

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

SERIES 141
BOARD OF EDUCATION RELATIONS WITH SCHOOL
EMPLOYEES (5300)

§126-141-1. General.

1.1. Scope. -- This policy reinstates longstanding principles that described the relationship between boards of education and school personnel.

1.2. Authority. -- West Virginia Constitution, Article XII, Section 2, W. Va. Code §§18A-2-8 and 18A-2-12.

1.3. Filing Date. -- July 1, 1993.

1.4. Effective Date. -- August 1, 1993.

§126-141-2. Purpose.

To minimize possible disagreement and misunderstanding, the West Virginia Board of Education adopts the following statement of policy and procedure.

2.1. County boards of education, subject to the provisions of Chapter 18 and 18A of the Code of West Virginia and the rules and regulations of the State Board of Education, are responsible for the management of the schools within each county. Their powers and responsibilities in setting policy and in providing for such management are broad but not absolute.

2.2. Employees of boards of education share the responsibility for putting into effect the policies and practices approved by boards of education and such employees have certain rights and responsibilities as provided in statute, in contract or in accepted practices.

2.3. School employees are entitled to meet together, form associations and work in concert in

order to improve their circumstances or the circumstances of the schools. However, the right to strike does not exist for any public employee in the State of West Virginia, including school employees.

2.4. Boards of education and school employees can most effectively discharge their total responsibilities to the public and to each other by establishing clear and open lines of communication. Employees should be encouraged to make suggestions, proposals and recommendations through appropriate channels to the board of education. Decisions of boards of education concerning such suggestions, proposals and recommendations should be communicated to the employees clearly and openly.

2.5. Official meetings of boards of education are public meetings and employees are free to attend such meetings without fear of reprisal; indeed, they should be encouraged to attend.

2.6. Every employee is entitled to know how well he/she is performing his/her job, and should be offered the opportunity of open and honest evaluation of his/her performance on a regular basis. Any decision concerning promotion, demotion, transfer or termination of employment should be based upon such evaluation, and not upon factors extraneous thereto. Every employee is entitled to the opportunity of improving his/her job performance, prior to the terminating or transferring of his/her services, and can only do so with the assistance of regular evaluation.

2.7. Every employee is entitled to "due process" in matters affecting his/her employment, transfer, demotion or promotion.

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