

COMMITTEE SUBSTITUTE

FOR

H. B. 2757

(BY MR. SPEAKER, MR. THOMPSON, AND DELEGATE ARMSTEAD)
[BY REQUEST OF THE EXECUTIVE]

[Originating in the Committee on Education.]
(February 3, 2011)

A BILL to amend and reenact §18A-2-2, §18A-2-6, §18A-2-7, §18A-2-8a, §18A-2-12 and §18A-2-12a of the Code of West Virginia, 1931, as amended, all relating to employment of school personnel; changing dates for notice, hearing, furnishing to county board and board action respecting certain personnel subject to transfer, reassignment, termination and re-employment; providing for evaluation of professional personnel in the public schools; specifying certain professional personnel who must be evaluated; requiring evaluations to be at least annual; providing certain processes for evaluations and

applicable dates; requiring State Board of Education to revise professional personnel evaluations and pilot test revised process; limitations on use of pilot test evaluation results; requiring State Board of Education to establish task force to address rule changes regarding professional personnel evaluations; requiring state board study of duties and responsibilities of certain professional employees and time required to accomplish evaluations; requiring use and reporting of study results; establishing task force reporting and recommendations; requiring state board report to Legislative Oversight Commission on Education Accountability; establishing dates certain for submission of proposed rule and adopted rule and effective date of rule; requiring certain rule provisions; requiring provision of written evaluation results to persons evaluated; modifying related evaluation provisions to comport with changes; and making technical corrections and removing obsolete provisions throughout.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 2. SCHOOL PERSONNEL.

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

1 (a) Before entering upon their duties, all teachers shall
2 execute a contract with their county boards, which shall state
3 the salary to be paid and shall be in the form prescribed by
4 the state superintendent. Each contract shall be signed by the
5 teacher and by the president and secretary of the county
6 board and shall be filed, together with the certificate of the
7 teacher, by the secretary of the office of the county board:
8 *Provided*, That when necessary to facilitate the employment
9 of employable professional personnel and prospective and
10 recent graduates of teacher education programs who have not
11 yet attained certification, the contract may be signed upon the
12 condition that the certificate is issued to the employee prior
13 to the beginning of the employment term in which the
14 employee enters upon his or her duties.

15 (b) Each teacher’s contract, under this section, shall be
16 designated as a probationary or continuing contract. A
17 probationary teacher’s contract shall be for a term of not less
18 than one nor more than three years, one of which shall be for

19 completion of a beginning teacher internship pursuant to the
20 provisions of section two-b, article three of this chapter, if
21 applicable. If, after three years of such employment, the
22 teacher who holds a professional certificate, based on at least
23 a bachelor's degree, has met the qualifications for a
24 bachelor's degree and the county board enter into a new
25 contract of employment, it shall be a continuing contract,
26 subject to the following:

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

32 (2) A teacher holding continuing contract status with one
33 county shall be granted continuing contract status with any
34 other county upon completion of one year of acceptable
35 employment if the employment is during the next succeeding
36 school year or immediately following an approved leave of
37 absence extending no more than one year.

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

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

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

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

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

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

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

59 (5) A continuing contract for any teacher holding a
60 certificate valid for more than one year and in full force and
61 effect during the school year 1984-1985 shall remain in full
62 force and effect;

63 (6) A continuing contract does not operate to prevent a
64 teacher's dismissal based upon the lack of need for the
65 teacher's services pursuant to the provisions of law relating
66 to the allocation to teachers and pupil-teacher ratios. The
67 written notification of teachers being considered for
68 dismissal for lack of need shall be limited to only those
69 teachers whose consideration for dismissal is based upon
70 known or expected circumstances which will require
71 dismissal for lack of need. An employee who was not
72 provided notice and an opportunity for a hearing pursuant to
73 this subsection may not be included on the list. In case of
74 dismissal for lack of need, a dismissed teacher shall be
75 placed upon a preferred list in the order of their length of
76 service with that board. No teacher may be employed by the
77 board until each qualified teacher upon the preferred list, in
78 order, has been offered the opportunity for reemployment in
79 a position for which he or she is qualified, not including a
80 teacher who has accepted a teaching position elsewhere. The
81 reemployment shall be upon a teacher's preexisting
82 continuing contract and has the same effect as though the
83 contract had been suspended during the time the teacher was
84 not employed.

