for that purpose. These reports shall be used to assist in determining the employment status of employees in an extracurricular assignment in succeeding school terms.

**(P) P.13.13. Observation of Classroom Teachers for Instructional Supervision Purposes**

Various State Board of Education Polices including 2320 Performance Based Accreditation System, 2340 West Virginia Measures of Academic Progress and 2510 Assuring Quality of Education require school administrators to supervise the instructional program in a manner that assures the attainment of state and local educational goals. While recent legislative action has exempted classroom teachers with five or more years of experience from the evaluation process if they meet certain conditions, it is the intent of the Pendleton County Board of Education that all school administrators will continue to periodically visit all classrooms and other work stations to offer guidance, support and encouragement to all faculty members as they strive to provide a high quality educational opportunity for all students.

**(P) P.13.11. Timelines**

The following is a brief summary of the most important evaluation deadlines which must be met by supervisory personnel. Evaluators must read the entire evaluation policy to fully understand the importance of meeting timelines established by the state board.

- ❖ On or before September 15: The principal shall hold an orientation for the staff prior to the first observation.
- ❖ By October 1: Educators shall complete an annual self-reflection based upon the standards. Evaluators review the educator self-reflection which is transmitted electronically by educators.
- ❖ By November 1:
  - Educators shall complete the goal setting process.
  - Teachers annually develop two Student Learning Goals and submit them electronically to their evaluator for review.
  - The school leader and the evaluator will mutually establish annual written goals for the administrator's performance evaluation.
  - Professional support persons and the immediate supervisors will mutually establish annual written goals for the professional support person's performance evaluation.
  - The first instructional observation shall be completed with the teacher in the Initial Progression and the Intermediate Progression. Refer to (P) P.13.8. for additional schedules for observations.
- ❖ By March 1: Principals must notify the Superintendent of any employee who may not be recommended for re-employment.
- ❖ By June 1:
  - All teachers shall participate in an annual summative evaluation conference on or before June 1 that is recorded in the online evaluation system.
- ❖ By July 1: All school leaders shall participate in an annual summative evaluation conference that is recorded in the online evaluation system.

**(P) P.13.13.**

**PENDLETON COUNTY SCHOOLS**

**FOCUSED SUPPORT PLAN**

Employee \_\_\_\_\_ Position \_\_\_\_\_

School Year \_\_\_\_\_ Location \_\_\_\_\_

Assignment \_\_\_\_\_ Years of Experience \_\_\_\_\_

**I. General Statement(s):**

This section will specify:

- ❖ The purpose of the plan;
- ❖ The timeline for the action(s) – minimum of nine weeks;
- ❖ The role of the evaluator;

**II. Area(s) of Concern:**

This section will specify the standards to be addressed.

**III. Expectations for Change:**

This section will specify:

- ❖ The corrective action(s) to be taken by the employee;
- ❖ The assistance/resources to be provided:
  - professional development;
  - coaching/instructional support;
  - Mentoring;
  - peer observation;
  - programs of study, and (f) other supports and resources.

**IV. Monitoring System:**

This section will specify:

- ❖ The procedures/activities for checking progress toward the goals;
- ❖ The timelines for monitoring the activities;
- ❖ The procedures for making alterations to the improvement plan.

**V. Progress Evaluation:**

At the conclusion of the nine (9) week Focused Support Plan, if evidence demonstrates that the standard has been met, then the plan is successfully completed. If evidence demonstrates that adequate progress has been made but the standard has not been met, the focused support plan will continue for a second nine (9) week period. In the event of inadequate progress on the standard related to the area of concern, an evaluation will be completed and a Corrective Action Plan will be initiated.

Signature below indicates this document has been read and discussed by the employee and supervisors.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date

**(P) P.13.13.**

**PENDLETON COUNTY SCHOOLS**

**FOCUSED SUPPORT PLAN**

Employee \_\_\_\_\_

Position \_\_\_\_\_

School Year \_\_\_\_\_

Location \_\_\_\_\_

Assignment \_\_\_\_\_

Years of Experience \_\_\_\_\_

I. General Statement(s):

II. Area(s) of Concern:

III. Expectations for Change:

IV. Monitoring System:

V. Progress Evaluation:

Signature below indicates this plan has been read and discussed by the employee and supervisors.

---

Employee's Signature

---

Date

---

Supervisor's Signature

---

Date

(P) P.13.14.

**PENDLETON COUNTY SCHOOLS**

**FOCUS SUPPORT PLAN**

**Progress Report**

Employee \_\_\_\_\_ Position \_\_\_\_\_

School Year \_\_\_\_\_ Location \_\_\_\_\_

Assignment \_\_\_\_\_ Years of Experience \_\_\_\_\_

I. Narrative of employee's progress toward achieving the goals defined in the Improvement Plan:

II. Recommendations:

Signature below indicates this report has been read and discussed by the employee and supervisors.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date

**(P) P.13.15.**

**PENDLETON COUNTY SCHOOLS**

**CORRECTIVE ACTION PLAN**

Employee \_\_\_\_\_ Position \_\_\_\_\_

School Year \_\_\_\_\_ Location \_\_\_\_\_

Assignment \_\_\_\_\_ Years of Experience \_\_\_\_\_

**II. General Statement(s):**

This section will specify:

- ❖ The purpose of the plan;
- ❖ The timeline for the action(s) – Eighteen weeks;
- ❖ The role of the evaluator;

**II. Area of Unsatisfactory Performance:**

This section will identify the area of unsatisfactory performance with reference to the standard(s) to be addressed.

Unsatisfactory performance related to a single element is addressed through quality sustained job-embedded professional development and support. Two consecutive unsatisfactory performance-level summative ratings related to the same element are addressed through evaluation based on the rubrics associated with the standard that addresses the educator’s professional responsibilities for self-renewal that stipulate professional self-renewal as a requirement. Unsatisfactory performance related to a single element cannot initiate a Corrective Action Plan.

**III. Expectations for Change:**

This section will specify:

- ❖ The corrective action(s) to be taken by the employee;
- ❖ The assistance/resources to be provided:
  - Referral to other educators;
  - professional development;
  - coaching/instructional support;
  - mentoring;
  - peer observation; , and
  - other supports and resources.

**VI. Monitoring System:**

This section will specify:

- ❖ The procedures/activities for checking progress toward the goals;
- ❖ The timelines for monitoring the activities;
- ❖ The procedures for making alterations to the improvement plan.

**VII. Progress Evaluation:**

The Corrective Action Plan is determinative and may not be repeated. Evidence of adequate progress must be demonstrated by the conclusion of the eighteen (18) week Corrective Action Plan. If evidence does not demonstrate that adequate progress has been made at the conclusion of the eighteen (18) week period, termination for unsatisfactory performance shall ensue. The area of unsatisfactory performance guides the choice of evidence within a Corrective Action Plan that may include observation if appropriate.

Signature below indicates this document has been read and discussed by the employee and supervisors.

\_\_\_\_\_  
Employee’s Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor’s Signature

\_\_\_\_\_  
Date

**(P) P.13.15.**

**PENDLETON COUNTY SCHOOLS**

**CORRECTIVE ACTION PLAN**

Employee \_\_\_\_\_

Position \_\_\_\_\_

School Year \_\_\_\_\_

Location \_\_\_\_\_

Assignment \_\_\_\_\_

Years of Experience \_\_\_\_\_

I General Statement(s):

II. Area of Unsatisfactory Performance:

III. Expectations for Change:

IV Monitoring System:

V. Progress Evaluation:

Signature below indicates this document has been read and discussed by the employee and supervisors.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date

(P) P.13.15.

**PENDLETON COUNTY SCHOOLS**

**CORRECTIVE ACTION PLAN**

**Progress Report**

Employee \_\_\_\_\_ Position \_\_\_\_\_

School Year \_\_\_\_\_ Location \_\_\_\_\_

Assignment \_\_\_\_\_ Years of Experience \_\_\_\_\_

I. Narrative of employee's progress toward achieving the goals defined in the Improvement Plan:

II. Recommendations:

Signature below indicates this report has been read and discussed by the employee and supervisors.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date

(P) P.13.16.

**PENDLETON COUNTY BOARD OF EDUCATION**

**EXTRACURRICULAR ASSIGNMENTS  
OBSERVATION/DATA COLLECTION**

Employee's Name \_\_\_\_\_ School \_\_\_\_\_

Extracurricular Assignment \_\_\_\_\_

Beginning Date \_\_\_\_\_ Ending Date \_\_\_\_\_

Date of Observation \_\_\_\_\_

**AREAS OF RESPONSIBILITY**

<b><u>ITEMS:</u></b>	<b><u>COMMENTS</u></b>
Cooperates with supervisor.	
Organization of activities	
Completes assignments promptly and accurately	
Motivates participants toward desired goals	
Supervises and disciplines participants appropriately	
Develops positive relationship with participants	
Develops positive relationship with colleagues	
Develops positive relationship with parents and community	
Demonstrates appropriate care of equipment and facilities	
Commands respect by example in appearance, manners, behavior and language	

Commendations:

Identified Deficiencies and Recommendations:

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date

Signing the observation form indicates only that the employee has had an opportunity to confer with the evaluator regarding its contents. The employee has the right to include a written statement as an addendum to the observation.



<b>PENDLETON COUNTY BOARD OF EDUCATION</b> <b>P. PERSONNEL – PROFESSIONAL AND SERVICE</b> <b>File: P.18. Employee Staff Development Programs</b>	<b>Adopted: August 20, 2003</b> <b>Last Review:</b> <b>September, 2012</b>
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**We currently have only the emergency rule passed in the form of SBP 5500 Professional Development for West Virginia Educators to guide us. The emergency rule served to repeal the old SBP “County Professional Staff Development Councils” filed June 24, 1997 and effective July 24, 1997.**

**The State Board is charged with developing a “Master Plan” which to my knowledge has not been published. We have no choice but to wait for additional information before we move ahead with any policy changes.**

**SBP 5202 regarding the licensure of athletic trainers been amended resulting in some minor change in language and a couple of important details. Section 20 - Athletic and Limited Football Trainer no longer contains the option for Athletic Trainer with a Professional Service Certificate. Also, Full-time Permit Athletic Trainers are no longer available. Only those persons who were issued permits as of July 1, 2010 may obtain renewals. Student Support Certificates for Athletic Trainers have also been abandoned except that certificates issued before July 1, 2011 may be renewed.**

<p><b>PENDLETON COUNTY BOARD OF EDUCATION</b></p> <p><b>S. STUDENTS</b></p> <p><b>File: S.19. Co-Curricular and Interscholastic Programs</b></p>	<p><b>Adopted: August 20, 2003</b></p> <p><b>Last Reviewed:</b></p> <p><b>September, 2012</b></p>
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**(P) S.19.6. Athletic Trainer**

The Pendleton County Board of Education shall employ an athletic trainer or an individual with limited football trainer authorization to serve during senior high school football practices and games.

Applicants must meet the applicable general requirements for licensure in §126-136-9. A county may employ an applicant in good faith on the anticipation that he or she is eligible for a certificate. If it is later determined that the applicant was not eligible, the State Superintendent may authorize payment by the county board of education to the applicant for a time not exceeding three school months or the date of notification of his/her ineligibility, whichever occurs first. (Refer to W. Va. Code §18A-4-3.)

