

Policy 154 – Termination of Administrative Contracts

Proposed revision effective upon passage

1st reading July 11, 2019

2nd reading

3rd reading

Statutory authority West Virginia Code 18A-4-7a,

Administrative Guidelines

(none)

The following procedure will be followed in the event that the Board determines to reduce its administrative staff:

Administrators employed in positions that do not require certification shall be reduced if the position held is eliminated. Such administrators shall only be entitled to be considered for placement in administrative positions previously held and for which they are certified or in classroom teaching positions for which they are certified.

For the purposes of this policy, “qualifications” shall mean the following:

1. Seniority
2. Appropriate certification, licensure, or both
3. Amount of experience relevant to the position
4. The amount of course work, degree level, or both in the relevant field and degree level generally
5. Academic achievement
6. In the case of a principal, certification by the National Board for Professional Teaching Standards
7. Specialized training relevant to performing the duties of the job
8. Past performance evaluations conducted pursuant to WV Code 18A-2-12 and 18A-3C-2
9. Other measures or indicators upon which the relative qualifications of the applicant may fairly be judged

In determining the qualifications of an administrator to be affected by a reduction-in-force under this policy, the Board shall consider each of these criteria but may not consider each of equal weight; provided, however, that these criteria shall only be considered after determining that the last performance evaluation of administrators considered during a reduction-in-force under this policy are not less than satisfactory. In the case that the last performance evaluation of an administrator considered during a reduction-in-force under this policy is less than satisfactory, that administrator shall be considered to have lesser qualifications than any other administrator whose last performance evaluation is not less than satisfactory.

The provisions of this policy are subject to the following:

- A. All administrators employed under a temporary permit shall be properly notified and released before a fully certified administrator in such a position is subject to release.
- B. An administrator subject to release shall be employed in any other professional position where such administrator is certified and was previously employed or to any lateral area for which such employee is certified and/or licensed, if such administrator's seniority qualifications is are greater than the seniority qualifications of any other employee in that area of certification and/or licensure.
- C. An administrator subject to release shall be employed in any other professional position where such administrator is certified and was previously employed or to any lateral area for which such employee is

certified and/or licensed, if such administrator's seniority qualifications is are greater than the seniority of any other employee in that area of certification and/or licensure.