85 (d) In the assignment of position or duties of a teacher
86 under a continuing contract, the board may provide for
87 released time of a teacher for any special professional or
88 governmental assignment without jeopardizing the
89 contractual rights of the teacher or any other rights, privileges
90 or benefits under the provisions of this chapter. Released
91 time shall be provided for any professional educator while
92 serving as a member of the Legislature during any duly
93 constituted session of that body and its interim and statutory
94 committees and commissions without jeopardizing his or her
95 contractual rights or any other rights, privileges, benefits or
96 accrual of experience for placement on the state minimum
97 salary schedule in the following school year under the
98 provisions of this chapter, board policy and law.

99 (e) Any teacher who fails to fulfill his or her contract
100 with the board, unless prevented from doing so by personal
101 illness or other just cause or unless released from his or her
102 contract by the board, or who violates any lawful provision
103 of the contract, is disqualified to teach in any other public
104 school in the state for a period of the next ensuing school
105 year and the state Department of Education or board may
106 hold all papers and credentials of the teacher on file for a

107 period of one year for the violation: *Provided*, That marriage
108 of a teacher is not considered a failure to fulfill, or violation
109 of, the contract.

110 (f) Any classroom teacher, as defined in section one,
111 article one of this chapter, who desires to resign employment
112 with a county board or request a leave of absence, the
113 resignation or leave of absence to become effective on or
114 before July 15 of the same year and after completion of the
115 employment term, may do so at any time during the school
116 year by written notification of the resignation or leave of
117 absence and any notification received by a county board shall
118 automatically extend the teacher's public employee insurance
119 coverage until August 31 of the same year.

120 (g) (1) A classroom teacher who gives written notice to
121 the county board on or before December 1 of the school year
122 of his or her retirement from employment with the board at
123 the conclusion of the school year shall be paid \$500 from the
124 Early Notification of Retirement line item established for the
125 Department of Education for this purpose, subject to
126 appropriation by the Legislature. If the appropriations to the
127 Department of Education for this purpose are insufficient to
128 compensate all applicable teachers, the Department of

129 Education shall request a supplemental appropriation in an
130 amount sufficient to compensate all such teachers.
131 Additionally, if funds are still insufficient to compensate all
132 applicable teachers, the priority of payment is for teachers
133 who give written notice the earliest. This payment shall not
134 be counted as part of the final average salary for the purpose
135 of calculating retirement.

136 (2) The position of a classroom teacher providing written
137 notice of retirement pursuant to this subsection may be
138 considered vacant and the county board may immediately
139 post the position as an opening to be filled at the conclusion
140 of the school year. If a teacher has been hired to fill the
141 position of a retiring classroom teacher prior to the start of
142 the next school year, the retiring classroom teacher is
143 disqualified from continuing his or her employment in that
144 position. However, the retiring classroom teacher may be
145 permitted to continue his or her employment in that position
146 and forfeit the early retirement notification payment if, after
147 giving notice of retirement in accordance with this
148 subsection, he or she becomes subject to a significant
149 unforeseen financial hardship, including a hardship caused
150 by the death or illness of an immediate family member or

151 loss of employment of a spouse. Other significant
152 unforeseen financial hardships shall be determined by the
153 county superintendent on a case-by-case basis. This
154 subsection does not prohibit a county school board from
155 eliminating the position of a retiring classroom teacher.

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

1 After three years of acceptable employment, each service
2 personnel employee who enters into a new contract of
3 employment with the board shall be granted continuing
4 contract status: *Provided*, That a service personnel employee
5 holding continuing contract status with one county shall be
6 granted continuing contract status with any other county
7 upon completion of one year of acceptable employment if
8 such employment is during the next succeeding school year
9 or immediately following an approved leave of absence
10 extending no more than one year. The continuing contract of
11 any such employee shall remain in full force and effect
12 except as modified by mutual consent of the school board
13 and the employee, unless and until terminated with written
14 notice, stating cause or causes, to the employee, by a
15 majority vote of the full membership of the board before

16 ~~February~~ April 1 of the then current year, or by written
17 resignation of the employee on or before that date. The
18 affected employee has the right of a hearing before the board,
19 if requested, before final action is taken by the board upon
20 the termination of such employment.

21 Those employees who have completed three years of
22 acceptable employment as of the effective date of this
23 legislation shall be granted continuing contract status.

§18A-2-7. Assignment, transfer, promotion, demotion, suspension and recommendation of dismissal of school personnel by superintendent; preliminary notice of transfer; hearing on the transfer; proof required.