**Licensure Governing Athletic Trainers (Policy 5202)**

- ❖ ~~Athletic Trainer. The Professional Service Certificate endorsed for athletic trainer stands alone, shall not require other certificates as a prerequisite, and must be renewed in accordance with renewal requirements for professional certificates approved by the West Virginia Department of Education (WVDE). Only an individual who holds a bachelor's degree from an accredited institution of higher education and has completed a state approved athletic trainer program, (including the content test) through an accredited institution of higher education shall be eligible for the Professional Service Certificate endorsed for athletic trainer.~~
- **Authorized Athletic Trainer.** An Authorization endorsed for athletic trainer may be issued to an individual who holds certification through the National Athletic Trainers Association Board of Certification (NATABOC), and who has registered with the West Virginia Board of Physical Therapy, as provided in West Virginia Code §30-20A-2. . The Authorization may be reissued annually upon application to the WVDE Office of Professional Preparation with documentation of valid NATABOC certification~~West Virginia Board of Physical Therapy registration~~ and the recommendation of the superintendent of the employing county.  
  
Additionally, these individuals must attend the Athletic Trainer workshop, as provided in SBP 5112, Athletic Trainers in the Public Schools of West Virginia.
- ❖ ~~**Permit Athletic Trainer Permit.** The Full time Permit endorsed for Athletic Trainer may be granted to an individual who holds a minimum of a bachelor's degree and has completed six semester hours of credit applicable to a state approved Athletic Trainer program. An Athletic Trainer Permit requires a commitment among the county board of education, the institution of higher education and the individual assuring that the individual will complete at least six college credit hours per year in the program and that s/he will complete the program in no more than five years. Additionally, these individuals must annually attend the Athletic Trainer workshop as provided in WVBE Policy 5112, Athletic Trainers in the Public Schools of West Virginia. The Permit may be renewed for five years provided that the candidate follows the agreement.~~

- ❖ **Limited Football Trainer Authorization.** If an athletic trainer cannot be obtained, the Board may employ an ~~licensed health care provider~~ individual with a medical background which may include, but not limited to, one of the following: physician, registered nurse, licensed practical nurse, chiropractor, physical therapist, ~~occupational therapist~~, physician's assistant, paramedic, and emergency medical technician.

The individual employed under these provisions must complete the requirements to receive a Limited Football Trainer Authorization and must present a copy of a high school diploma or GED diploma.

This credential may be renewed annually following the process outlines in Policy 5112 and Policy 5202, Section 20.

To qualify for limited football trainer authorization, county boards of education must:

- Post the position of athletic trainer or individual to receive limited football trainer authorization with a closing date of May 1 or earlier;
- If an athletic trainer cannot be employed, county boards of education shall select a licensed health care provider to apply for limited football trainer authorization.
- Require the individual seeking limited football trainer authorization to attend an athletic trainer workshop/clinic sanctioned by the WVSSAC.
- Require the individual seeking limited football trainer authorization to complete and submit the Application for Limited Football Trainer Authorization to the WVDE Office of Professional Preparation by July 1.

The following updates to your policy manual are required to keep (P) T.1.6. current with the recent changes in SBP 4336 *West Virginia School Bus Transportation Policy and Procedures Manual*

Also, I have included a new File: (P) T.1.7. **Transporting Homeless Students.**

<b>PENDLETON COUNTY BOARD OF EDUCATION</b>	<b>Adopted: August 20, 2003</b>
<b>T. TRANSPORTATION, SAFETY, FOOD SERVICES &amp; INSURANCE</b>	<b>Last Review:</b>
<b>File: T.1. Student Transportation</b>	<b>September, 2012</b>

### (P) T.1.6. Transporting Special Needs Students

To assist with the efficient and safe transportation of special needs students in the Pendleton County school system the following guidelines shall be implemented:

- ❖ Students with disabilities' Individualized Education Program (hereinafter IEP) shall specify the bus modifications and support required for transporting the student when appropriate.
- ❖ When transportation of a student with disabilities necessitates a transfer while en route, appropriate supervision at the point of transfer remains the responsibility of the county school system.
- ❖ Vehicle requirements for use in transporting students with disabilities shall be guided by West Virginia Board of Education Policy 4334, "Minimum Requirements for Design and Equipment of School Buses for West Virginia."
- ❖ The county school system may terminate bus transportation service if the parent persistently fails to meet the bus at a designated stop. For these situations, due process procedures shall be made available to the parents and students.
- ❖ The school bus operator and/or the bus aide, when appropriate, shall:
  - Assist and supervise students with disabilities.
  - Complete first aid training. School bus operators and school bus aides transporting students with disabilities shall be trained on Section 1 of the "West Virginia School Bus Operators Training Manual."
- ❖ All school bus operators shall receive six (6) hours initial and one (1) hour of refresher training annually for the transportation of students with special health care needs including the requirements of W. Va. §126CSR25A State Board Policy 2422.7, "Standards for Basic Health Care Procedures" (hereinafter "Policy 2422.7").
- ❖ The special education director or designee shall provide the following information to the transportation director or designee:
  - Student's name and address.
  - Parent's name, address, home and work telephone numbers.
  - Emergency health care information and/or health care plan.
- ❖ When the IEP requires that medicine is to be provided to a student with disabilities while being transported, the procedures shall be in accordance with the Administration of Medication Policy
  - Aides shall receive training by the school nurse in medication administration or in the delivery of other basic or specialized health care procedures as specified in West Virginia Board of Education SBP 2422.7, "Standards for Basic and Specialized Health Care Procedures."
- ❖ Parents/guardians of students with disabilities shall assist in the transportation of their child by:
  - Providing documentation on the special care needed.
  - Bringing the student to the bus stop and providing the necessary supervision.

- Picking up the student at the designated time at the designated bus stop.
- Contacting the school bus operator if the child is to be absent.
- ❖ The transportation system shall implement SBP 4373 in conjunction with West Virginia Board of Education Policy 2419, "Regulations for the Education of Exceptional Students."  
(SBP 4336)

**(P) T.1.7. Transporting Homeless Students**

The Board must ensure compliance with Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act when addressing the needs of homeless children. If a homeless child or youth continues to live in the area served by the local education agency (hereinafter, "LEA") in which the school of origin is located, that LEA shall provide or arrange for the child's or youth's transportation to and from the school of origin.

If the homeless child or youth continues his or her education in the school of origin but begins living in an area served by another LEA, the LEA of origin and the LEA in which the homeless child is living shall agree upon the method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the LEAs cannot agree upon a method, the responsibility and costs for transportation are to be shared equally.

(SBP 4336)

**Amendments to SBP 4336 require the Director of Transportation to file a monthly a report on curricular and extracurricular trips through the WVEIS.**

<b>PENDLETON COUNTY BOARD OF EDUCATION</b> <b>T. TRANSPORTATION, SAFETY, FOOD SERVICES &amp; INSURANCE</b> <b>File: T.1.A. Guidelines for Curricular and Extracurricular Trips</b>	<b>Adopted: August 20, 2003</b> <b>Last Review:</b> <b>September, 2012</b>
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County owned or leased vehicles, which fall into the category of bus transportation, and are used to transport students to school-sponsored activities, must meet state school bus or public transit ratings.

Only authorized personnel, students and chaperones shall be permitted to ride buses (chartered or school buses) on trips financed by school and/or Board funds. Persons acting as chaperones other than regularly employed personnel must have approval by the Board of Education prior to the trip.

The use of public school buses for extra-curricular trips is limited to Board approved activities. Buses may be used by approved school organizations provided a teacher (sponsor) has submitted written application through the principal to the Transportation Supervisor. The request should be filed with the Transportation Supervisor at the beginning of each semester.

It shall be the responsibility of the school principal and the sponsor/coach to plan, organize and supervise these activities in a manner that provides a safe and rewarding experience for the student participants.

Schools, and/or sponsoring groups will be responsible for covering costs associated with extracurricular trips including the current rate per mile and driver costs. These costs will be billed to the appropriate group following the completion of the trip.

No banners, streamers or other advertising shall be placed on the bus. The consumption of food or drink at any time on a school bus is prohibited

The general policy of the Board of Education shall be to discourage any and all pleasure trips and/or picnics on school time. The Board of Education shall not sponsor senior trips.

At the end of each month, the Director of Transportation shall file through the WVEIS a report on curricular and extracurricular trips.  
**(SBP 4336)**

The following updates to your policy manual are required to incorporate the recent changes in SBP 4336 *West Virginia School Bus Transportation Policy and Procedures Manual*. For the most part bus drivers will continue to what they have always done in regard to inspections and bus maintenance. It appears a few new things have been added and some things have just been moved around just enough to cause some changes in how your policy reads.

The policies concerning the reporting of accidents and regulations about texting and the use of electronic devices have been tweaked.

<b>PENDLETON COUNTY BOARD OF EDUCATION</b>	<b>Adopted: August 20, 2003</b>
<b>T. TRANSPORTATION, SAFETY, FOOD SERVICES &amp; INSURANCE</b>	<b>Last Review:</b>
<b>File: T.3. School Bus Maintenance and Safety</b>	<b>September, 2012</b>

**(P) T.3.1. Driver Responsibility for School Bus Maintenance and Safety**

The driver shall perform the following preventative maintenance operations and care of the school bus to which he/she is assigned in accordance with instructions received from the Director of Transportation.

- ❖ Bring his/her own bus to the Board's garage for oil changes as directed by the Director of Transportation.
- ❖ Bring his/her own bus to the garage for any needed repairs or attention. S/he will make out a repair request and go over the problem with the shop foreman.
- ❖ Check the interior and exterior of the bus after each run to determine any damage.
- ❖ Warm up motor before starting on each run. (This must be done in all instances. Follow procedure to conserve gas.)
- ❖ The following items are assigned to each school bus, however, their condition and availability become the drivers responsibility and should be inspected periodically:
  - First Aid Kit;
  - Fire Extinguisher;
  - Flares and Reflectors; and
  - Chains.
- ❖ Check oil level, radiator, tires, emergency door, lug nuts, gasoline, mirror, foot brake, and parking brake before each run.
- ❖ Check all accessible screws and bolts, exterior and interior.
- ❖ Sweep and dust the inside of the bus after each morning run.
- ❖ Wash and clean the exterior of the bus whenever necessary; the lettering and lights must be plainly visible at all times.
- ❖ Wax the bus once each year.

