



1 required to accomplish evaluations; requiring use and  
2 reporting of study results; establishing task force reporting  
3 and recommendations; requiring state board report to  
4 Legislative Oversight Commission on Education Accountability;  
5 establishing dates certain for submission of proposed rule and  
6 adopted rule and effective date of rule; requiring certain  
7 rule provisions; requiring provision of written evaluation  
8 results to persons evaluated; modifying related evaluation  
9 provisions to comport with changes; and making technical  
10 corrections and removing obsolete provisions throughout.

11 *Be it enacted by the Legislature of West Virginia:*

12 That §18A-2-2, §18A-2-6, §18A-2-7, §18A-2-8a, §18A-2-12 and  
13 §18A-2-12a of the Code of West Virginia, 1931, as amended, be  
14 amended and reenacted, all to read as follows:

15 **ARTICLE 2. SCHOOL PERSONNEL.**

16 **§18A-2-2. Employment of teachers; contracts; continuing contract**  
17 **status; how terminated; dismissal for lack of need;**  
18 **released time; failure of teacher to perform contract**  
19 **or violation thereof; written notice bonus for**  
20 **teachers and professional personnel.**

21 (a) Before entering upon their duties, all teachers shall  
22 execute a contract with their county boards, which shall state the  
23 salary to be paid and shall be in the form prescribed by the state  
24 superintendent. Each contract shall be signed by the teacher and  
25 by the president and secretary of the county board and shall be  
26 filed, together with the certificate of the teacher, by the  
27 secretary of the office of the county board: *Provided*, That when

1 necessary to facilitate the employment of employable professional  
2 personnel and prospective and recent graduates of teacher education  
3 programs who have not yet attained certification, the contract may  
4 be signed upon the condition that the certificate is issued to the  
5 employee prior to the beginning of the employment term in which the  
6 employee enters upon his or her duties.

7       (b) Each teacher's contract, under this section, shall be  
8 designated as a probationary or continuing contract. A  
9 probationary teacher's contract shall be for a term of not less  
10 than one nor more than three years, one of which shall be for  
11 completion of a beginning teacher internship pursuant to the  
12 provisions of section two-b, article three of this chapter, if  
13 applicable. If, after three years of such employment, the teacher  
14 who holds a professional certificate, based on at least a  
15 bachelor's degree, has met the qualifications for a bachelor's  
16 degree and the county board enter into a new contract of  
17 employment, it shall be a continuing contract, subject to the  
18 following:

19       (1) Any teacher holding a valid certificate with less than a  
20 bachelor's degree who is employed in a county beyond the three-year  
21 probationary period shall upon qualifying for the professional  
22 certificate based upon a bachelor's degree, if reemployed, be  
23 granted continuing contract status; and

24       (2) A teacher holding continuing contract status with one  
25 county shall be granted continuing contract status with any other  
26 county upon completion of one year of acceptable employment if the  
27 employment is during the next succeeding school year or immediately

1 following an approved leave of absence extending no more than one  
2 year.

3 (c) The continuing contract of any teacher shall remain in  
4 full force and effect except as modified by mutual consent of the  
5 school board and the teacher, unless and until terminated, subject  
6 to the following:

7 (1) A continuing contract may not be terminated except:

8 (A) By a majority vote of the full membership of the county  
9 board on or before ~~February~~ April 1 of the then current year, after  
10 written notice, served upon the teacher, return receipt requested,  
11 stating cause or causes and an opportunity to be heard at a meeting  
12 of the board prior to the board's action on the termination issue;  
13 or

14 (B) By written resignation of the teacher on or before  
15 ~~February~~ April 1 to initiate termination of a continuing contract;

16 (2) The termination shall take effect at the close of the  
17 school year in which the contract is terminated;

18 (3) The contract may be terminated at any time by mutual  
19 consent of the school board and the teacher;

20 (4) This section does not affect the powers of the school  
21 board to suspend or dismiss a principal or teacher pursuant to  
22 section eight of this article;