1 (a) The superintendent, subject only to approval of the
2 board, may assign, transfer, promote, demote or suspend
3 school personnel and recommend their dismissal pursuant to
4 provisions of this chapter. However, an employee shall be
5 notified in writing by the superintendent on or before
6 ~~February~~ April 1 if he or she is being considered for transfer
7 or to be transferred. Only those employees whose
8 consideration for transfer or intended transfer is based upon
9 known or expected circumstances which will require the
10 transfer of employees shall be considered for transfer or
11 intended for transfer and the notification shall be limited to

12 only those employees. Any teacher or employee who desires
13 to protest the proposed transfer may request in writing a
14 statement of the reasons for the proposed transfer. The
15 statement of reasons shall be delivered to the teacher or
16 employee within ten days of the receipt of the request.
17 Within ten days of the receipt of the statement of the reasons,
18 the teacher or employee may make written demand upon the
19 superintendent for a hearing on the proposed transfer before
20 the county board of education. The hearing on the proposed
21 transfer shall be held on or before ~~March 15~~ May 1. At the
22 hearing, the reasons for the proposed transfer must be shown.

23 (b) The superintendent at a meeting of the board on or
24 before ~~March 15~~ May 1 shall furnish in writing to the board
25 a list of teachers and other employees to be considered for
26 transfer and subsequent assignment for the next ensuing
27 school year. An employee who was not provided notice and
28 an opportunity for a hearing pursuant to subsection (a) of this
29 section may not be included on the list. All other teachers
30 and employees not so listed shall be considered as reassigned
31 to the positions or jobs held at the time of this meeting. The
32 list of those recommended for transfer shall be included in
33 the minute record of the meeting and all those so listed shall

34 be notified in writing, which notice shall be delivered in
35 writing, by certified mail, return receipt requested, to the
36 persons' last known addresses within ten days following the
37 board meeting, of their having been so recommended for
38 transfer and subsequent assignment and the reasons therefor.

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

44 (d) The provisions of this section respecting hearing upon
45 notice of transfer is not applicable in emergency situations
46 where the school building becomes damaged or destroyed
47 through an unforeseeable act and which act necessitates a
48 transfer of the school personnel because of the
49 aforementioned condition of the building.

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

1 The superintendent at a meeting of the board on or before
2 ~~March 15~~ May 1 of each year shall provide in writing to the
3 board a list of all probationary teachers that he or she
4 recommends to be rehired for the next ensuing school year.

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

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

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

1 (a) The state board shall adopt a written system for the
2 evaluation of the employment performance of personnel,
3 which system shall be applied uniformly by county boards of
4 education in the evaluation of the employment performance
5 of personnel employed by the board.

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

9 (c) For purposes of this section, “professional personnel”,
10 “professional” or “professionals”, means professional
11 personnel as defined in section one, article one of this
12 chapter.

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

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

23 (1) The professional personnel positions to be evaluated,
24 at least including classroom teachers, principals and county
25 superintendents, and any other professional personnel to be
26 evaluated, whether they be ~~teachers~~ professional educators or
27 other professional employees or, substitute teachers;
28 ~~administrators, principals or others~~

29 (2) The frequency and duration of the evaluations, ~~which~~
30 shall be on a ~~regular~~ at least an annual basis and of such
31 frequency and duration as to insure the collection of a
32 sufficient amount of data from which reliable conclusions
33 and findings may be drawn: ~~Provided, That for school~~
34 ~~personnel with five or more years of experience, who have~~
35 ~~not received an unsatisfactory rating, evaluations shall be~~
36 ~~conducted no more than once every three years unless the~~
37 ~~principal determines an evaluation for a particular school~~
38 ~~employee is needed more frequently: *Provided, however,*~~
39 ~~That for classroom teachers with five or more years of~~
40 ~~experience who have not received an unsatisfactory rating, an~~
41 ~~evaluation shall be conducted or professional growth and~~
42 ~~development plan required only when the principal~~

43 ~~determines it to be necessary for a particular classroom~~
44 ~~teacher, or when a classroom teacher exercises the option of~~
45 ~~being evaluated at more frequent intervals;~~

46 (3) Effective on the effective date of this section and until
47 a revised state board rule on professional personnel
48 evaluations is adopted as provided in subdivision (4) of this
49 subsection and becomes effective, the processes for
50 evaluating classroom teachers, professional support
51 personnel and athletic coaches shall be as follows:

