

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Safety and Health - Medical Examinations

Series: G01

Reference: West Virginia Code §16-3-4a

Issued: April 10, 1974

Revised: November 17, 1983

Revision Number: 2

A physical examination will be required of all applicants as a requisite to employment. The Board of Education will bear the expense of this physical examination. The examination form will be designed by the Office of Health Services and furnished by the Personnel Division.

A physical examination may be required of an individual employee upon recommendation of the committee on mental and physical health. This examination will be at Board of Education expense.

The Board of Education encourages all personnel to have annual physical examinations.

All school personnel shall have an approved Tuberculin skin test at time of employment and once every two years or more frequently if medically indicated. Positive reactors to the skin test are to be immediately referred to a physician for evaluation and indicated treatment or further studies. The county health officer shall be responsible for arranging proper follow-up of school personnel and students who are unable to obtain physician evaluation for a converted tuberculin skin test. School personnel found to have tuberculosis in a communicable stage shall have their employment discontinued or suspended until their disease has been arrested and is no longer communicable. School personnel who have not had the required examination will be suspended from employment until reports of examination are confirmed.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Staff Development - In-Service Training

Series: G02

Reference:

Issued: May, 1974

Revised:

Revision Number:

Today's dynamic and rapidly changing society with its tremendous accumulation of new knowledge and the attending obsolescence in some areas of practice makes it imperative that all staff members, teachers, clerical, technical, operations, maintenance and administrative personnel be engaged in a continuous program of professional and technical growth in order that they may be qualified to provide a quality educational program for all students being served by the Kanawha County School System.

It is the policy of the Kanawha County Board of Education that a program of in-service training be established to provide an opportunity for the continuous professional and technical growth of personnel in the Kanawha County Schools.

As a result of the operation of this policy, staff members will become knowledgeable regarding new developments and changes in their specialized field, and will utilize new and improved methods in practice.

The administrative staff employing administrative and management techniques consistent with modern management development will provide leadership which will assist each staff member to make a maximum contribution to the school district's effort to provide a quality educational program for all students.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Qualifications of School Bus Operators

Series: G04

Reference: West Virginia Code §18-5-13; West Virginia School Transportation Regulations

Issued: January 16, 1975

Revised:

Revision Number:

Upon recommendation of the State Department of Education, the Division of School Transportation and the State Department of Public Safety, the State Board of Education has established rules and regulations governing qualifications for the employment of school bus drivers.

The Kanawha County Board of Education shall operate in accordance with the rules and regulations as approved by the State Department of Education.

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Staff Leave: Absence From Duty Without Loss of Pay

Series: G05A

Reference: W.Va. Code §§18A-5-4, 18A-5-4a, 18A-5-10

Issued: 03.13.1975

Revised: 11.17.1985; 03.02.1994

Revision Number:

5.01 General Policy. The Board encourages administrators, teachers and service personnel to pursue activities designed to assist such employees to better meet the demands of their positions and the programmatic needs of their school/department.

Superintendent upon a showing of extenuating circumstances.

- (b) The activity/training is directly related to the goals and objectives of the school system and to the employee's job responsibilities.

5.02 Reasons for Staff Leave. Absences from duty without loss of pay may be requested for the following reasons:

- (a) Personnel necessarily absent because they are serving as officers or delegates in a meeting of a professional organization, or who are to appear on a program at the meeting.
- (b) Personnel requested by the State Department of Education to participate in committee work or to attend a meeting called by the State Department of Education for the purpose of school improvement.
- (c) Personnel requested by the county Superintendent to be in attendance at a conference or meeting.
- (d) Personnel serving as a chaperon of students attending an approved school activity.
- (e) Personnel attending staff development programs.

5.04 Requests for Leave. Written requests for absence from duty without loss of pay will be routed on the appropriate form as follows:

- (a) To the immediate supervisor; and, if approved...
- (b) To the appropriate Division/ Department Head; and, if approved...
- (c) To the Superintendent, or his/her designee, if a substitute is needed upon showing of extenuating circumstances.