23 (5) A continuing contract for any teacher holding a  
24 certificate valid for more than one year and in full force and  
25 effect during the school year 1984-1985 shall remain in full force  
26 and effect;

27 (6) A continuing contract does not operate to prevent a

1 teacher's dismissal based upon the lack of need for the teacher's  
2 services pursuant to the provisions of law relating to the  
3 allocation to teachers and pupil-teacher ratios. The written  
4 notification of teachers being considered for dismissal for lack of  
5 need shall be limited to only those teachers whose consideration  
6 for dismissal is based upon known or expected circumstances which  
7 will require dismissal for lack of need. An employee who was not  
8 provided notice and an opportunity for a hearing pursuant to this  
9 subsection may not be included on the list. In case of dismissal  
10 for lack of need, a dismissed teacher shall be placed upon a  
11 preferred list in the order of their length of service with that  
12 board. No teacher may be employed by the board until each  
13 qualified teacher upon the preferred list, in order, has been  
14 offered the opportunity for reemployment in a position for which he  
15 or she is qualified, not including a teacher who has accepted a  
16 teaching position elsewhere. The reemployment shall be upon a  
17 teacher's preexisting continuing contract and has the same effect  
18 as though the contract had been suspended during the time the  
19 teacher was not employed.

20 (d) In the assignment of position or duties of a teacher under  
21 a continuing contract, the board may provide for released time of  
22 a teacher for any special professional or governmental assignment  
23 without jeopardizing the contractual rights of the teacher or any  
24 other rights, privileges or benefits under the provisions of this  
25 chapter. Released time shall be provided for any professional  
26 educator while serving as a member of the Legislature during any  
27 duly constituted session of that body and its interim and statutory

1 committees and commissions without jeopardizing his or her  
2 contractual rights or any other rights, privileges, benefits or  
3 accrual of experience for placement on the state minimum salary  
4 schedule in the following school year under the provisions of this  
5 chapter, board policy and law.

6 (e) Any teacher who fails to fulfill his or her contract with  
7 the board, unless prevented from doing so by personal illness or  
8 other just cause or unless released from his or her contract by the  
9 board, or who violates any lawful provision of the contract, is  
10 disqualified to teach in any other public school in the state for  
11 a period of the next ensuing school year and the state Department  
12 of Education or board may hold all papers and credentials of the  
13 teacher on file for a period of one year for the violation:  
14 *Provided*, That marriage of a teacher is not considered a failure to  
15 fulfill, or violation of, the contract.

16 (f) Any classroom teacher, as defined in section one, article  
17 one of this chapter, who desires to resign employment with a county  
18 board or request a leave of absence, the resignation or leave of  
19 absence to become effective on or before July 15 of the same year  
20 and after completion of the employment term, may do so at any time  
21 during the school year by written notification of the resignation  
22 or leave of absence and any notification received by a county board  
23 shall automatically extend the teacher's public employee insurance  
24 coverage until August 31 of the same year.

25 (g) (1) A classroom teacher who gives written notice to the  
26 county board on or before December 1 of the school year of his or  
27 her retirement from employment with the board at the conclusion of

1 the school year shall be paid \$500 from the Early Notification of  
2 Retirement line item established for the Department of Education  
3 for this purpose, subject to appropriation by the Legislature. If  
4 the appropriations to the Department of Education for this purpose  
5 are insufficient to compensate all applicable teachers, the  
6 Department of Education shall request a supplemental appropriation  
7 in an amount sufficient to compensate all such teachers.  
8 Additionally, if funds are still insufficient to compensate all  
9 applicable teachers, the priority of payment is for teachers who  
10 give written notice the earliest. This payment shall not be  
11 counted as part of the final average salary for the purpose of  
12 calculating retirement.