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

55 (B) Teachers in their third year of employment shall have
56 one evaluation per year including two observations of thirty
57 minutes duration each;

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

61 (D) Teachers in their fourth or subsequent year of
62 employment who have not received an unsatisfactory
63 evaluation rating within the last five years shall be informally
64 evaluated by the principal or assistant principal. The

65 principal or assistant principal shall record the names of the
66 teachers informally evaluated by him or her whose
67 performance he or she determines to be satisfactory and for
68 whom no further evaluative measures are required. If the
69 principal or assistant principal determines that further
70 evaluative measures are required to determine the
71 performance of a teacher, the teacher shall be evaluated in
72 accordance with paragraphs (B) and (C) of this subdivision;

73 (E) Teachers in their fourth or subsequent year of
74 employment who have received an unsatisfactory evaluation
75 rating shall be evaluated using the processes specified in
76 paragraphs (B) and (C) of this subdivision and as may be
77 provided in a plan of improvement;

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

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

87 (H) The state board shall promulgate an emergency rule,
88 as necessary, to implement the provisions of this subdivision
89 and to provide for a limited number of affected personnel to
90 be included in a pilot test of the revised evaluation process
91 proposed in accordance with subdivision (4) of this section.
92 The rule may provide for the exemption of selected classes
93 of personnel evaluated under the pilot test from evaluation
94 under this subsection during the same school year. The
95 results of evaluations conducted under the pilot test may not
96 be used as evaluation results of the individual employee;

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

101 (A) The state board shall conduct a study of the duties
102 and responsibilities required of principals, and assistant
103 principals in schools where they are present, and the time
104 required to perform these duties and responsibilities. The
105 state board shall present the study and its findings to the
106 Legislative Oversight Commission on Education
107 Accountability;

108 (B) The state board shall form a task force on
109 professional personnel evaluations to advise it on needed
110 revisions to the state board rule on professional personnel
111 evaluations. The task force shall be comprised of at least the
112 following representatives of the relevant stakeholders:
113 county boards; superintendents; principals; teachers and
114 representatives of teacher professional organizations
115 including the West Virginia Education Association, the
116 American Federation of Teachers West Virginia and the
117 West Virginia Professional Educators; parents; and the
118 Legislature;

119 (C) The task force shall be provided a copy of the study
120 and its findings required in paragraph (A) of this subdivision
121 and shall consider them in making its recommendations to
122 the state board for the revision of the state board rule on
123 professional personnel evaluations. The recommendations of
124 the task force also shall include recommendations related to
125 the personnel time required to accomplish the process and
126 purposes of the professional personnel evaluations at each
127 level of personnel;

128 (D) The state board shall report to the Legislative
129 Oversight Commission on Education Accountability as

130 requested on its progress on revising its rule related to
131 professional personnel evaluations and pilot testing the
132 proposed revisions to the evaluation process, and shall
133 submit its proposed rule to the commission not later than
134 December 1, 2011, along with any additional recommendations
135 it may have on related changes necessary to accomplish the
136 process and purposes of the professional personnel
137 evaluations at each level of personnel. The state board shall
138 submit the final rule adopted by the state board not later than
139 February 1, 2012;

140 (E) The rule shall at least include annual evaluation
141 procedures for classroom teachers, principals and county
142 superintendents;

143 (F) The rule shall provide for the informal evaluation by
144 the principal or assistant principal of teachers in their fourth
145 or subsequent year of employment who have not received an
146 unsatisfactory evaluation rating and for the recording by the
147 principal of those teachers whose performance he or she
148 determines to be satisfactory and for whom no further
149 evaluative measures are required; and

150 (G) The rule shall include an effective date of July 1,
151 2012.

152 (5) Each person evaluated under the provisions of
153 subsections (3) and (4) of this subsection shall be provided
154 written results of their evaluation;

155 ~~(3)~~ (6) The evaluation shall serve the following purposes:

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

158 (B) Provide an indicator of satisfactory performance for
159 individual professionals;

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

162 (D) Serve as a basis for programs to increase the
163 professional growth and development of professional
164 personnel;

165 ~~(4)~~ (7) The standards for satisfactory performance for
166 professional personnel and the criteria to be used to
167 determine whether the performance of each professional
168 meets such standards and other criteria for evaluation for
169 each professional position evaluated. Effective July 1, 2003
170 and thereafter, professional personnel, as appropriate, shall
171 demonstrate competency in the knowledge and
172 implementation of the technology standards adopted by the
173 state board. If a professional fails to demonstrate

174 competency, in the knowledge and implementation of these
175 standards, he or she will be subject to an improvement plan
176 to correct the deficiencies; and

177 ~~(5)~~ (8) Provisions for a written improvement plan, which
178 shall be specific as to what improvements, if any, are needed
179 in the performance of the professional and shall clearly set
180 forth recommendations for improvements, including
181 recommendations for additional education and training
182 during the professional's recertification process.