5.03 Terms and Conditions for Staff Leave.

Absences from duty without loss of pay may be granted under the following terms and conditions:

- (a) Leave shall not be approved if general budget monies are required to pay the cost of substitute employees, unless approved by the

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Employee Benefits

Series: G06

Reference:

Issued: March 13, 1975

Revised: August 15, 1975; November 17, 1983

Revision Number: 2

6.01 SOCIAL SECURITY. Social security coverage of employees of the Board of Education is provided in conformity with federal law and in act of the West Virginia Legislature passed in 1949. On February 9, 1956, the Kanawha County Board of Education adopted this coverage. Payroll deduction is calculated from the form entitled "Employees Withholding Exemption Certificate and His Earnings". Information concerning benefits can be secured from the Charleston office of the Social Security Administration.

for public employees. This benefit, through the West Virginia Department of Employment Security, assures that an eligible claimant who is out of work through no fault of his own will have some income available to meet necessary expenses until new employment can be secured. This is made possible through employer contributions and no cost is assessed at any time to employees of a covered employer.

6.02 WORKER'S COMPENSATION.

Under the provisions of Chapter 23 of the West Virginia Code lawful employees of the Board of Education are covered under the Worker's Compensation fund. An injured employee should secure the multi-copy injury report form from the attending physician or the hospital in which he/she is treated. The employee should return the form to the immediate supervisor, who shall forward the form to the Personnel Division. The immediate supervisor shall investigate work-connected injuries immediately, report the injury on an employee accident form, and take any corrective action needed to prevent recurrence.

Employees are encouraged to report dangerous conditions to their immediate supervisor before accidents occur. The immediate supervisor shall investigate the condition and take appropriate corrective action. If the condition is not corrected within a reasonable length of time, it should be reported to the Director of Safety.

6.03 UNEMPLOYMENT

COMPENSATION. Kanawha County Schools participates in the Unemployment Compensation program

KANAWHA COUNTY BOARD OF EDUCATION POLICY

External Employment - Tutoring

Series: G07

Reference:

Issued: March 13, 1975

Revised:

Revision Number:

Board employees are not to accept pupils from their own school or unit for tutoring during the regular school year, except as assigned by the county program of homebound instruction.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Leave of Absence

Series: G08

Reference: West Virginia Code §18A-2-2a

Issued: March 13, 1975

Revised: January 17, 1985

Revision Number: 1

The Superintendent may submit to the Board of Education recommendations for leaves of absence for personnel possessing continuing contract status. Leaves of absence are granted at the discretion of the Board of Education and are for the purpose of improving skills, instruction, supervision, and/or administration. Personnel requesting a leave of absence must make written application to the Superintendent which shall outline in detail the purpose and nature of the requested leave.

Such leaves of absence shall be without pay unless otherwise approved and such leaves shall not extend for more than one year unless an extension is recommended and approved by the Board of Education. Professional personnel will be restored to the same assignment of position or duties held prior to the leave if the employee returns in less than one year. Service personnel are eligible to return to the same position held prior to the leave. An approved leave of absence will not break an employee's seniority but such time will not count toward computing seniority.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Personnel Records - Access to Records

Series: G09

Reference:

Issued: March 13, 1975

Revised:

Revision Number:

Personnel records of all employees are kept in the Division of Personnel of the Kanawha County School System. All personnel records of employees are open to inspection by the respective employee upon request. Requests are to be made to the Division of Personnel. It shall be the duty of the Division to provide the employee with his file, removing only the confidential references requested at the time the employee made application with the school system. A member of the personnel services staff will sit with the employee to give any assistance or answer any questions required by the employee.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Terms of Employment - Retirement

Series: G10

Reference: West Virginia Code §18-7A

Issued: March 13, 1975

Revised:

Revision Number:

Under the provisions of the State Teachers Retirement System, regular employees are eligible for membership. General information on this program is set forth in the booklet entitled, "West Virginia Teachers Retirement System". This booklet is given to each employee upon the beginning of his employment with Kanawha County Schools. For further information refer to this booklet.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Terms of Employment - Promotion

Series: G11

Reference:

Issued: March 13, 1975

Revised: January 17, 1985

Revision Number: 1

Promotional opportunities are available to all employees of the Kanawha County Schools. All vacancies in the school system are to be announced publicly. Employees wishing consideration for a vacancy are to notify the Division of Personnel in writing. All employees and all persons who apply and are interviewed for a position are to be acknowledged by letter from the Division of Personnel after a selection has been made.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Terms of Employment - Resignation