**(P) T.3.2. School Bus Safety Inspections**

~~The West Virginia State Board of Education requires that all school buses be inspected a minimum of three times each year. These inspections will be made by qualified persons employed by the State Board, by State Police Officers or other qualified personnel approved by the State Board. Such inspections are not to take the place of the daily inspection of school buses by the school bus operators,~~

~~the periodic inspection by the County school bus maintenance personnel or the annual inspection of all motor vehicles required by the Commissioner of Motor Vehicles. These inspections (minimum of two) shall be scheduled at such times and places that shall best protect the safety and welfare of transported students.~~

### **Pre-trip Inspection:**

~~———— In addition to the regular inspections, noted above, bus drivers shall conduct regular mandatory pre-trip, daily inspections of the bus. Prior to the morning and afternoon trips the bus operators shall inspect their buses utilizing the Pre-Trip Inspection Checklist that may be found in Appendix 12 of the Bus/Fleet Management Program section of the Safety Manual.~~

### **Weekly Inspection:**

- ~~❖ Check the windshield washer fluid;~~
- ~~❖ Check the condition of, and be sure that a clean and well-organized glove compartment is being maintained; and~~
- ~~❖ Check level of liquid in battery and condition of battery terminals; and~~

### **End of Trip Inspections:**

- ~~❖ Check for damage to seats, children sleeping;~~
- ~~❖ Check outside of bus for visual damage; Refuel buses when needed at end of morning run; and~~
- ~~❖ Close all windows and doors.~~

The West Virginia State Board of Education policy *4336 West Virginia School Bus Transportation Policy and Procedures Manual* requires that all school buses be inspected on a regular basis both by the county transportation staff and the individual school bus operator. These inspections shall be scheduled at such times and places which will best protect the safety and welfare of transported students. These inspections shall be conducted in the following manner:

- ❖ Pursuant to W. Va. Code §17C-16-2, Inspection of Vehicles, a member of the West Virginia State Police may stop and inspect a school bus at any time.
- ❖ Qualified bus inspectors employed by the State Department may also inspect a school bus at any time.
- ❖ All school buses transporting students to school and/or school related events shall be inspected two (2) times annually by a qualified inspector employed by the State Department.
- ❖ The State Director shall supervise the scheduling of the school bus inspections.
- ❖ Vehicle Inspection
  - School bus operators shall present to the inspector a valid commercial driver's license, a first aid certificate and a State of West Virginia certification card when requested.
  - All school buses transporting students shall be inspected and display the inspection certificate.
  - The State Director may require additional inspections of school buses.
  - All school buses used to transport students shall be inspected by West Virginia Department of Education bus inspectors and approved for use after a major repair or accident which would include damage to any steering component, front axle, or frame.
  - Any school bus used to transport students which is declared unsafe is to be marked with the appropriate rejection sticker.
- ❖ New Vehicle Inspection
  - All new school buses shall be inspected to validate that they meet all state and federal requirements.

- A West Virginia Division of Motor Vehicles (hereinafter, “DMV”) inspection sticker shall be displayed on all vehicles.
- ❖ **County School Bus Maintenance**
  - The county school system shall establish a school bus maintenance program. It may be delivered by the county school system or through a private contractor.
  - The maintenance program shall employ mechanics and service employees skilled in bus maintenance.
  - The county school system shall insure that the maintenance staff members are annually trained to ensure quality maintenance.
  - An inventory of the bus vehicle parts shall be completed annually and made available at the county maintenance center.
  - Maintenance records for buses shall be current and made available at the center.
  - Preventative maintenance shall be performed on all school buses every two months during the school year, and a maintenance schedule for each school bus shall be posted in the service center.
  - Additional State Board recommendations regarding maintenance are listed in Appendix A of SBP 4336.

**School Bus Operator’s Inspections:**

School bus operators are required to make the appropriate inspection of the school bus and complete specified duties in order to insure the safe transport of all passengers. The following is a list of the required inspections and duties as specified in SBP 4336:

**Pre-Trip Daily Inspections and Duties:** The bus operator shall:

- ❖ Check tires for proper inflation and condition.
- ❖ Check wheels for loose hub bolts, wheel lugs, lube leaks, etc.
- ❖ Check steering for proper functioning of all components.
- ❖ Check radiator coolant, windshield washer fluid, power steering fluid, oil and fuel.
- ❖ Check alternator, fan and power steering belts.
- ❖ Check lighting system(s), windshield wiper/washer and horn.
- ❖ Check brakes, including warning light and buzzer.
- ❖ Check all emergency exits.
- ❖ Check first aid kit, fire extinguisher, communication system(s) and emergency traffic warning devices.
- ❖ Check back-up alarm.
- ❖ Check stop arm and crossing arm.
- ❖ Check exhaust for leaks to determine, as far as possible, that fumes are not reaching the bus interior.
- ❖ After each run, walk to the rear of the bus and check for students, objects left on bus, and vandalism.
- ❖ Sweep the floor and dust the seats immediately following the morning run.
- ❖ Clean windshield, windows, mirrors, all light lenses and identification lettering.
- ❖ Keep stepwell and aisle clean and free of debris.
- ❖ Remove markings found on walls/ceiling.
- ❖ Keep loose objects, brooms, tire chains, wheel chair restraints, etc., off the floor.
- ❖ Keep glove compartment clean and well-organized.
- ❖ Be sure that there are no aerosol cans inside the school bus.

**Weekly Duties:** The school bus operator shall:

- ❖ Mop the school bus floor.
- ❖ Clean interior upholstery with a damp cloth.
- ❖ Wash the exterior of the bus.

**End of Trip Inspections:** (County Requirement)

- ❖ Check for damage to seats, children sleeping;
- ❖ Check outside of bus for visual damage; Refuel buses when needed at end of morning run; and
- ❖ Close all windows and doors.

**(P) T.3.4. School Bus Accidents**

All accidents, regardless of scope must be reported to the County Superintendent and/or Transportation Director as soon as possible and no later than one hour after completion of run. (See accident reporting procedures in Appendix 9 of the Bus/Fleet Management Program section of the Safety Manual)

**Requirements of SBP 4336**

~~Every driver of a school bus is required to report promptly to the Department of Motor Vehicles and the County Superintendent of Schools, any school bus accident involving death, injury, or property damage in excess of \$250. Failure to comply with the regulation may result in the revocation of the person's special school bus operator's license.~~

~~If any part of a bus bumps, scrapes, or touches any other object causing damage to the bus or the other object, this constitutes an accident.~~

- ❖ A school bus accident is to be reported when the bus bumps or touches another vehicle, person or object and causes damage.
- ❖ A verbal report is to be given as soon as possible and a written report provided on the next business day to the County Director/Supervisor of Transportation. Bodily injuries should be reported as per county procedure or policy.
- ❖ All bus accidents involving bodily injury, a fatality, extensive property damage or structural damage to a school bus shall be reported immediately via phone to the State Director. A written report is to follow to the State Director within one week. All other accidents shall be reported monthly to the State Director.

**(P) T.3.7. Prohibition of Texting and using Handheld Wireless Communication Devices while Driving**

WVC §17C-14-15 makes it a traffic violation for a person to drive or operate a motor vehicle on a public street or highway while:

- ❖ texting or;
- ❖ using a cell phone or other electronic communications device, unless the use is accomplished by hands-free equipment.

For purposes of this policy, the following terms shall mean:

- ❖ "Cell phone" shall mean a cellular, analog, wireless or digital telephone.
- ❖ "Driving" or "operating a motor vehicle" means operating a motor vehicle, with the motor running, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays, but does not include operating a motor vehicle after the driver has moved the vehicle to the side of, or off, a highway and halted in a location where the vehicle can safely remain stationary.

- ❖ "Electronic communication device" means a cell telephone, personal digital assistant, electronic device with mobile data access, laptop computer, pager, broadband personal communication device, 2-way messaging device, electronic game, or portable computing device. **For the purposes of this section, an "electronic communication device" does not include:**
  - Voice radios, mobile radios, land mobile radios, commercial mobile radios or two way radios with the capability to transmit and receive voice transmissions utilizing a push-to-talk or press-to-transmit function; or
  - Other voice radios used by a law-enforcement officer, an emergency services provider, an employee or agent of public safety organizations, first responders, Amateur Radio Operators (HAM) licensed by the Federal Communications Commission and school bus operators.
- ❖ "Engaging in a call" means when a person talks into or listens on an electronic communication device, but shall not include when a person dials or enters a phone number on a pushpad or screen to initiate the call.
- ❖ "Hands-free electronic communication device" means an electronic communication device that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such electronic communication device, by which a user engages in a call without the use of either hand or both hands.
- ❖ "Hands-free equipment" means the internal feature or function of a hands-free electronic communication device or the attachment or addition to a hands-free electronic communication device by which a user may engage in a call or text without the use of either hand or both hands.
- ❖ "Texting" means manually entering alphanumeric text into, or reading text from, an electronic communication device, and includes, but is not limited to, short message service, e-mailing, instant messaging, a command or request to access a World Wide Web page or engaging in any other form of electronic text retrieval or entry, for present or future communication. **For purposes of this policy, "texting" does not include the following actions:**
  - Reading, selecting or entering a telephone number, an extension number, or voicemail retrieval codes and commands into an electronic device by the pressing the device in order to initiate or receive a phone call or using voice commands to initiate or receive a telephone call;
  - Inputting, selecting or reading information on a global positioning system or navigation system; or
  - Using a device capable of performing multiple functions, including fleet management systems, dispatching devices, smart phones, citizens band radios or music players, for a purpose that is not otherwise prohibited in this section.
- ❖ "Using a cell phone or other electronic communication device" means holding in a person's hand or hands an electronic communication device while:
  - Viewing or transmitting images or data;
  - Playing games;
  - Composing, sending, reading, viewing, accessing, browsing, transmitting, saving or retrieving e-mail, text messages or other electronic data; or
  - Engaging in a call.

The restrictions listed in the foregoing policy do not apply to:

- ❖ Using a device after the driver has moved the vehicle to the side of, or off, a highway and halted in a location where the vehicle can safely remain stationary;
- ❖ A law-enforcement officer, a firefighter, an emergency medical technician, a paramedic; the operator of an authorized emergency vehicle or school bus operator in the performance of their official duties;
- ❖ A person using an electronic communication device to report to appropriate authorities a fire, a traffic accident, a serious road hazard, or a medical or hazardous materials emergencies; or
- ❖ The activation or deactivation of hands-free equipment or a function of hands-free equipment.

Any person who violates the provisions of this code is guilty of a traffic offense and, upon conviction thereof, shall for a first offense be fined \$100; for a second offense be fined \$200; and for a third or subsequent offense be fined \$300. No court costs or other fees shall be assessed for a violation of this code.

Driving or operating a motor vehicle on a public street or highway while texting shall be enforced as a primary offense as of July 1, 2012. Driving or operating a motor vehicle on a public street or highway while using a cell phone or other electronic communication device without hands-free equipment shall be enforced as a secondary offense as of July 1, 2012, and as a primary offense as of July 1, 2013 for purposes of citation.

*Special Note: WVC §17C-14-15 permits the use of hands free devices; however, SBP 4336 prohibits the use of such devices by bus operators.*

Also, WVC §17E-1-13 states that a bus operator shall be disqualified from driving a school bus or any other commercial motor vehicle if convicted of driving a school bus or commercial motor vehicle while engaged in texting. A driver is considered to be engaged in texting if s/he is operating a motor vehicle with the engine running, including while temporarily stopped because of traffic, a traffic control device, or other momentary delays. However, a driver is not considered to be operating a motor vehicle when the driver has moved the vehicle to the side of or off a highway and halted in a location where the vehicle can safely remain stationary, regardless of whether the motor is running.