13 (2) The position of a classroom teacher providing written  
14 notice of retirement pursuant to this subsection may be considered  
15 vacant and the county board may immediately post the position as an  
16 opening to be filled at the conclusion of the school year. If a  
17 teacher has been hired to fill the position of a retiring classroom  
18 teacher prior to the start of the next school year, the retiring  
19 classroom teacher is disqualified from continuing his or her  
20 employment in that position. However, the retiring classroom  
21 teacher may be permitted to continue his or her employment in that  
22 position and forfeit the early retirement notification payment if,  
23 after giving notice of retirement in accordance with this  
24 subsection, he or she becomes subject to a significant unforeseen  
25 financial hardship, including a hardship caused by the death or  
26 illness of an immediate family member or loss of employment of a  
27 spouse. Other significant unforeseen financial hardships shall be

1 determined by the county superintendent on a case-by-case basis.

2 This subsection does not prohibit a county school board from  
3 eliminating the position of a retiring classroom teacher.

4 **§18A-2-6. Continuing contract status for service personnel;**  
5 **termination.**

6 After three years of acceptable employment, each service  
7 personnel employee who enters into a new contract of employment  
8 with the board shall be granted continuing contract status:

9 *Provided*, That a service personnel employee holding continuing  
10 contract status with one county shall be granted continuing  
11 contract status with any other county upon completion of one year  
12 of acceptable employment if such employment is during the next  
13 succeeding school year or immediately following an approved leave  
14 of absence extending no more than one year. The continuing  
15 contract of any such employee shall remain in full force and effect  
16 except as modified by mutual consent of the school board and the  
17 employee, unless and until terminated with written notice, stating  
18 cause or causes, to the employee, by a majority vote of the full  
19 membership of the board before ~~February~~ April 1 of the then current  
20 year, or by written resignation of the employee on or before that  
21 date. The affected employee has the right of a hearing before the  
22 board, if requested, before final action is taken by the board upon  
23 the termination of such employment.

24 Those employees who have completed three years of acceptable  
25 employment as of the effective date of this legislation shall be  
26 granted continuing contract status.

27 **§18A-2-7. Assignment, transfer, promotion, demotion, suspension**

1                   **and recommendation of dismissal of school**  
2                   **personnel by superintendent; preliminary notice**  
3                   **of transfer; hearing on the transfer; proof**  
4                   **required.**

5           (a) The superintendent, subject only to approval of the board,  
6 may assign, transfer, promote, demote or suspend school personnel  
7 and recommend their dismissal pursuant to provisions of this  
8 chapter. However, an employee shall be notified in writing by the  
9 superintendent on or before ~~February~~ April 1 if he or she is being  
10 considered for transfer or to be transferred. Only those employees  
11 whose consideration for transfer or intended transfer is based upon  
12 known or expected circumstances which will require the transfer of  
13 employees shall be considered for transfer or intended for transfer  
14 and the notification shall be limited to only those employees. Any  
15 teacher or employee who desires to protest the proposed transfer  
16 may request in writing a statement of the reasons for the proposed  
17 transfer. The statement of reasons shall be delivered to the  
18 teacher or employee within ten days of the receipt of the request.  
19 Within ten days of the receipt of the statement of the reasons, the  
20 teacher or employee may make written demand upon the superintendent  
21 for a hearing on the proposed transfer before the county board of  
22 education. The hearing on the proposed transfer shall be held on  
23 or before ~~March 15~~ May 1. At the hearing, the reasons for the  
24 proposed transfer must be shown.

25           (b) The superintendent at a meeting of the board on or before  
26 ~~March 15~~ May 1 shall furnish in writing to the board a list of  
27 teachers and other employees to be considered for transfer and

1 subsequent assignment for the next ensuing school year. An  
2 employee who was not provided notice and an opportunity for a  
3 hearing pursuant to subsection (a) of this section may not be  
4 included on the list. All other teachers and employees not so  
5 listed shall be considered as reassigned to the positions or jobs  
6 held at the time of this meeting. The list of those recommended  
7 for transfer shall be included in the minute record of the meeting  
8 and all those so listed shall be notified in writing, which notice  
9 shall be delivered in writing, by certified mail, return receipt  
10 requested, to the persons' last known addresses within ten days  
11 following the board meeting, of their having been so recommended  
12 for transfer and subsequent assignment and the reasons therefor.

