

Policy 524 – Transfers and Reductions-in-Force

Revised policy effective upon passage

1st reading July 11, 2019

2nd reading

3rd reading

Statutory authority West Virginia Code 18A-2-2, 18A-2-7, 18A-2-7b, 18A-4-7a, 18A-4-8b, 18A-4-8g; West Virginia Board of Education Policy 5000

Administrative Guidelines

(none)

The Board recognizes that from time to time, it may be necessary to transfer employees or reduce the number of employees in the Board's staff.

Transfers and reductions-in-force shall be executed as ~~prescribed in state law and policies~~ follows.

Lateral Transfers of Professional Personnel

When considering transfers of professional personnel, the following shall govern considering lateral areas of employment. For administrators, see also Policy 154.

1. The Title I Coordinator shall be lateral only to him/herself.
2. The Math Instructional Coach shall be lateral only to him / herself.
3. The Student Support Specialist shall be lateral only to him / herself.
4. Technology Support Specialists shall be lateral only to other Technology Support Specialists.
5. Technology Integration Specialists shall be lateral only to other Technology Integration Specialists.
6. School Psychologists shall be lateral only to other School Psychologists.
7. Counselors shall be lateral only to other Counselors.
8. School Nurses shall be lateral only to other School Nurses.
9. School Social Workers shall be lateral only to other School Social Workers.

Pursuant to state law, all classroom teaching positions are considered lateral to any other classroom teaching position provided the teacher possesses the appropriate certification and / or endorsements.

All persons employed in the positions listed above shall accrue seniority as classroom teachers if they possess the appropriate certification. ~~Any such person subject to release shall be employed in any other professional position where such person is certified and was previously employed or to any lateral area for which such employee is certified and/or licensed, if such person's seniority is greater than the seniority of any other employee in that area of certification and/or licensure; provided, that any such person employed under a temporary permit shall be released before any fully certified teacher is subject to release.~~

Reductions-in-Force

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 or classroom teacher, 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 or, in the case of a classroom teacher, past evaluations of the individual's performance in the teaching profession;
9. Other measures or indicators upon which the relative qualifications of the applicant may fairly be judged;
10. In the case of transfer or recall to a classroom teaching position, the recommendation of the principal of the school at which the employee will be performing a majority of his or her duties; and
11. In the case of transfer or recall to a classroom teaching position, the recommendation, if any, resulting from the process established pursuant to the provisions of WV Code 18-5A-5 by the faculty senate of the school at which the employee will be performing a majority of his or her duties.

In determining the qualifications of a professional employee 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 professional employees considered during a reduction-in-force under this policy are not less than satisfactory. In the case that the last performance evaluation of a professional employee considered during a reduction-in-force under this policy is less than satisfactory, that professional employee shall be considered to have lesser qualifications than any other professional employee whose last performance evaluation is not less than satisfactory.

When considering which position(s) may be reduced, the Board may give consideration to need, educational programming, and / or the efficient and fiscally responsible operation of the school system.

When considering transfers of professional employees whose positions have been identified for reduction-in-force, the Board shall transfer any such professional employee to the position of the professional employee with the least qualifications in all of the more qualified employee's area(s) of certification and / or endorsement, provided that such does not result in a longer contract or increase in rank for the more qualified employee pursuant to the Board's lateral areas of employment in this policy and / or Policy 154.

However, should the position to be reduced be that of a classroom teaching position in a particular grade level in grades PK through 6, the classroom teacher to be identified for transfer shall be the least qualified teacher in that particular grade level. That teacher shall then be transferred to the position of the least qualified teacher in grades PK through 6 at his/her school, if the more qualified teacher is properly certified and endorsed. If that teacher is the least qualified teacher at his / her school or is not properly certified and endorsed for the position of the least qualified teacher at his / her school, he/she shall be transferred to the position of the least qualified teacher in all of his/her area(s) of certification and / or endorsement in employment by the Board, unless no such lesser qualified teacher(s) are found to be employed by the Board, in which case he/she shall be released from employment. The provisions of this paragraph shall not apply to a classroom teacher employed to teach in a particular content area, whose position requires such a content endorsement, and is required to teach students beyond grade 6, regardless of this teacher's qualifications or employment at the school at which the number of classroom teachers in a particular grade level is to be reduced.

When considering which professional employee to release from employment due to a reduction-in-force, professional employees in a lateral area and / or particular area of certification or endorsement who are employed on a temporary permit or authorization shall be released before a fully certified employee in such area(s) is released. Additionally, the Board may release from employment any classroom teacher with unsatisfactory evaluations for the previous two consecutive school years regardless of years of service instead of less senior classroom teachers with satisfactory performance evaluations. Otherwise, the professional employee in such area(s) with the least qualifications shall be released from employment.