**SBP 4336 Cellular Phone Regulations:**

- ❖ The use of cellular phones or other portable electronic devices – even those equipped with hands-free devices – while driving is prohibited.
- ❖ The use of cellular phones while supervising the loading and unloading of students is prohibited.
- ❖ If communication with the Transportation Department is necessary, the bus must be stopped. (WVC §17C-14-15; §17E-1-13; SBP 4336)

**The two policies contained in this group are not mandated by recent legislation or by State Board Policy. The Bob Beach policy must be repealed because it no longer applies to science credits for agriculture students.**

**The recommended policy regarding athletic activities for disabled students is in response to a communication from the U. S. Office for Civil Rights.**

### **POLICY CHANGES**

- (P) I.7.9. Career/Technical Education
- (P) S.19.7. ~~Athletic Contests for Special Needs Students~~  
Equal Opportunity for Students with Disabilities to Participate in Extracurricular Activities (New)
- (P) S.19.7.1. Office for Civil Rights (OCR) Requirements (New)
- (P) S.19.7.2, ~~Athletic- Special Olympic Contests~~ Activities for Special Needs Students

**The Bob Beach exception which allowed students to substitute agriculture classes for science credit has expired and this policy should be amended to reflect current requirements.**

The Bob Beach exception which allowed students to substitute agriculture classes for science credit has expired and this policy should be amended to reflect current requirements.

<b>PENDLETON COUNTY BOARD OF EDUCATION</b>	<b>Adopted: August 20, 2003</b>
<b>I. INSTRUCTION</b>	<b>Last Review:</b>
<b>File: I.7. Basic Instructional Program (Pre-K-Adult)</b>	<b>September, 2012</b>

**(P) I.7.9. Career/Technical Education**

Career/technical education offerings are available for Pendleton County senior high students at Pendleton County High School and the South Branch Career and Technical Center. To assure that career/technical offerings reflect the current needs and desires of students, the Board directs the high school principal to conduct periodic surveys of the community and students to collect enrollment data and to determine their needs and desires.

~~Students with a declared entry or skilled level major in vocational agriculture (i.e., those whose five year plan indicates entry directly into the workforce upon graduation from high school) may take advantage of the Robert C. Beach Vocational Agriculture Credit provision and upon their successful completion of a unit of credit in an approved vocational agriculture course above grade 10, may be exempt from the third required unit of science credit required for graduation (i.e., the unit above CATS 9 and 10). All other students, including those with declared majors in vocational agriculture at the professional level or who anticipate two year or four year college education, are required to take three units of science as defined by this policy and SBP 2520 for graduation. To be eligible as a required unit for graduation, the vocational agriculture education course must:~~

- ~~❖ Build on the concepts and skills in CATS 9 and 10;~~
  - ~~❖ Be taught at a level of greater complexity and depth than that of vocational agriculture courses in grades 9 and 10;~~
  - ~~❖ Have West Virginia Board of Education approved content standards and objectives; and~~
  - ~~❖ Receive West Virginia Board of Education approval as a vocational agriculture course that qualifies as a Robert C. Beach Vocational Agriculture Credit.~~
- ~~— *Special Note: The Robert C. Beach credit is not an option for students entering grade 9 in 2008-2009 and thereafter.*~~

The school shall:

- ~~❖ Have on file a Parental Consent Form with signatures of the student, parents, and authorized school official that acknowledges the understanding that this class does not represent a substitute for the knowledge, skills and competencies of a third unit of science and that this course does not meet the requirement for the additional unit of laboratory science that West Virginia colleges and universities have for admission; and~~
  - ~~❖ Review with the student and his/her parents, as verified by the Parental Consent Form, that the required third unit of science must be successfully completed if a student should change his/her major from entry or skilled level vocational agriculture education prior to graduation from high school.~~
- ~~(SBP 2510)~~

January 25, 2013 the U.S. Office for Civil Rights issued a letter to clarify and communicate schools' responsibilities under Section 504 of the Rehabilitation Act of 1973 regarding the provision of

extracurricular athletics for students with disabilities. File: (P) S.19.7 is a summation of the Board’s responsibilities to provide these activities as directed by the Office for Civil Rights. These regulations do not require “dual programs” but they do require that students with disabilities (exceptionalities) be given an equal opportunity to compete with their peers for participation in athletic activities. In some instances schools may be required to make reasonable accommodations for disabled students.

<p><b>PENDLETON COUNTY BOARD OF EDUCATION</b>  <b>S. STUDENTS</b>  <b>File: S.19. Co-Curricular and Interscholastic Programs</b></p>	<p><b>Adopted: August 20, 2003</b>  <b>Last Reviewed:</b>  <b>September, 2012</b></p>
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**(P) S.19.7. Athletic Contests for Special Needs Students  
 Equal Opportunity for Students with Disabilities to Participate in  
 Extracurricular Activities**

Under the Rehabilitation Act of 1973, and specifically Section 504, schools (K-12) may not exclude students who have an intellectual, developmental, physical, or any other disability from trying out and playing on a team, if they are otherwise qualified.

Principal, Athletic Directors and coaches who have questions and concerns should consult with the Director of Special Education.

**(P) S.19.7.1. Office for Civil Rights (OCR) Requirements**

A recent ruling from the Office for Civil Rights (OCR) reaffirms the right of students with disabilities have the right, under 504, to an equal opportunity to participate in their school’s extracurricular activities and they must be given the opportunity to play alongside their peers with and without disabilities. These regulations apply to both SSAC sanctioned activities and intramural activities.

**What School Districts Must Do;**

A school district must provide students with disabilities an equal opportunity to participate in its existing extracurricular athletic programs. This means that a school district must not exclude students based on stereotypes and assumptions. It also means that a school district must make an individualized inquiry to determine if there are reasonable modifications, or necessary aids and services, which would allow a student with a disability the chance to take part in the activity. Examples could include:

- ❖ Using a light along with a starter pistol so that a deaf runner can compete; or
- ❖ Providing for, or assisting with, the administration of needed medicine like insulin so that a student with diabetes can take part in an after school gymnastics club.

**Must School Districts Change Essential Elements of an Athletic Activity to Meet these Obligations?**

The guidelines say the requirement to provide an equal opportunity to students with disabilities does NOT mean:

- ❖ Changing essential elements that affect the fundamental nature of the game
- ❖ Giving a student with a disability an unfair advantage over other competitors;

- ❖ Changing the nature of selective teams--students with disabilities have to compete with everyone else and legitimately earn their place on the team; or
- ❖ Compromising student safety.

The guidance from OCR also notes that a school district need not provide a modification or service if doing so would put an undue burden on its program. However, school districts should exercise due diligence in determining if a modification is possible.

### **Separate, Parallel Extracurricular Athletic Programs**

School districts are NOT required to provide separate, parallel athletic programs for students with disabilities when they are unable to participate in existing extracurricular athletic activities, even with reasonable modifications and necessary aids and services. The OCR urges, but does not require, school districts create additional opportunities for students with disabilities to participate in separate or different extracurricular athletic activities.

(January 25, 2013, the Office for Civil Rights (OCR) Guidance Letter)

### **(P) S.19.7.2, ~~Athletic~~ Special Olympic Contests Activities for Special Needs Students**

The special needs students of Pendleton County are fortunate to have the opportunity to participate in Special Olympic activities which are conducted by state and local educational agencies at certain designated times throughout the school year.

Schools, and/or sponsoring groups will be responsible for covering costs associated with extracurricular trips including the current rate per mile and driver costs. These costs will be billed to the appropriate group following the completion of the trip.

It shall be the responsibility of the school principal and the sponsor/coach to plan, organize and supervise these activities in a manner that provides a safe and rewarding experience for the student participants. Such plans shall be presented to the Special Education Director for approval.

School personnel who desire to have their students participate in these events shall follow the regulations set forth in this file and in files (P) *T.1.1.Guidelines for Curricular and Extra-Curricular Trips*; (P) *T.1.5.3. Curricular and Extra-Curricular Trips Where County and/or Leased Vehicles are not Utilized* and (P) *T.1.1.3.1 Parental Waiver of Liability Form*.

Principals who desire to have their students participate these activities shall submit a timely request to the Special Education Director for review and approval. The Special Education Director's recommendation will be submitted to the Superintendent for his/her review and approval.

[Home](#)

## **GROUP IV**

**This is a group of policy changes which are being recommended to the Board at the request of Charles, J.P. and Dr. Rosier.**

**Dr. Rosier has suggested that the Federal Family Medical Leave Act and the West Virginia Parental Leave Act be two separate policies. While there is much overlapping of the benefits contained in both, there are also some striking differences in terminology and what that terminology means. In some cases, the WV law is much more liberal than the Federal Law and the WV law is also affected by the Hudok v. Board of Education Randolph County court case. Separation of the two policies will not affect the benefits to employees because they can choose to use the policy that gives them the greater benefit.**

**Also, the Federal law has been amended recently and we need to catch up on those amendments.**

**The changes recommended by Charles are changes to the number of days a parent/student have to provide notes for a student absence and a policy regulating transportation employees' use of prescription and over-the-counter drugs -- File: P.5.1 Prescription and Over-the-Counter Medication Policy.**

**J.P. is recommending the adoption of (P) P.7.1.1. Return to Work Policy which gives employees clear guidance as to the procedures that should be followed in returning to work following extended time off from work because of an accident or possibly a long illness. Sometimes returning employees are entitled to "accommodations" which will allow them to ease back into their normal work routine and this policy spells out the manner in which these needs will be handled.**

**J.P. also is recommending a policy built around BRIM's defensive driving program. BRIM's interest is to reduce expenses as a result of accident claims. Your incentive is that you can gain a 2% credit on your premiums if 90% of employees driving your vehicles have completed the training. On the other hand, if fewer than 80% of your employees who will be driving county vehicles or privately owned vehicles to conduct county business complete the training, a 5% surcharge will be applied to the county's premium.**

<b>PENDLETON COUNTY BOARD OF EDUCATION</b> <b>P. PERSONNEL – PROFESSIONAL AND SERVICE</b> <b>File: P.16. <u>Federal Family Medical Leave Benefits</u></b>	<b>Adopted: August 20, 2003</b> <b>Last Review:</b> <b>September, 2012</b>
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The federal Family and Medical Leave Act of 1993, the West Virginia Parental Leave Act, and West Virginia case law regulate Family and Medical Leave benefits for Pendleton County employees. The FMLA was enacted for the purpose of helping employees balance the demands of the workplace with the needs of promoting the stability and economic security of families and preserving family integrity. To that end, the Pendleton County Board of Education shall make such leave available to all employees for medical reasons and for compelling family reasons on a gender-neutral basis.

Nothing in FMLA supersedes any provision of State or local law that provides greater family or medical leave rights than those provided by FMLA. Employees are not required to designate whether the leave they are taking is FMLA leave or leave under State law, and an employer must comply with the appropriate (applicable) provisions of both. If leave qualifies for FMLA leave and leave under State law, the leave used counts against the employee's entitlement under both laws.

Because leave time is regulated by more than one agency, the employee is always entitled to the **greater** benefits when leave time is requested.

**(P) P.16.1. Regulations for Implementing Family Medical Leave Benefits**

**Definitions:**

- ❖ **Covered service member means:**
  - a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury of illness; or
  - a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.
- ❖ **Dependent** means any person who is living with or dependent upon the income of any employee whether related by blood or not. **(Applies to Parental Leave Act)**
- ❖ ~~**Employee** means any individual, hired for permanent employment, full or part-time, who has worked for at least twelve consecutive weeks performing services for remuneration within this state for any department, division, board, bureau, agency, commission or other unit of state government, or any county board of education in the state. **(Applies to Parental Leave Act)**~~
- ❖ ~~**Employee** does not include the principal administrative officers of the county board of education. **(Applies to Parental Leave Act)**~~
- ❖ **Employee** includes any individual employed by a State or political subdivision of a State.
- ❖ **Employer** includes any department, division, board, bureau, agency, commission or other unit of state government and any county board of education in the state.
- ❖ **Employment benefits**-The term "employment benefits" means all benefits, other than salary or wages, provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employer or through an

"employee benefit plan", as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)). The term does not include non-employment related obligations paid by employees through voluntary deductions such as supplemental insurance coverage.