Series: G12

Reference:

Issued: March 13, 1975

Revised:

Revision Number:

An employee may at any time terminate his contract with the Board of Education by the submission of a written resignation submitted to the Assistant Superintendent of Personnel. Prescribed resignation forms are available in the Personnel Division and at each unit throughout the school system. All employees, before terminating their duties with the Board of Education, are required to submit a written resignation.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Employment Contracts - Termination of Employee Contract

Series: G13

Reference:

Issued: April 10, 1975

Revised: January 17, 1985

Revision Number: 1

When an employee fails to perform the duties required by his contract of employment, the employee may be subject to termination. In the case of personal injury or illness, once an employee has exhausted all accrued personal, sick and vacation leave, and is not approved to return to work within one month, the employee will be placed on a leave of absence for up to one year. If unable to return to work after expiration of the initial leave of absence, the employee may request an additional leave(s) of absence. If not recommended for an additional leave(s) of absence, the Superintendent may recommend that the employee be terminated pursuant to Article two, Chapter 18A of the West Virginia Code.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Terms of Employment - Working Conditions

Series: G14

Reference:

Issued: June 1, 1975

Revised:

Revision Number:

14.01 Overtime - (Non-Exempt Employees) Kanawha County Schools compensates employees for overtime in accordance with Federal and State legislation, making every effort to carefully plan required overtime with due regard for its impact on employees and the service needs of the schools and offices subject to the following conditions: Non-exempt employees will not work beyond 40 hours per week without official authorization. They will be compensated for all authorized hours worked in excess of 40 hours per week.

fifteen (15) minutes away from the job. Breaks should be with the supervisor's knowledge and consent, in order that he be aware of staff complement and proceed with the flow of work. Since a break is for the purpose of relieving strain or tension of work, breaks should not normally be taken during the first or the last hour or the workday.

14.02 Work Interruptions. The work day may be interrupted by up to four (4) hours, but may not exceed four (4) hours.

14.03 Hours of Work. The following working hours are observed:

Work week begins on Sunday.

Central Office: 8 a.m. to 4:30 p.m. with a one hour lunch period.

Crede Annex: 7:30 a.m. - 3:30 p.m., with a one-half hour lunch. This is the schedule for maintenance and warehouse personnel. Clerical and administrative personnel may be asked to work during this time span to provide support. However, the basic work day at Crede Annex for administrative and clerical personnel is 8 a.m. to 4 p.m. with one-half hour lunch period.

All Service and Auxiliary Personnel: The exact number of hours called for by the salary schedule as related to hourly or contract pay.

14.04 Breaks. One break for service employees is permissible during the first half of the workday. One break is permissible during the second half of the workday. Each break is not to exceed

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Safety and Health - Medical Examinations

Series: G15A

Reference:

Issued: July 17, 1975

Revised: November 17, 1983

Revision Number: 1

Employees of Kanawha County Schools who have positive reactions (5 mm. or more induration) to routine tuberculin testing conducted by the school nurse, or who have acceptable documentation of a previous positive reaction to a standard tuberculin test, should observe the following procedures and guidelines for obtaining medical evaluations and chest X-rays:

1. Positive reactors to the tuberculin skin test are to be immediately evaluated by a physician (WV Code §16-3-4A).

This service is provided free of charge to all school employees at the Kanawha-Charleston Health Department, Charleston Area Medical Center, Memorial Division, Public Health Unit Chest Diagnostic Clinic.

School nurses will provide the information concerning days and times for medical evaluations and chest X-rays.

2. If a chest X-ray is medically indicated, the Chest Diagnostic Clinic will furnish one initial chest X-ray for first-time positive reactors. Chest X-rays ordered on previous positive reactors will be done by the radiologist under contract with Kanawha County Schools at no cost to the employee. Please obtain the Medical Consultant's order for the chest X-ray from any school nurse, the Office of Health Services, or Medical Consultant's Office.