13 (c) The superintendent's authority to suspend school personnel  
14 shall be temporary only pending a hearing upon charges filed by the  
15 superintendent with the board of Education and the period of  
16 suspension may not exceed thirty days unless extended by order of  
17 the board.

18 (d) The provisions of this section respecting hearing upon  
19 notice of transfer is not applicable in emergency situations where  
20 the school building becomes damaged or destroyed through an  
21 unforeseeable act and which act necessitates a transfer of the  
22 school personnel because of the aforementioned condition of the  
23 building.

24 **§18A-2-8a. Notice to probationary personnel of rehiring or**  
25 **nonrehiring; hearing.**

26 The superintendent at a meeting of the board on or before  
27 ~~March 15~~ May 1 of each year shall provide in writing to the board

1 a list of all probationary teachers that he or she recommends to be  
2 rehired for the next ensuing school year. The board shall act upon  
3 the superintendent's recommendations at that meeting in accordance  
4 with section one of this article. The board at this same meeting  
5 shall also act upon the retention of other probationary employees  
6 as provided in sections two and five of this article. Any such  
7 probationary teacher or other probationary employee who is not  
8 rehired by the board at that meeting shall be notified in writing,  
9 by certified mail, return receipt requested, to such persons' last  
10 known addresses within ten days following said board meeting, of  
11 their not having been rehired or not having been recommended for  
12 rehiring.

13 Any probationary teacher who receives notice that he or she  
14 has not been recommended for rehiring or other probationary  
15 employee who has not been reemployed may within ten days after  
16 receiving the written notice request a statement of the reasons for  
17 not having been rehired and may request a hearing before the board.  
18 The hearing shall be held at the next regularly scheduled Board of  
19 Education meeting or a special meeting of the board called within  
20 thirty days of the request for hearing. At the hearing, the  
21 reasons for the nonrehiring must be shown.

22 **§18A-2-12. Performance evaluations of school personnel;**  
23 **professional personnel evaluation process.**

24 (a) The state board shall adopt a written system for the  
25 evaluation of the employment performance of personnel, which system  
26 shall be applied uniformly by county boards of education in the  
27 evaluation of the employment performance of personnel employed by

1 the board.

2 (b) The system adopted by the state board for evaluating the  
3 employment performance of professional personnel shall be in  
4 accordance with the provisions of this section.

5 (c) For purposes of this section, "professional personnel",  
6 "professional" or "professionals", means professional personnel as  
7 defined in section one, article one of this chapter.

8 (d) In developing the professional personnel performance  
9 evaluation system, and amendments thereto, the state board shall  
10 consult with the Center for Professional Development created in  
11 article three-a of this chapter. The center shall participate  
12 actively with the state board in developing written standards for  
13 evaluation which clearly specify satisfactory performance and the  
14 criteria to be used to determine whether the performance of each  
15 professional meets such standards.

16 (e) The performance evaluation system shall contain, but shall  
17 not be limited to, the following information:

18 (1) The professional personnel positions to be evaluated, at  
19 least including classroom teachers, principals and county  
20 superintendents, and any other professional personnel to be  
21 evaluated, whether they be teachers professional educators or other  
22 professional employees or, substitute teachers; administrators,  
23 principals or others

24 (2) The frequency and duration of the evaluations, ~~which~~ shall  
25 be on ~~a regular~~ at least an annual basis and of such frequency and  
26 duration as to insure the collection of a sufficient amount of data  
27 from which reliable conclusions and findings may be drawn:

~~1 Provided, That for school personnel with five or more years of  
2 experience, who have not received an unsatisfactory rating,  
3 evaluations shall be conducted no more than once every three years  
4 unless the principal determines an evaluation for a particular  
5 school employee is needed more frequently: Provided, however, That  
6 for classroom teachers with five or more years of experience who  
7 have not received an unsatisfactory rating, an evaluation shall be  
8 conducted or professional growth and development plan required only  
9 when the principal determines it to be necessary for a particular  
10 classroom teacher, or when a classroom teacher exercises the option  
11 of being evaluated at more frequent intervals;~~