❖ **Health care provider means:**

- a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or
- any other person determined by the Secretary to be capable of providing health care services:
  - Doctors of medicine or osteopathy authorized to practice medicine or surgery by the state of West Virginia.
  - Podiatrists, dentists, clinical psychologists, optometrists and chiropractors (limited to manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice, and performing within the scope of their practice under state law.
  - Nurse practitioners, nurse-midwives and clinical social workers authorized to practice, and performing within the scope of their practice, as defined under state law.
  - Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts.
  - Any health care provider recognized by the employer or the employer's group health plan benefits manager.

❖ **In Loco Parentis:** The FMLA regulations define in loco parentis as including those with day-to-day responsibilities to care for or financially support a child. Employees who have no biological or legal relationship with a child may, nonetheless, stand in loco parentis to the child and be entitled to FMLA leave. Similarly, an employee may take leave to care for someone who, although having no legal or biological relationship to the employee when the employee was a child, stood in loco parentis to the employee when the employee was a child, even if they have no legal or biological relationship.

❖ **Parent** means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined below. This term does not include parents "in law."

❖ **Serious Health Condition**-the most common serious health conditions that qualify for FMLA leave are:

- conditions requiring an overnight stay in a hospital or other medical care facility;
- conditions that incapacitate you or your family member (for example, unable to work or attend school) for more than three consecutive days and have ongoing medical treatment (either multiple appointments with a health care provider, or a single appointment and follow-up care such as prescription medication);
- chronic conditions that cause occasional periods when you or your family member are incapacitated and require treatment by a health care provider at least twice a year; and
- pregnancy (including prenatal medical appointments, incapacity due to morning sickness, and medically required bed rest).

❖ **Son or Daughter** – the term "son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age; or 18 years of age or older and incapable of self-care because of a mental or physical disability.

❖ **Spouse** means a husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides, including common law marriage in States where it is recognized.

### **Who is Eligible for FMLA?**

Under the guidelines of the federal and state codes, employees who have worked for the Board for a total of 12 months and who have worked at least 1,250 hours over the previous 12 months are

eligible for family leave. The 12 months of employment are not required to be consecutive in order for the employee to qualify for FMLA leave. The 1,250 hours include only those hours actually worked for the employer. Paid leave and unpaid leave, including FMLA leave, are not included. Eligible employees who so request must be granted up to a total of 12 workweeks of unpaid leave during any 12-month period for one or more of the following reasons:

- ❖ for the birth of a son or daughter, and to bond with the newborn child;
- ❖ for the placement with the employee of a child for adoption or foster care, and to bond with that child;
- ❖ to care for an immediate family member (spouse, child, or parent – but not a parent “in-law”) with a serious health condition;
- ❖ to take medical leave when the employee is unable to work because of a serious health condition; or
- ❖ for qualifying exigencies arising out of the fact that the employee’s spouse, son, daughter, or parent is on covered active duty or call to covered active duty status as a member of the National Guard, Reserves, or Regular Armed Forces.

The FMLA also allows eligible employees to take up to 26 workweeks of unpaid, job-protected leave in a “single 12-month period” to care for a covered service member with a serious injury or illness.

- ❖ **Restrictions on Birth and Bonding:** Leave to bond with a newborn child or for a newly placed adopted or foster child must conclude within 12 months after the birth or placement. The use of intermittent FMLA leave for these purposes is subject to the employer’s approval. If the newly born or newly placed child has a serious health condition, the employee has the right to take FMLA leave to care for the child intermittently, if medically necessary and such leave is not subject to the 12-month limitation.
- ❖ **Substance abuse** may be a serious health condition if the conditions of §§ 825.113 through 825.115 are met. However, FMLA leave may only be taken for treatment for substance abuse by a health care provider or by a provider of health care services on referral by a health care provider. On the other hand, absence because of the employee's use of the substance, rather than for treatment, does not qualify for FMLA leave.

A husband and wife who are eligible for FMLA leave and are employed by the same covered employer may be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken for the placement of the employee's son or daughter or to care for the child after placement, for the birth of the employee's son or daughter or to care for the child after birth, or to care for the employee's parent with a serious health condition.

The Pendleton County Family Medical Leave Act year shall be from July 1 through June 30.

### **Intermittent or Reduced Leave Schedule:**

Under some circumstances, employees may take Family Medical Leave intermittently, which means taking leave in blocks of time or by reducing their normal weekly or daily work schedule.

- ❖ An employee taking leave for the birth and care or placement for adoption or foster care may take such leave intermittently or on a reduced leave schedule only if both the Board and the employee agree on the conditions.
- ❖ An employee taking leave to care for a sick family member or a covered service member with a serious injury or illness or to deal with the employee’s own personal illness may take such leave intermittently or on a reduced leave schedule but only where medically necessary for:
  - A planned and/or unanticipated medical treatment of a related serious health condition by or under the supervision of a health care provider;
  - Recovery from treatment; or
  - Recovery from a serious health condition.

- ❖ An employee may take leave intermittently or on a reduced leave schedule for absences where the employee or family member is incapacitated or unable to perform the essential functions of his/her position because of a chronic serious health condition or a serious injury or illness of a covered servicemember even if he /she does not receive treatment by a health care provider.
- ❖ An employee may take family leave on a part-time basis and on a part-time leave schedule, but the period during which the number of workweeks of leave may be taken may not exceed twelve consecutive months, and such leave shall be scheduled so as not to disrupt unduly the operations of the Board.

### **Notice Requirements for the Board:**

- ❖ Notice explaining the provisions of the FMLA and procedures for filing complaints of violations of the FMLA shall be posted in conspicuous areas of the premises that are occupied by employees. This notice shall consist of the entire contents of *P.16. Family Medical Leave Benefits*.
- ❖ The Board shall also furnish to each employee a copy of the FMLA fact sheet, available from the Department of Labor, which explains the employee's entitlements and obligations under the FMLA.
- ❖ Once an employee notifies the Board of the need or the intent to take FMLA leave, the Board must provide him/her with information in writing regarding the particular expectations and obligations of the employee. The contents of such notice must include all of the following, if they apply:
  - The leave will be counted against their annual 12-week FMLA entitlement;
  - The requirement that the employee provide medical certification of a serious health condition, if that requirement exists;
  - ~~The employee's right to exhaust his/her annual and personal leave prior to beginning 12 weeks of family leave;~~—(Applies to Parental Leave Act)
  - FMLA permits an eligible employee to choose to substitute accrued paid leave for FMLA leave. If an employee does not choose to substitute accrued paid leave, the employer may require the employee to substitute accrued paid leave for unpaid FMLA leave. The term substitute means that the paid leave provided by the employer, and accrued pursuant to established policies of the employer, will run concurrently with the unpaid FMLA leave.
  - Any requirement for the employee to make any premium payments to maintain health benefits and the arrangements for making such payments;
  - Any requirement for the employee to present a fitness-for-duty certificate to be restored to employment (any such requirement must be job-related and consistent with business necessity);
  - Status as a 'key employee' and the potential consequence that restoration may be denied following FMLA leave, explaining the conditions required for such denial;
  - The employee's right to restoration to the same or an equivalent job upon return from leave; and
  - The employee's potential liability for payment of health insurance premiums paid by the employer during the employees unpaid FMLA leave if the employee fails to return to work after taking FMLA leave.
- ❖ The Board may also designate in the specific notice whether it will require the employee to periodically report back on status and intent to return to work or whether the employer will demand recertification of a serious health condition.

### **Notice Requirements for Employees:**

- ❖ ~~If the need for FMLA is foreseeable, an employee is required to give the Board 30 days' notice of intended leave. If the need for leave is not foreseeable, an employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case. except if the date of the treatment requires that the leave begin in less than 30 days. If a 30 day notice is impracticable, the employee must give notice as soon as is practicable.~~
- ❖ The Board may also require the employee to provide certification form a health care provider to verify that leave is justified under the FMLA.

- ❖ The Board has the right to require an employee on leave to report periodically about the employee's status and the intent to return to work, and to request recertification of a serious medical condition no more often than every 30 days under most circumstances.
- ❖ If a leave under this section is foreseeable because of planned medical treatment or supervision, the employee:
  - Shall make a reasonable effort to schedule the treatment or supervision so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider of the employee's son, daughter, parent or dependent; and
  - Shall provide the Board with two weeks written notice of the treatment or supervision.
- ❖ To preserve instructional continuity, foreseeable medical leave may be limited to the time for medical treatment only. The employee shall provide a two-week written notice when the leave is foreseeable.
- ❖ If a leave because of birth or adoption is foreseeable, the employee shall provide the Board with two weeks written notice of such expected birth or adoption.

**Certification of Need for Family Leave:**

- ❖ If an employee requests family leave to care for a family member with a serious health condition as authorized in the code, the employer may require the employee to provide certification by a health care provider of the health condition.
- ❖ The certification shall be sufficient if it contains the following:
  - That the child, parent or employee has a serious health condition;
  - The date the serious health condition commenced and its probable duration; and
  - The medical facts regarding the serious health condition.

**Restoration to Position upon Return from leave:**

~~The position held by the employee immediately before the leave is commenced shall be held for a period not to exceed the twelve week period of the parental leave and the employee shall be returned to that position: **Provided**, that the Board may employ a temporary employee to fill said position for the period of the parental leave. (Applies to Parental Leave Act)~~

On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to such reinstatement even if the employee has been replaced or his or her position has been restructured to accommodate the employee's absence.

An employee returning from a leave who is unable to perform an essential function of the position due to a mental or physical condition is not entitled to be reinstated into another position under the FMLA. However, if such an employee is a qualified individual with a disability under the ADA, the Board may be required to place the employee in another vacancy as a reasonable accommodation.

The Board may not, because an employee received family leave or medical leave, reduce or deny any employment benefit or seniority that accrued to the employee before his/her leave commenced.

**Denial of FMLA Leave or Reinstatement to Former Position:**

Under certain circumstances, the following may justify the Board refusing to allow or delaying FMLA leave to an otherwise eligible employee:

- ❖ The employee fails to provide timely notice; or
- ❖ The employee fails to timely provide medical certification.

Under certain circumstances, the following may justify an employer refusing to reinstate or delaying reinstatement of an employee on FMLA leave:

- ❖ Employee fails to provide a requested fitness-for-duty certification to return to work;
- ❖ Employee would not be employed had leave not been taken;
- ❖ Employee fails to give notice of intent to return to work;
- ❖ Reinstatement of key employee would cause substantial and grievous economic injury;
- ❖ Leave obtained by fraudulent means; and
- ❖ Employee's outside or supplemental employment violates uniformly applied policy.