3. Present Medical Consultant's order for chest X-ray at the radiologist's office, the address is printed on the order form. The report will be mailed to the Office of Health Services and the necessary documentation will be forwarded to the Division of Personnel.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Terms of Employment - Absence from Duty

Series: G16

Reference:

Issued: August 14, 1975

Revised:

Revision Number:

Absence of any employee will be appropriately reported on the monthly on bi-weekly payroll attendance forms. The name of any employee absent as a result of serious illness or injury will be immediately reported to the Medical Department and to the appropriate member of the Superintendent's staff. Any absence which extends beyond ten consecutive scheduled work days will be reported to the Division of Personnel for investigation and/or recommendation.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Teachers, Coaches and Principals Acting as Athletic Officials

Series: G17

Reference:

Issued: October 19, 1978

Revised:

Revision Number:

Teachers, coaches and principals acting as athletic officials shall observe the following ruling:

1. All teachers, coaches and principals in Kanawha County Schools are required to devote full time during the school day to their duties.
2. A teacher, coach or principal shall not be granted a leave during school hours for the purpose of officiating in any athletic contest except where junior high schools are involved. Accepting honorariums or fees is prohibited.
3. Senior high school coaches or teachers who have free afternoon periods may, with the approval of their principals, assist with officiating duties without an honorarium or fee (traveling expenses excepted) for the junior high schools within the county.
4. No employee may accept an honorarium or fee for officiating athletic events that begin during the normal school day.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Personnel Information and Access to Personnel Files

Series: G18

Reference:

Issued: June 17, 1982

Revised:

Revision Number:

A major responsibility of the Kanawha County School System is to maintain records and documents in a manner which assures their confidentiality and security for individual employees while at the same time affording accessibility of documents of public record.

Employee personnel data and applicant information are confidential and at all times available to the individual employee or applicant. Such information may be released upon the written permission of the employee or applicant. Personnel records and information thus may be made accessible on an approved need-to-know basis.

A log will be maintained to keep a day-to-day record of persons authorized to view personnel records and documents. This record will indicate the name of the viewer and the date.

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Collection, Storage and Release of Personnel Records

Series: G19A

Reference:

Issued: January 20, 1983

Revised:

Revision Number:

19.01 Maintenance of Records. The Superintendent of Kanawha County Schools shall maintain in, the administrative offices of the school system under the control and supervision of the Personnel Division a personnel file for each employee of the Board of Education.

19.02 Applicant Information. The pre-employment file may contain, but shall not be limited to, the following types of pre-employment information.:

- A. Application for employment
- B. References
- C. Evaluations of prior employers
- D. Academic records
- E. Resumes
- F. Pertinent test results
- G. Other pre-employment information

19.03 Employment Information. The employment file may contain, but shall not but shall not be limited to, the following types of post-employment information:

- A. Applicant information, including the types of information in Section 19.02
- B. Evaluations
- C. Certification and certificate renewal data
- D. Payroll records
- E. Record of work history, e. g. assignments, transfers, promotions, raises, etc
- F. Insurance records
- G. Personal data - address, telephone number, dependents, security number, etc.
- H. Complaints, commendations, and suggestions for corrections or improvement of the employee
- I. Health Records
- J. Records of administrative or disciplinary actions
- K. Retirement information
- L. Other employment information

19.04 Procedures for Placing of Complaints, Commendations and Suggestions in an Employee Personnel File

A. Only complaints, commendations, or suggestions for improvement or correction which are signed by the employee's supervisor may be placed in an employee's personnel file.

B. Before any complaint, commendation, or suggestion for improvement may be placed in the personnel file, a copy of it shall be given to the employee. The employee shall have the right to place in the file any explanation or denial relating to such complaint or suggestion.

C. Personnel files shall not be used as depositories for information preparatory to hearings and other administrative procedures.

D. The Superintendent, in his discretion, may exclude from an employee's personnel file any information which is clearly false, malicious, or libelous per se.

19.05 Release of Information from Personnel Files. The following information contained in an employee's personnel files may be released to members of the general public upon request:

- A. Name
- B. Date of original employment
- C. Current title and/or position
- D. Current assignment
- E. Salary or rate of pay

19.06 Confidential Information in Personnel Files; Access to Such Information.

A. The following information when contained in an applicant and/or employment

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Collection, Storage and Release of Personnel Records

Series: G19A

Reference:

Issued: January 20, 1983

Revised:

Revision Number:

file shall be deemed confidential and shall not be released to the public:

1. References
2. Evaluations
3. Insurance records
4. Complaints and suggestions for correction or improvement
5. Health records
6. Records of administrative or disciplinary actions