12 (3) Effective on the effective date of this section and until  
13 a revised state board rule on professional personnel evaluations is  
14 adopted as provided in subdivision (4) of this subsection and  
15 becomes effective, the processes for evaluating classroom teachers,  
16 professional support personnel and athletic coaches shall be as  
17 follows:

18 (A) Teachers in their first or second year of employment shall  
19 be evaluated two times per year including a minimum of two  
20 observations of thirty minutes duration per evaluation;

21 (B) Teachers in their third year of employment shall have one  
22 evaluation per year including two observations of thirty minutes  
23 duration each;

24 (C) Additional observations and evaluations may be scheduled  
25 for teachers in their first, second or third year at the discretion  
26 of the principal to address deficiencies;

27 (D) Teachers in their fourth or subsequent year of employment

1 who have not received an unsatisfactory evaluation rating within  
2 the last five years shall be informally evaluated by the principal  
3 or assistant principal. The principal or assistant principal shall  
4 record the names of the teachers informally evaluated by him or her  
5 whose performance he or she determines to be satisfactory and for  
6 whom no further evaluative measures are required. If the principal  
7 or assistant principal determines that further evaluative measures  
8 are required to determine the performance of a teacher, the teacher  
9 shall be evaluated in accordance with paragraphs (B) and (C) of  
10 this subdivision;

11 (E) Teachers in their fourth or subsequent year of employment  
12 who have received an unsatisfactory evaluation rating shall be  
13 evaluated using the processes specified in paragraphs (B) and (C)  
14 of this subdivision and as may be provided in a plan of  
15 improvement;

16 (F) Teachers in their fourth or subsequent year of employment  
17 who have not received an unsatisfactory evaluation rating shall be  
18 evaluated in accordance with paragraphs (B) and (C) of this  
19 subdivision or using a professional growth and development plan  
20 method of evaluation if requested in writing by the teacher;

21 (G) The evaluation of professional support personnel and  
22 athletic coaches shall be conducted under a similar process; and

23 (H) The state board shall promulgate an emergency rule, as  
24 necessary, to implement the provisions of this subdivision and to  
25 provide for a limited number of affected personnel to be included  
26 in a pilot test of the revised evaluation process proposed in  
27 accordance with subdivision (4) of this section. The rule may

1 provide for the exemption of selected classes of personnel  
2 evaluated under the pilot test from evaluation under this  
3 subsection during the same school year. The results of evaluations  
4 conducted under the pilot test may not be used as evaluation  
5 results of the individual employee;

6 (4) The state board shall promulgate a legislative rule in  
7 accordance with article three-b, chapter twenty-nine-a of this  
8 code, revising the professional personnel evaluation process in  
9 accordance with the following:

10 (A) The state board shall conduct a study of the duties and  
11 responsibilities required of principals, and assistant principals  
12 in schools where they are present, and the time required to perform  
13 these duties and responsibilities. The state board shall present  
14 the study and its findings to the Legislative Oversight Commission  
15 on Education Accountability;

16 (B) The state board shall form a task force on professional  
17 personnel evaluations to advise it on needed revisions to the state  
18 board rule on professional personnel evaluations. The task force  
19 shall be comprised of at least the following representatives of the  
20 relevant stakeholders: county boards; superintendents; principals;  
21 teachers and representatives of teacher professional organizations  
22 including the West Virginia Education Association, the American  
23 Federation of Teachers West Virginia and the West Virginia  
24 Professional Educators; parents; and the Legislature;

25 (C) The task force shall be provided a copy of the study and  
26 its findings required in paragraph (A) of this subdivision and  
27 shall consider them in making its recommendations to the state

1 board for the revision of the state board rule on professional  
2 personnel evaluations. The recommendations of the task force also  
3 shall include recommendations related to the personnel time  
4 required to accomplish the process and purposes of the professional  
5 personnel evaluations at each level of personnel;