### **Special Rules for School Employees:**

- ❖ In order to minimize the impact on instruction, employees may not be able to schedule 12 weeks of leave if it coincides with the end of the school term. FMLA leave taken for a period that ends with the school year and begins the next semester is leave taken consecutively rather than intermittently. The period during the summer vacation when the employee would not be required to report for duty is not counted against the employee's FMLA leave entitlement.
- ❖ Instructional employees who are on FMLA leave at the end of the school year must be provided with any benefits over the summer vacation that employees would normally receive if they had been working at the end of the school year.
- ❖ When an instructional employee requests intermittent leave or a reduced leave schedule to care for a family member, to care for a covered service member, or for the employee's own serious health condition, which is foreseeable based on planned medical treatment, and the employee would be on leave for more than 20% of the total number of working days in the period during which the leave will be taken, the Board may require the employee to choose one of the following:
  - Take leave for a "period of particular duration" of time (i.e., blocks of time) which does not exceed the duration of the planned treatment; or
  - Be transferred to an alternative position.
- ❖ If an instructional employee fails to give the required notice of foreseeable FMLA leave to be taken intermittently or on a reduced leave schedule, the employer may require the employee to take leave of a particular duration, or to transfer temporarily to an alternative position. Alternatively, the employer may require the employee to delay the taking of leave until the notice provision is met.
- ❖ Near the end of an "academic term", there are several different scenarios adopted by Congress to minimize disruption of the classroom where the Board may require an instructional employee to continue taking leave until the school term ends.
  - When an instructional employee begins leave more than five weeks before the end of the term and the leave will last at least three weeks and the employee would otherwise return to work during the last three weeks of the term;
  - When an instructional employee takes leave for a reason other than the employee's own serious health condition and the leave begins during the five weeks before the end of the term, and will last two weeks and the employee would otherwise return to work during the two-week period before the end of the term;
  - When an instructional employee takes leave for a reason other than the employee's own serious health condition and the leave begins during the last three weeks of the term, and if the leave will last more than five working days.

If an employee is required to take leave until the end of an academic term as set forth above, only the period of leave until the employee is ready and able to return to work shall be charged against the employee's 12-week FMLA leave entitlement. The Board has the option not to require the employee to stay on leave until the end of the term. Therefore, any additional leave required by the employee to the end of the school term is not counted as FMLA leave: however the Board is required to maintain the employee's group health insurance and restore the employee to the same or equivalent job including other benefits at the conclusion of the leave,  
**(Family and Medical Leave Act of 1993)**

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Amended/Revised:

**PENDLETON COUNTY BOARD OF EDUCATION**  
**P. PERSONNEL – PROFESSIONAL AND SERVICE**  
**File: P.16.A. West Virginia Parental Leave Act**

**Adopted: August 20, 2003**  
**Last Review:**  
**September, 2012**

The West Virginia Parental Leave Act provides school employees the opportunity to take up to 12 weeks of unpaid family leave for the birth or adoption of a child or for personal medical treatment or to care for a family member with a serious health condition.

**(P) P.16.A.1. Definitions**

- ❖ **"Dependent"** means any person who is living with or dependent upon the income of any employee whether related by blood or not.
- ❖ **Employee:**
  - "Employee" means any individual, hired for permanent employment, who has worked for at least twelve consecutive weeks performing services for remuneration within this state for any department, division, board, bureau, agency, commission or other unit of state government, or any county board of education in the state.
  - "Employee" does not include:
    - Individuals employed by persons who are not "employers" as defined by this article;
    - Elected public officials or the members of their immediate personal staffs;
    - Principal administrative officers of any department, division, board, bureau, agency, commission or other unit of state government, or any county board of education in the state; or
    - A person in a vocational rehabilitation facility certified under federal law who has been designated an evaluatee, trainee or work activity client.
- ❖ **"Employer"** includes any department, division, board, bureau, agency, commission or other unit of state government and any county board of education in the state.
- ❖ **"Employment benefits"** means all benefits, other than salary or wages, provided or made available to employees by an employer, and includes group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits and pensions, regardless of whether such benefits are provided by a policy or practice of an employer or by an employee benefit plan as defined in the federal Employee Retirement Income Security Act of 1974.
- ❖ **The term "health care" or "health care services"** means clinically related preventive, diagnostic, treatment or rehabilitative services whether provided in the home, office, hospital, clinic or any other suitable place, provided or prescribed by any health care provider or providers. Such services include, among others, drugs and medical supplies, appliances, laboratory, preventive, diagnostic, therapeutic and rehabilitative services, hospital care, nursing home and convalescent care, medical physicians, osteopathic physicians, chiropractic physicians, and such other surgical, dental, nursing, pharmaceutical, and podiatric services and supplies as may be prescribed by such health care providers.
- ❖ **"Health care provider"** means a person, partnership, corporation, facility or institution licensed, certified or authorized by law to provide professional health care services in this state to an individual during this individual's medical care, treatment or confinement.
- ❖ **"Parent"** means a biological, foster or adoptive parent, a stepparent or a legal guardian.
- ❖ **"Serious health condition"** means a physical or mental illness, injury or impairment which involves:
  - Inpatient care in a hospital, hospice or residential health care facility; or
  - Continuing treatment, health care or continuing supervision by a health care provider.

- ❖ "Son" or "daughter" means an individual who is a biological, adopted or foster child, a stepchild or a legal ward, and is (1) under eighteen years of age; or (2) eighteen years of age or older and incapable of self-care because of mental or physical disability.
- ❖ "Spouse" means any person legally married to an "employee" covered under this article.

**(P) P.16.A.2. Family Leave**

An employee shall be entitled to a total of twelve weeks of unpaid family leave, following the exhaustion of all his or her annual and personal leave, during any twelve-month period:

- ❖ Because of the birth of a son or daughter of the employee;
- ❖ Because of the placement of a son or daughter with the employee for adoption; or
- ❖ In order to care for the employee's son, daughter, spouse, parent or dependent who has a serious health condition.

In the case of a son, daughter, spouse, parent or dependent who has a serious health condition, such family leave may be taken intermittently when medically necessary.

An employee may take family leave on a part-time basis and on a part-time leave schedule, but the period during which the number of work weeks of leave may be taken may not exceed twelve consecutive months, and such leave shall be scheduled so as not to disrupt unduly the operations of the employer.

If a leave because of birth or adoption is foreseeable, the employee shall provide the employer with two weeks written notice of such expected birth or adoption.

If a leave under this policy is foreseeable because of planned medical treatment or supervision, the employee:

- ❖ Shall make a reasonable effort to schedule the treatment or supervision so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider of the employee's son, daughter, parent or dependent; and
- ❖ Shall provide the employer with two weeks written notice of the treatment or supervision.

This code (§21-5D-4) shall not be construed as granting an employee the family leave rights provided in this section if he or she is entitled to such family leave rights under any other provision of this code.

*Special Note: WVC §18A-2-2a states that an employee shall not be required to use accumulated annual or sick leave prior to taking an extended leave of absence.*

**(P) P.16.A.3. Certification of Need**

If an employee requests family leave to care for a family member with a serious health condition as authorized in this policy, the employer may require the employee to provide certification by a health care provider of the health condition. The certification shall be sufficient if it contains the following:

- ❖ That the child, dependent, parent or employee has a serious health condition;
- ❖ The date the serious health condition commenced and its probable duration; and
- ❖ The medical facts regarding the serious health condition.

**(P) P.16.A.4. Position upon Return from Leave**

The position held by the employee immediately before the leave is commenced shall be held upon a period not to exceed the twelve-week period of the parental leave and the employee shall be returned to that position: **Provided**, That the employer may employ a temporary employee or temporary employees to fill said position for the period of the parental leave.

No employer may, because an employee received family leave or medical leave, reduce or deny any employment benefit or seniority which accrued to the employee before his or her leave commenced.

**(P) P.16.A.5. Seniority and Employment Benefits**

Employees shall accrue seniority during the time they are on an approved family leave of absence.

During any family leave by an employee, the employer shall continue group health insurance coverage for such employee: **Provided**, That the employee shall pay the employer the premium costs of such group health insurance coverage.

**(P) P.16.A.6. Posting Notice**

The Board shall post, in one or more conspicuous places where notices to employees are customarily posted, a notice in a form approved by the department setting forth an employee's rights under this policy.

**(WVC §21-5D-1 to §21-5D-9; Hudok v. Board of Education Randolph County)**

**Charles:**

**I saw no changes in the other policies you sent me; therefore, I am assuming that the changes I have made were the target and the other files just happen to get in the e-mail. The Prescription Drug Policy has also been updated.**

**(P) S.6.7. Parent or Guardian Responsibilities**

- ❖ Each parent, guardian, or custodian shall have the responsibility of fully cooperating in and completing the enrollment process by providing: immunization documentation (W.Va. Code §16-3-4), copy of a certified birth certificate or affidavit (W.Va. Code §18-2-5c), signed suspension and expulsion document (W.Va. Code §18-5-15), and any other documents required by federal, state, and/or local policies or code.
- ❖ Encourage his/her children to attend school.
- ❖ Know the difference between an excused and an unexcused absence.
- ❖ Support his/her children in excused absences only.
- ❖ Write notes to school explaining each absence within ~~two~~ **ten (10)** days of student's return to school. (WVC §18-8-2 and §18-8-7)

**(P) S.6.16. Maintenance of Student Attendance Records**

An up-to-date daily register/record of attendance for every student must be maintained. From these records a periodic report, or reports as requested by the County Office in compliance with regulations of the West Virginia Department of Education, shall be electronically sent by use of the WVEIS system.

Data pertaining to absences should be accurately recorded by the teacher each school day for each class, reported daily to the school offices, and should be checked regularly by the school principal. From this data, any monthly term or other attendance report as required by the Pendleton County Board of Education and/or West Virginia Department of Education may be compiled. The WVEIS file shall carry an attendance record of each student. Attendance data should also be reported on the report cards to inform parents about their children's absences.

- ❖ Maintenance of Records:
  - Each school will keep a daily, computerized record of attendance for each student. The record should include classification of absences.
  - Parental notes for all absences must be presented to the school within ~~two~~ **ten (10)** days of the last day absent. Otherwise the absence will automatically be classified as "unexcused".
  - The principal and/or his/her designee will determine the classification of the absence according to definition.
  - The principal will have a procedure to inform the student of the category of each absence.
  - The appropriate reports on County-provided forms are to be sent to the County Attendance Director.
- ❖ State Attendance Reports must be made through the WVEIS in the following manner:
  - First month - net enrollment of students by grade;
  - Second month - net enrollment by grade, verification of certified list of all students by name and grade, and total days present to date;
  - Tenth Month – Verification of grade; number of promotions, retentions, and withdrawals; number of students enrolled in other states; accumulated days present; and number of days school was in session.

<b>PENDLETON COUNTY BOARD OF EDUCATION</b> <b>P. PERSONNEL – PROFESSIONAL AND SERVICE</b> <b>File: P.5.1 Prescription and Over-the-Counter Medication Policy</b>	<b>Adopted: August 20, 2003</b> <b>Last Review:</b>
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**PENDLETON COUNTY BOARD OF EDUCATION**

**PRESCRIPTION AND OVER-THE-COUNTER MEDICATION POLICY**

**PURPOSE**

The National Transportation Safety Board (NTSB) issued a directive to the Federal Transit Administration (FTA) to educate service agencies on the potential safety risks associated with the use of prescription (Rx) and over-the-counter (OTC) medications by employees who perform duties requiring the transporting of students and other school personnel.