183 (f) A professional whose performance is considered to be
184 unsatisfactory shall be given notice of deficiencies. A
185 remediation plan to correct deficiencies shall be developed
186 by the employing county board of education and the
187 professional. The professional shall be given a reasonable
188 period of time for remediation of the deficiencies and shall
189 receive a statement of the resources and assistance available
190 for the purposes of correcting the deficiencies.

191 (g) No person may evaluate professional personnel for
192 the purposes of this section unless the person has an
193 administrative certificate issued by the state superintendent
194 and has successfully completed education and training in
195 evaluation skills through the center for professional

196 development, or equivalent education training approved by
197 the state board, which will enable the person to make fair,
198 professional, and credible evaluations of the personnel whom
199 the person is responsible for evaluating. ~~After July 1, 1994,~~
200 No person may be issued an administrative certificate or have
201 an administrative certificate renewed unless the state board
202 determines that the person has successfully completed
203 education and training in evaluation skills through the center
204 for professional development, or equivalent education and
205 training approved by the state board.

206 (h) Any professional whose performance evaluation
207 includes a written improvement plan shall be given an
208 opportunity to improve his or her performance through the
209 implementation of the plan. If the next performance
210 evaluation shows that the professional is now performing
211 satisfactorily, no further action may be taken concerning the
212 original performance evaluation. If the evaluation shows that
213 the professional is still not performing satisfactorily, the
214 evaluator either shall make additional recommendations for
215 improvement or may recommend the dismissal of the
216 professional in accordance with the provisions of section
217 eight of this article.

218 (i) Lesson plans are intended to serve as a daily guide for
219 teachers and substitutes for the orderly presentation of the
220 curriculum. Lesson plans may not be used as a substitute for
221 observations by an administrator in the performance
222 evaluation process. A classroom teacher, as defined in
223 section one, article one of this chapter, may not be required
224 to post his or her lesson plans on the Internet or otherwise
225 make them available to students and parents or to include in
226 his or her lesson plans any of the following:

- 227 (1) Teach and reteach strategies;
228 (2) Write to learn activities;
229 (3) Cultural diversity;
230 (4) Color coding; or
231 (5) Any other similar items which are not required to
232 serve as a guide to the teacher or substitute for daily
233 instruction. ~~and~~

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

239 (k) Nothing in this section may be construed to prohibit
240 classroom teachers from voluntarily posting material on the
241 Internet.

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

1 (a) The Legislature makes the following findings:

2 (1) The effective and efficient operation of the public
3 schools depends upon the development of harmonious and
4 cooperative relationships between county boards and school
5 personnel;

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

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

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

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

24 (2) The school personnel shares the responsibility for
25 putting into effect the policies and practices approved by the
26 county board that employs them and the school personnel
27 also have certain rights and responsibilities as provided in
28 statute, and in their contracts;

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

32 (4) County boards and school personnel can most
33 effectively discharge their total responsibilities to the public
34 and to each other by establishing clear and open lines of
35 communication. School personnel should be encouraged to
36 make suggestions, proposals and recommendations through
37 appropriate channels to the county board. Decisions of the
38 county board concerning the suggestions, proposals and
39 recommendations should be communicated to the school
40 personnel clearly and openly;

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

44 (6) All school personnel are entitled to know how well
45 they are fulfilling their responsibilities and should be offered
46 the opportunity of open and honest evaluations of their
47 performance ~~on a regular basis~~ and in accordance with the
48 provisions of section twelve of this article. All school
49 personnel are entitled to opportunities to improve their job
50 performance prior to the termination or transfer of their
51 services. Decisions concerning the promotion, demotion,
52 transfer or termination of employment of school personnel,
53 other than those for lack of need or governed by specific
54 statutory provisions unrelated to performance, should be
55 based upon the evaluations, and not upon factors extraneous
56 thereto. All school personnel are entitled to due process in
57 matters affecting their employment, transfer, demotion or
58 promotion; and

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