- D. Placement in either an administrative position previously held or into a lateral area shall only be available with respect to positions held by employees with lesser seniority qualifications. If an administrator is entitled to be considered for placement in both an administrative position previously held and placement into a lateral area, the administrator shall be entitled to placement into the available position of highest rank and salary. In the event the administrative position previously held and the position available in a lateral area are of equal rank and salary, the administrator shall be entitled to placement in the position held by the administrator with the least seniority qualifications.
- E. If an administrator subject to release holds certification and/or licensure in more than one (1) lateral area and if such administrator's seniority qualifications is greater than the seniority of any other administrator in one or more of those areas of certification and/or licensure, the administrator subject to release shall be employed in the professional position held by the administrator with the least seniority qualifications in any of those areas of certification and/or licensure.
- F. If, prior to the first day of August of the year a reduction in force is approved, the reason for any particular reduction in force no longer exists as determined by the Board in its sole and exclusive judgment, the Board shall rescind the reduction in force or transfer and shall notify the released administrator in writing of his/her right to be restored to his/her position of employment. Within five (5) days of being so notified, the released administrator shall notify the Board, in writing, of his/her intent to resume his/her position of employment or the right to be restored shall terminate. If there is another employee on the preferred recall list with proper certification and higher seniority qualifications, that person shall be placed in the position restored as a result of the reduction in force being rescinded.
- G. The Board has given consideration to the rank of each administrative position in terms of title, nature of responsibilities, salary level, certification and/or licensure and days in the period of employment in defining which positions shall be lateral positions. The following positions shall be lateral:
 - 1. The Treasurer / Chief School Business Official shall be lateral only to him/herself.
 - 2. The Director of Curriculum & Instructional Support shall be lateral only to him/herself.
 - 3. The Director of ~~Special Education~~ Student Support Services shall be lateral only to him/herself.
 - 4. The Director of ~~Student Life~~ Operations shall be lateral only to him/herself.
 - 5. The Coordinator of Technology shall be lateral only to him/herself.
 - 6. Employment as an elementary, middle, or PK-8 principal shall be deemed an area of lateral employment to principals of other elementary, middle, or PK-8 schools. In the event of a reduction in the number of elementary, middle, or PK-8 principals, any principal subject to release shall be entitled to displace an elementary, middle, or PK-8 school principal with less administrative seniority in inverse order of seniority. If no elementary, middle, or PK-8 principal with less administrative seniority is found, then the principal subject to release shall be entitled to displace an elementary, middle, or PK-8 school assistant principal with less administrative seniority in inverse order of seniority.
 - 7. Employment as a high school principal shall be deemed an area of lateral employment to other high school principals. In the event of a reduction in the number of high principals, any principal subject to release shall be entitled to displace a high school principal with less administrative seniority in inverse order of seniority. If no high school principal with less administrative seniority is found, then the principal subject to release shall be entitled to displace an elementary, middle, or PK-8 school principal with less administrative seniority in inverse order of seniority. If no elementary, middle, or PK-8 school principal with less administrative seniority is found, then the principal subject to release shall be entitled to displace a high school assistant principal with less administrative seniority in inverse order of seniority. If no high school assistant principal with less administrative seniority is found, then the principal subject to release shall be entitled to displace an elementary, middle, or PK-8 school assistant principal with less administrative seniority in inverse order of seniority.

8. Employment as an elementary, middle, or PK-8 assistant principal shall be deemed an area of lateral employment to other elementary, middle, or PK-8 school assistant principals. In the event of a reduction in the number of elementary, middle, or PK-8 assistant principals, any assistant principal subject to release may displace an elementary, middle, or PK-8 school assistant principal with less administrative seniority in inverse order of seniority.
9. Employment as a high school assistant principal shall be deemed an area of lateral employment to other high school assistant principals. In the event of a reduction in the number of high school assistant principals, the assistant principal subject to release may displace a high school assistant principal with less administrative seniority, in inverse order of seniority. If no high school assistant principal with less administrative seniority is found, then the principal subject to release shall be entitled to displace an elementary, middle, or PK-8 school assistant principal with less administrative seniority, in inverse order of seniority.

All administrative personnel whose seniority qualifications with the County Board is are insufficient to allow their retention as regular full or part-time employees by the Board during a reduction in work force shall be placed upon a preferred recall list. An administrator shall be recalled on the basis of seniority qualifications to any professional position opening within the area where they had previously been employed or to any lateral area for which they have certification and/or licensure if no regular, full-time professional personnel, or those returning from leaves of absence with greater seniority qualifications, are qualified, apply for and accept such position.

Administrators 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 Board in that area. 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 policy, employment as principal, supervisor, or central office administrator, shall be considered one area of employment.

Employment for a full employment term shall equal one (1) year of seniority, but no employee may accrue more than one (1) year of seniority during any given fiscal year. Employment for less than the full employment term shall be prorated. A random selection system established by the employees and approved by the Board shall be used to determine the priority if two (2) or more employees accumulate identical seniority. When two (2) or more principals have accumulated identical seniority, decisions on reductions in force shall be based on qualifications.

Any administrator whose employment has been terminated through reduction in force and whose name is on the preferred recall list shall retain all accumulated seniority for the purpose of seeking reemployment with the county from which s/he was terminated.

Any administrator whose employment with a county board of education is terminated either voluntarily or through a reduction-in-force shall, upon reemployment with the same board of education in a regular full-time position, receive credit for all seniority previously accumulated with the board of education at the date the employee's employment was terminated.

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