In the interest of complying with this directive and protecting employees and others, the Pendleton County Board of Education has developed this Rx/OTC policy. As such, all safety-sensitive employees must make sure that any prescribed drug, any over-the-counter medication, or combination of drugs being taken will not adversely impact their job performance. The employee must inform the prescribing medical practitioner of the employee’s job duties performed and the medical practitioner must approve the medications to ensure that the employee’s job duties can be performed safely.

**APPLICABILITY**

This policy applies to all by employees who perform duties as a bus operator, other duties which require a CDL and for professional personnel who may be transporting students to activities per the guidelines established in SBP 4336 and the Pendleton County Board of Education. The procedure set forth herein applies only to medications that are to be taken or that would have an effect while at work.

**PRESCRIPTION MEDICATIONS**

The appropriate use of legally prescribed medications is not prohibited. However, the employee has the responsibility to discuss the potential effects of any prescription medication with the prescribing medical practitioner including its potential to impair mental functioning, motor skills, or judgment. The employee must refrain from performing the job duties identified above any time their ability to safely perform their job duties is adversely impacted by the use of a prescription medication.

- ❖ A legally prescribed drug means the employee has a prescription or other written approval from a medical practitioner for his/her use of a drug in the course of medical treatment. The written statement must include the employee’s name, the name of the substance, quantity/amount to be taken, and the period of authorization.
- ❖ The misuse or abuse of prescription medications is prohibited. Examples of misuse and/or abuse include:
  - Use of a medication that is not prescribed by the employee.
  - The employee exceeds the prescribed dosage.
  - Use of any medication that contains alcohol within four hours of performing safety-sensitive functions.
  - The use of any prescription medications that adversely impacts the employee’s ability to safely perform his/her assigned duties.

The Pendleton County Board of Education requires that all bus operators, other CDL holders and professional personnel who transport students per SBP 4336 obtain a statement from their medical practitioner for each medication prescribed indicating whether the employee should be medically disqualified from performing safety-sensitive functions during the duration of the treatment. The statement must be provided to the Director of Transportation where it will be kept in the employee's confidential medical file.

### **OVER-THE-COUNTER MEDICATIONS**

The appropriate use of over-the-counter (OTC) medications is not prohibited. However, the employee has the responsibility to read all warning labels and contraindication notices and if necessary discuss the potential effects of any OTC medication with a medical practitioner or pharmacist including its potential to impair mental functioning, motor skills, or judgment. The employee must refrain from performing a safety-sensitive function any time his/her ability to safely perform their job duties is adversely impacted by the use of OTC medications.

- ❖ The misuse or abuse of OTC medications is prohibited. Examples of misuse and/or abuse include:
  - Use of any medication that contains alcohol within four hours of performing safety-sensitive functions.
  - The use of any OTC that adversely impacts the employee's ability to safely perform his/her job duties.
  - Using an OTC for other than its intended purpose.
  - Exceeding the recommended dosage.

The Pendleton County Board of Education requires that all employees bus operators, other CDL holders and professional personnel who transport students per SBP 4336 obtain a statement from their medical practitioner or pharmacist for each OTC used that has a warning label or caution that indicates that mental functioning, motor skills, or judgment may be adversely affected. As an example, the warning label might indicate: "May cause drowsiness. Use care when operating a car or heavy machinery." The statement should indicate whether the employee should be medically disqualified from performing safety-sensitive functions during the duration of the treatment. The statement must be provided to the Director of Transportation where it will be kept in the employee's confidential medical file.

### **MEDICAL DISQUALIFICATION**

Ultimately, the employee is the best judge of how a substance is impacting him/her. As such, the employee has the responsibility to inform the medical practitioner/pharmacist of performance altering side effects and request medical disqualification from performance of their duties. The employee is encouraged to discuss/consider alternative treatments that do not have the performance altering side effects.

An employee will be medically disqualified from the performance of safety-sensitive functions if the medical practitioner/pharmacist determines that the side effects of the medication being taken pose a potential threat to the safety of co-workers, the public and/or the employee.

The medical practitioner/pharmacist determination is subject to review by another practitioner at the discretion of the Superintendent. The verifying practitioner may consult with the medical original practitioner/pharmacist to obtain additional information as necessary. Based on the information provided, the company physician may determine that the employee should be medically disqualified. The company physician's decision will be deemed final.

The medical practitioner/pharmacist statements and any other medical information obtained through this process are confidential information and will be maintained in confidential medical files in the Pendleton County Board of Education Personnel Office.

### **PROCEDURAL GUIDELINES**

The employee has the responsibility to assess his/her fitness for duty while using Rx/OTC prescription medication. As such, the employee has the following responsibilities:

- ❖ The employee has the responsibility to discuss the potential effects of any OTC drug with a medical practitioner or pharmacist, including any adverse impact on the safe performance of their job duties. The employee is encouraged to discuss with their medical practitioner/pharmacist alternative treatments that do not have performance altering side effects.
- ❖ The employee has the responsibility to inform the medical practitioner/ pharmacist of performance altering side effects experienced and request medical disqualification from the performance of safety-sensitive job duties.
- ❖ The employee must have medical practitioner/pharmacist determine if he/she should be medically disqualified from the performance of safety-sensitive job duties based on the side effects of the OTC. The employee must subsequently request the medical practitioner/pharmacist to complete a statement indicating whether or not the employee should be medically disqualified, and if so, the duration of the disqualification. An example of the form to be used is provided in Appendix A of SBP 4336.
- ❖ Employees are required to provide the medical practitioner/pharmacist statement in a sealed envelope to the Director of Transportation. The envelope should be sealed and marked confidential.
- ❖ The employee must notify their immediate supervisor of the duration of his/her medical disqualification. The employee will be immediately removed from duty.
- ❖ Employees will be allowed to use their accumulated sick leave, personal time, and/or vacation for the duration of the medical disqualification.

The Pendleton County Board of Education will periodically publish a list of medications that are of the greatest concern. The list will be provided as a guide only and should not be considered all-inclusive. Use of the list to identify potential problem medications does not exempt the employee from the process as defined herein, but should be used to trigger more in depth discussions with the medical practitioner/pharmacist.

### **CONSEQUENCES OF POLICY VIOLATION**

An employee who fails to report the use of an Rx/OTC medication or who performs safety-sensitive functions when his/her performance is being adversely impacted by an OTC medication will be subject to the following discipline.

**Failure to report (1st Offense)**

**Written reprimand**

**Failure to report (2nd Offense)**

**Two work days without pay**

**Performance of safety-sensitive function when adversely impacted by OTC medication**

**Five work days without pay**

**Falsification of medical practitioner/pharmacist statement**

**Discharge**

<b>PENDLETON COUNTY BOARD OF EDUCATION</b> <b>P. PERSONNEL – PROFESSIONAL AND SERVICE</b> <b>File: P.7. Employee Fringe Benefits</b>	<b>Adopted: August 20, 2003</b> <b>Last Review:</b> <b>September, 2012</b>
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**(P) P.7.1.1. Return to Work Policy**

The Pendleton County Board of Education philosophy regarding Return to Work will be the following: to pursue and make an effort to return employees to work within the legislative requirements mandated by School Laws of West Virginia.

~~All employees will be trained and required to participate in the program.~~ Training for the proper implementation of the Return to Work Procedures will be conducted annually for central office supervisors, secretaries and school principals prior to the opening of the school term. Central Office supervisors will be trained or receive refresher reminders of the procedures during the annual meetings for the preparation of opening the school term. Principal will receive training or refresher reminders of the procedures during the first principals' meeting prior to the opening of the school term.

Employees who file an accident report which may involve Workers' Compensation will be given a packet of information pertaining to the filing of a claim and instructions about completing the procedures necessary to receive this benefit. The instructions shall be given by the Benefits Coordinator or his/her designee.

The Return to Work Program should assist in the employee's recovery as well as being productive and economically feasible for the Board of Education. The employee's health and safety shall be the first priority in the decision process. Return to Work Program will be applied fairly and consistently to all employees. Employees will receive the normal wage for the time worked.

The Benefits Coordinator, or designee, will remain in contact the employee and also communicate with the medical provider during the employee's absence from work (Approval for communication with the medical provider will initiate upon signing the **Return to Work Employee Agreement of Understanding and Compliance**). Upon receipt of the completed **Medical Report for Injured Worker of Pendleton County Schools** verifying the need for transitional/modified duty, the Benefits Coordinator, or designee, and the employee's direct supervisor will develop and recommend to the Superintendent a plan consisting of transitional duties. The employee's normal work duties may be modified to accommodate the employee, as well as meet the needs of the employee's worksite. A cost-benefit analysis will be used in the decision process. Each case must be reviewed and duties reassessed a minimum of every twenty (20) workdays or sooner, if issues arise.

Rehabilitation referrals should be considered for those cases that involve extended lost time.

Any employee released to return to transitional duty and refuses to return to work, may have their benefits terminated by Workers Compensation.

The Pendleton County Board of Education Return to Work Procedural Handbook will be used as an avenue to implement this policy.

Workers' Compensation and internally created forms related to Return to Work Procedures are available in the Business Office.

**(P) P.7.1.1.1.**

## **Pendleton County Schools**

### **Return to Work Procedural Handbook**

**PENDLETON COUNTY SCHOOLS**

**Return to Work Program**

**Employee Agreement of Understanding and Compliance**

Under this policy, every effort will be made to return employees to work in accordance with the legislative requirements mandated by School Laws of West Virginia.

~~All employees will be trained and required to participate in the program.~~ All employees who have cause to report an accident or injury to their immediate supervisor will receive assistance in following the Return to Work Procedures followed by Pendleton County. Employees who file an accident report which may involve Workers' Compensation will be given a packet of information pertaining to the filing of a claim and instructions about completing the procedures necessary to receive this benefit.

The Return to Work Program should assist in the employee's recovery as well as being productive and economically feasible for the Board of Education. The employee's health and safety shall be the first priority in the decision process. The Return to Work Program will be applied fairly and consistently to all employees. Employees will receive the normal wage for the time worked.

All employees are required to file an **Internal Accident Report** with their immediate supervisor as soon as possible, **but no later than the next workday** of an accident/injury occurring. If the employee seeks medical attention for an injury that occurred on the job, the employee must notify the Benefits Coordinator, or designee, within twenty-four (24) hours of the initial doctor/hospital visit.

The Benefits Coordinator, or designee, will contact the employee and also communicate with the medical provider (Approval for communication with the medical provider will initiate upon signing this document). The employee's normal work duties will be modified to accommodate the employee as well as arrangements to meet the needs of the employee's worksite.

The Benefits Coordinator, or designee, and the employee's direct supervisor will immediately develop a plan consisting of transitional duties. This plan shall be submitted to the Superintendent for approval by the Board of Education. A cost-benefit analysis will be used in the decision process. Each case must be reviewed and duties reassessed periodically, but minimally every twenty (20) working days.

Rehabilitation referrals should be considered for those cases that involve extended lost time.

Any employee released to return to transitional duty and refuses to return to work, may have their benefits terminated by Workers Compensation.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

Signature required and to be filed in employee personnel folder in the Board of Education Office. Questions regarding this document should be directed to the Benefits Coordinator, or designee.