6 (D) The state board shall report to the Legislative Oversight  
7 Commission on Education Accountability as requested on its progress  
8 on revising its rule related to professional personnel evaluations  
9 and pilot testing the proposed revisions to the evaluation process,  
10 and shall submit its proposed rule to the commission not later than  
11 December 1, 2011, along with any additional recommendations it may  
12 have on related changes necessary to accomplish the process and  
13 purposes of the professional personnel evaluations at each level of  
14 personnel. The state board shall submit the final rule adopted by  
15 the state board not later than February 1, 2012;

16 (E) The rule shall at least include annual evaluation  
17 procedures for classroom teachers, principals and county  
18 superintendents;

19 (F) The rule shall provide for the informal evaluation by the  
20 principal or assistant principal of teachers in their fourth or  
21 subsequent year of employment who have not received an  
22 unsatisfactory evaluation rating and for the recording by the  
23 principal of those teachers whose performance he or she determines  
24 to be satisfactory and for whom no further evaluative measures are  
25 required; and

26 (G) The rule shall include an effective date of July 1, 2012.

27 (5) Each person evaluated under the provisions of subsections

1 (3) and (4) of this subsection shall be provided written results of  
2 their evaluation;

3 ~~(3)~~ (6) The evaluation shall serve the following purposes:

4 (A) Serve as a basis for the improvement of the performance of  
5 the personnel in their assigned duties;

6 (B) Provide an indicator of satisfactory performance for  
7 individual professionals;

8 (C) Serve as documentation for a dismissal on the grounds of  
9 unsatisfactory performance; and

10 (D) Serve as a basis for programs to increase the professional  
11 growth and development of professional personnel;

12 ~~(4)~~ (7) The standards for satisfactory performance for  
13 professional personnel and the criteria to be used to determine  
14 whether the performance of each professional meets such standards  
15 and other criteria for evaluation for each professional position  
16 evaluated. Effective July 1, 2003 and thereafter, professional  
17 personnel, as appropriate, shall demonstrate competency in the  
18 knowledge and implementation of the technology standards adopted by  
19 the state board. If a professional fails to demonstrate  
20 competency, in the knowledge and implementation of these standards,  
21 he or she will be subject to an improvement plan to correct the  
22 deficiencies; and

23 ~~(5)~~ (8) Provisions for a written improvement plan, which shall  
24 be specific as to what improvements, if any, are needed in the  
25 performance of the professional and shall clearly set forth  
26 recommendations for improvements, including recommendations for  
27 additional education and training during the professional's

1 recertification process.

2 (f) A professional whose performance is considered to be  
3 unsatisfactory shall be given notice of deficiencies. A  
4 remediation plan to correct deficiencies shall be developed by the  
5 employing county board of education and the professional. The  
6 professional shall be given a reasonable period of time for  
7 remediation of the deficiencies and shall receive a statement of  
8 the resources and assistance available for the purposes of  
9 correcting the deficiencies.

10 (g) No person may evaluate professional personnel for the  
11 purposes of this section unless the person has an administrative  
12 certificate issued by the state superintendent and has successfully  
13 completed education and training in evaluation skills through the  
14 center for professional development, or equivalent education  
15 training approved by the state board, which will enable the person  
16 to make fair, professional, and credible evaluations of the  
17 personnel whom the person is responsible for evaluating. ~~After~~  
18 ~~July 1, 1994,~~ No person may be issued an administrative certificate  
19 or have an administrative certificate renewed unless the state  
20 board determines that the person has successfully completed  
21 education and training in evaluation skills through the center for  
22 professional development, or equivalent education and training  
23 approved by the state board.

24 (h) Any professional whose performance evaluation includes a  
25 written improvement plan shall be given an opportunity to improve  
26 his or her performance through the implementation of the plan. If  
27 the next performance evaluation shows that the professional is now

1 performing satisfactorily, no further action may be taken  
2 concerning the original performance evaluation. If the evaluation  
3 shows that the professional is still not performing satisfactorily,  
4 the evaluator either shall make additional recommendations for  
5 improvement or may recommend the dismissal of the professional in  
6 accordance with the provisions of section eight of this article.