**Acknowledgement of Work Capabilities  
With Pendleton County Schools**

- I have been advised of the physical capabilities outlined by the attending physician/medical provider and understand them. I further understand that it is my responsibility not to exceed these guidelines without specific medical authorization.
- I understand the job description and physical demand of my transitional duties are not intended to be all-inclusive and I may be asked to perform other duties. I agree that if management asks that I perform duties which would violate my work capabilities, I will immediately advise my assigned supervisor or designee of my physical capabilities concerning the requested duties.
- I understand the Pendleton County Board of Education's Return to Work Policy and procedures, and as a participant in this program, **I will adhere to the Pendleton County Board of Education policies and procedures.**

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

Supervisor Signature \_\_\_\_\_ Date \_\_\_\_\_

Benefits Coordinator Signature \_\_\_\_\_ Date \_\_\_\_\_

**Pendleton County Schools**  
**58 Walnut Street P.O. Box 888**  
**Franklin, WV 26807**  
**(304) 358-20007**

**Superintendent:**  
Douglas Lambert

**Board Members:**  
J.D. Wilkins – Board President  
Rick Gillespie - Vice-President  
Betty Kimble  
Sonny O'Neill  
Teresa Heavner

Insert Date

To: Medical Providers

Re: Workers Compensation Injuries of Pendleton County School Employees

The Pendleton County Board of Education recognizes that our employees are an important factor to the success of the school system. Providing a learning and workplace environment that is safe and healthy for students and employees is a focal point. The Pendleton County Board of Education has established a Return-to-work policy to assist our employees after an accident resulting in injury.

The purpose of the policy is to promote and support the return of employees who are injured on the job to work as soon as they are medically able and in compliance with the personnel laws of the State of West Virginia. The Pendleton County Board of Education recognizes that early involvement with medical providers is essential in facilitating an injured employee's restoration to active duty.

Enclosed is a Medical Report form that the Board finds essential in returning our employees back to work **when modified duty to enable the employee to return to work is required**. Please complete this form **(as appropriate)** and fax it to me ~~as soon as possible~~ when **the employee is discharged from your care to return to work**. (FAX (304) 358-2936)

Transitional/Modified duties may be available for an employee and will be based upon recommendations from physicians, physical therapists and rehabilitation companies. If it is determined that such recommended duties can be aligned with successful operation of the worksite, and within compliance with the personnel laws of West Virginia, every effort will be made to return the employee to work under the recommendations.

The Board invites you to visit all departments and schools when if you desire such a visit. Visiting the departments and schools would allow you to see the job tasks and make a determination for injured employees.

If you should have any further questions, please feel free to call me at (304) 358-2207. Thank you in advance for your cooperation.

Sincerely,

J.P. Mowery  
Coordinator of Benefits  
Pendleton County Schools  
[jmowery@access.k12.wv.us](mailto:jmowery@access.k12.wv.us)

**Medical Report for Injured Worker of Pendleton County Schools**  
**When Modified Duty is Required**

**1. EMPLOYEE/EMPLOYER INFORMATION:**

Injured Worker: \_\_\_\_\_ Home phone: \_\_\_\_\_

Position/Job Title: \_\_\_\_\_ Date of Injury \_\_/\_\_/\_\_ Time: \_\_\_\_\_

**NOTE TO TREATING PHYSICIAN AND EMPLOYEE:**

- ❖ Pendleton County Schools will make every possible effort to accommodate any medically necessary physical restrictions and provide the employee with transitional or modified work when needed in compliance with the personnel laws of the State of West Virginia.

**2. MEDICAL INFORMATION REPORT: To Be Completed By Medical Provider**

Diagnosis/Treatment: \_\_\_\_\_

Medication(s): \_\_\_\_\_

Patient Released To: \_\_\_ Normal Duty \_\_\_ Transitional/Modified Duty

Beginning: Date: \_\_/\_\_/\_\_ Time: \_\_\_\_\_

If the employee is released on Transitional/Modified duty status the following restrictions will apply until \_\_/\_\_/\_\_, following which the employee may be expected to return to normal duty status.

**CHECK ALL THAT APPLY:**

- \_\_\_ No Lifting/Carrying over: (Specify) \_\_\_\_\_ pounds.
- \_\_\_ No squatting or kneeling: \_\_\_ No driving \_\_\_ Needs to sit/stand as needed.
- \_\_\_ May not work with: ( ) Left ( ) Right ( ) Arm ( ) Foot ( ) Leg for \_\_\_ days.
- \_\_\_ May work part-time for: \_\_\_\_\_ hours per day for \_\_\_ days and/or \_\_\_ weeks.
- \_\_\_ Patient/Employee is totally restricted from working until: (Date) \_\_/\_\_/\_\_.
- \_\_\_ A follow-up visit is needed with: Dr. \_\_\_\_\_ (Date) \_\_/\_\_/\_\_
- \_\_\_ Other (Specify): \_\_\_\_\_

Special Patient Instructions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_/\_\_\_\_/\_\_\_\_ ( ) \_\_\_\_\_  
Physician's Name                      Physician's Signature                      Date                      Phone Number

**FAX completed report to: Pendleton County Board of Education (304)-358-2936 ATTN: J.P. Mowery**

**Pendleton County Schools Transitional Duty Job Description  
And Acknowledgement of Work Capabilities**

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Employee: \_\_\_\_\_

Job Title: \_\_\_\_\_

Type of Injury:

\_\_\_\_\_

Restrictions (May continue on back of this form, but all parties must initial.):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Transitional-Duty Job Description (May continue on back of this form, but all parties must initial.):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I understand the transitional duties assigned to me. The transitional duties will be reevaluated periodically. I further understand that it is my responsibility not to exceed these guidelines without specific medical authorization.

I agree that if management asks that I perform duties which would violate my work capabilities, I will immediately advise my assigned supervisor or designee of my physical capabilities concerning the requested duties.

I understand and will adhere to the Pendleton Board of Education's Return to Work Policy and procedures.

Employee Signature \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Supervisor Signature \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Benefits Coordinator \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

## **Occupational Physical Requirements**

The following are brief descriptions of the general job description and physical requirements for various positions within the school system. These physical requirements are included in the job descriptions for employees and should be taken into consideration when determining if the employee can return to work in an unrestricted or modified/transitional capacity.

### **Administrator**

Must supervise professional and service personnel as well as students. Frequently stand, sit and walk as well as occasionally climb, kneel and bend. Work period of 8 hours per day.

### **Bus Driver**

Drive a bus on the public roads and supervise children. Must be able to frequently sit and occasionally stand, walk, climb, kneel and bend. Must be able to raise the hood of the bus, lift **50** lbs. and tolerate extreme temperature ranges. Must pass a physical and eye exam. Work hours are 3.5 to 8 per day.

### **Clerical Staff**

Maintain office, process paperwork. Must frequently stand, sit, walk, kneel and bend as well as occasionally climb. May be required to lift/carry supplies and materials up to **10** pounds for short distances. Work hours are 3.5 to 8 per day.

### **Cook**

Prepare and serve meals, receive and store foods and clean kitchen/dining area. Must be able to stand/walk continuously and kneel/bend frequently. Must also climb occasionally. May be required to lift or carry food storage/pans of weight up to 25 pounds for various distances not exceeding 50 feet. Work hours are 3.5 to 8 per day.

### **Custodian**

Clean facility, minor repair and grounds keeping duty. Must frequently stand, bend, kneel, walk and climb as well as occasionally sit. May be required to lift/carry cleaning supplies up to 80 pounds for various distances. Must stand on a step ladder and work with both hands over head. Work hours are 3.5 to 8 per day.

### **Maintenance**

Repair and renovate facilities. Must frequently stand, sit, walk, climb, kneel and bend. May be required to carry tools/materials up to 80 pounds for various distances. Must be able to work with both arms over head. Work hours are 8 per day. Must possess a valid driver's license.

### **Mechanic**

Repair buses, light trucks and cars. Must frequently stand, walk, climb, kneel and bend also occasionally sit. May be required to lift/carry parts, tools and equipment up to 120 pounds for short distances. Work hours are 8 per day.

### **Teachers**

Teaching and supervision of students. Must frequently stand, sit, walk and occasionally climb, kneel or bend. May be required to lift/carry small equipment and materials up to 5 pounds for short distances. Work hours are 8 per day.

### **Classroom Special Education Aides**

Work with students. Must frequently stand, sit, walk and occasionally climb, kneel or bend. May be required to lift/carry small equipment and materials up to 10 pounds for short distances. May be required to lift/restrain/transfer students. Work 3.5 to 8 hours per day.

The following policies, if approved, will allow Pendleton County to join the BRIM Sponsored Defensive Driver Training Initiative. BRIM's interest is to reduce expenses as a result of accident claims. Your incentive is that you can gain a 2% credit on your premiums if 90% of employees driving your vehicles have completed the training. On the other hand, if fewer than 80% of your employees who will be driving county vehicles or privately owned vehicles to conduct county business complete the training, a 5% surcharge will be applied to the county's premium.

<p><b>PENDLETON COUNTY BOARD OF EDUCATION</b></p> <p><b>T. TRANSPORTATION, SAFETY, FOOD SERVICES &amp; INSURANCE</b></p> <p><b>File: T.1.1. Guidelines for Curricular and Extracurricular Trips</b></p>	<p><b>Adopted: August 20, 2003</b></p> <p><b>Last Review: September, 2012</b></p>
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**(P) T.1.A.4 Professional Personnel Transporting Students in Private Vehicles**

When no other option is available, professional personnel may transport students to an activity in their private vehicle provided they have a valid driver's license, the vehicle has an up-to-date state inspection sticker, and proof of adequate insurance coverage is on file in the Principal's Office.

Completion of the BRIM on-line defensive driver training is a requirement in order for employees to receive approval to use privately owned or county owned vehicles. See File: T.10. BRIM Sponsored Defensive Driver Training Initiative.

Employees may submit a request for mileage reimbursement for approved trips.

<p><b>PENDLETON COUNTY BOARD OF EDUCATION</b></p> <p><b>T. TRANSPORTATION, SAFETY, FOOD SERVICES &amp; INSURANCE</b></p> <p><b>File: T.10. BRIM Sponsored Defensive Driver Training Initiative</b></p>	<p><b>Adopted:</b></p> <p><b>Last Review:</b></p>
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The West Virginia Board of Risk and Insurance Management (BRIM) has partnered with the National Safety Council to provide online defensive driving training for state and county employees, who drive a state-owned or county owned, leased or personal vehicle on state business. BRIM is providing this training to promote safe driving practices to reduce and control automobile accidents that could result in claims.

Brim has formally requested that all Pendleton County Board of Education employees who drive a county owned vehicle or who frequently drive their personal vehicle on county business participate in this driver training initiative. Employees who anticipate that they will be driving county owned or privately owned vehicles on county business or curricular and extracurricular trips will be required to complete the defensive driver training.

The Board is required to provide an annual list of personnel who drive on county business. As an incentive to participate in this program, when 90% or more of listed drivers have completed the training program, the Board will receive a 2% credit toward automobile premium. Conversely, if fewer than 80% of listed drivers have completed the training, a 5% surcharge will be applied to the county's premium.

Expenses related to travel in privately owned vehicles may be reimbursed only to those employees who have completed the training.