7 (I) Lesson plans are intended to serve as a daily guide for  
8 teachers and substitutes for the orderly presentation of the  
9 curriculum. Lesson plans may not be used as a substitute for  
10 observations by an administrator in the performance evaluation  
11 process. A classroom teacher, as defined in section one, article  
12 one of this chapter, may not be required to post his or her lesson  
13 plans on the Internet or otherwise make them available to students  
14 and parents or to include in his or her lesson plans any of the  
15 following:

16 (1) Teach and reteach strategies;

17 (2) Write to learn activities;

18 (3) Cultural diversity;

19 (4) Color coding; or

20 (5) Any other similar items which are not required to serve as  
21 a guide to the teacher or substitute for daily instruction. ~~and~~

22 (j) The Legislature finds that classroom teachers must be free  
23 of unnecessary paper work so that they can focus their time on  
24 instruction. Therefore, classroom teachers may not be required to  
25 keep records or logs of routine contacts with parents or guardians.

26 (k) Nothing in this section may be construed to prohibit  
27 classroom teachers from voluntarily posting material on the

1 Internet.

2 **§18A-2-12a. Statement of policy and practice for the county**  
3 **boards and school personnel to minimize possible**  
4 **disagreement and misunderstanding.**

5 (a) The Legislature makes the following findings:

6 (1) The effective and efficient operation of the public  
7 schools depends upon the development of harmonious and cooperative  
8 relationships between county boards and school personnel;

9 (2) Each group has a fundamental role to perform in the  
10 educational program and each has certain separate, distinct and  
11 clearly defined areas of responsibility as provided in chapters  
12 eighteen and eighteen-a of this code; and

13 (3) There are instances, particularly involving questions of  
14 wages, salaries and conditions of work, that are subject to  
15 disagreement and misunderstanding between county boards and school  
16 personnel and may not be so clearly set forth.

17 (b) The purpose of this section is to establish a statement of  
18 policy and practice for the county boards and school personnel, as  
19 follows, in order to minimize possible disagreement and  
20 misunderstanding:

21 (1) County boards, subject to the provisions of this chapter,  
22 chapter eighteen of this code and the policies and rules of the  
23 state board, are responsible for the management of the schools  
24 within their respective counties. The powers and responsibilities  
25 of county boards in setting policy and in providing management are  
26 broad, but not absolute;

27 (2) The school personnel shares the responsibility for putting

1 into effect the policies and practices approved by the county board  
2 that employs them and the school personnel also have certain rights  
3 and responsibilities as provided in statute, and in their  
4 contracts;

5 (3) School personnel are entitled to meet together, form  
6 associations and work in concert to improve their circumstances and  
7 the circumstances of the schools;

8 (4) County boards and school personnel can most effectively  
9 discharge their total responsibilities to the public and to each  
10 other by establishing clear and open lines of communication.  
11 School personnel should be encouraged to make suggestions,  
12 proposals and recommendations through appropriate channels to the  
13 county board. Decisions of the county board concerning the  
14 suggestions, proposals and recommendations should be communicated  
15 to the school personnel clearly and openly;

16 (5) Official meetings of county boards are public meetings.  
17 School personnel are free to attend the meetings without fear of  
18 reprisal and should be encouraged to attend;

19 (6) All school personnel are entitled to know how well they  
20 are fulfilling their responsibilities and should be offered the  
21 opportunity of open and honest evaluations of their performance ~~on~~  
22 ~~a regular basis~~ and in accordance with the provisions of section  
23 twelve of this article. All school personnel are entitled to  
24 opportunities to improve their job performance prior to the  
25 termination or transfer of their services. Decisions concerning  
26 the promotion, demotion, transfer or termination of employment of  
27 school personnel, other than those for lack of need or governed by

1 specific statutory provisions unrelated to performance, should be  
2 based upon the evaluations, and not upon factors extraneous  
3 thereto. All school personnel are entitled to due process in  
4 matters affecting their employment, transfer, demotion or  
5 promotion; and

6 (7) All official and enforceable personnel policies of a  
7 county board must be written and made available to its employees.

Strike-throughs indicate language that would be stricken from  
the present law, and underscoring indicates new language that would  
be added.