B. All other information contained in personnel file shall be confidential and shall not be open for inspection except as provided below:

1. An employee or his/her properly authorized agent shall have the right to inspect and make a copy of any employment information in the personnel file at any reasonable time. No material will be removed before the employee's inspection.
2. Prior to inspection the person desiring to inspect personnel records shall present sufficient personal identification (e.g. driver's license, employee identification card, birth certificate credit cards).
3. The members of the Board of Education in their official capacities, the Superintendent, and the administrative staff, when authorized by the Superintendent or his designee, shall have the right to inspect an employee's entire personnel record.
4. The employee's address and telephone number may be released in an emergency situation.
5. Personnel records shall be released pursuant to a lawfully issued court order to subpoena or pursuant to a request for production of documents made under the Rules of Civil Procedure in pending litigation.

6. Confidential information not listed in A, may be released to the public by the Board of Education at its discretion after consultation with the Superintendent provided that three (3) days advance notice, in writing, is given to the employee affected.

Release of confidential information will be made in compliance with the Freedom of Information Act, West Virginia Code §29B-1-1, et seq.

7. Only adult employees may handle personnel files.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Food Service Staffing and Assignment

Series: G20

Reference:

Issued: August 18, 1983

Revised:

Revision Number:

The Division of Business shall establish and maintain a formula for assigning food service personnel to schools which will provide equitable treatment for each facility in the county. The formula shall be reviewed annually considering factors (e.g., number of meals served) that affect needed food services.

There shall be an established in-service training program to instruct personnel about proper food handling and food preparation techniques, as well as nutrition and sanitation requirements in order to be in compliance with federal, state, and county regulations.

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Custodial Staffing Formula

Series: G21A

Reference:

Issued: 06.18.1987

Revised: 12.18.1994

Revision Number: 3

21.01 Formula. Custodial staffing for all schools shall be determined by the following formula: (total square feet of building) divided by (20,000) equals (total full time custodians assigned to building). In calculating the total custodians assigned to a building the quotient of foregoing formula shall be rounded off to the next .5. **Example: 55,000 square feet divided by 20,000 equals 2.75. Under this example the building in question would be allowed 3.0 custodians.**

Exceptions:

- 21.01.1** All schools will be staffed with at least 1.5 custodians regardless of building square footage.
- 21.01.2** Shop and garage areas in adult and vocational centers will not be included in the calculation of building square footage.
- 21.01.3** Non-school facilities shall be calculated by dividing the total square footage of a building by 19,000.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Conflict of Interest

Series: G22

Reference: W.Va. Constitution, Article 12, Section 9; W.Va. Code §§6B-1-1 et seq., 18-2A-9, 61-10-15

Issued: 06.16.1988

Revised: 04.20.1989

Revision Number: 1

22.01 Definitions.

22.01.1 “Business” means any entity operated for economic gain, whether professional, industrial or commercial, and whether established to produce or deal with a product or service, including but not limited to entities operated in the form of corporations, firms, association, partnerships, or sole proprietorships, and entities which for purposes of taxation are treated as nonprofit organizations.

22.01.2 “Director or indirect interest” means any pecuniary interest in the proceeds of any contract with any business. Such direct or indirect interest shall be deemed to exist where an employee, his spouse, or his unemancipated child or children owns either in his own name or cumulatively in their own names or beneficially at least ten percent of a business or \$30,000, whichever is lesser. Such direct or indirect interest shall also be deemed to exist where an employee, his spouse, or his unemancipated child or children, receives a salary, fee or other form of compensation from a business within a period of one year prior or subsequent to the term of any contract.

22.01.3 “Contract” means any agreement or arrangement by and between Kanawha County Schools (including individual schools) and a business for the sale of products or services.

22.01.4 “Employee” means a person who obtains or is entitled to compensation for any services to Kanawha County Schools. The term includes full-time

and part-time service on a long-term or short-term basis.

22.01.5 “Officer” means an elected member of the board of Education of the County of Kanawha, or the Superintendent of Kanawha County Schools.

22.01.6 “Supplemental service contract” means an agreement between Kanawha County Schools and an employee for the provision of services by such employee which are over and above the regular responsibilities and duties of such employee and which are provided at the request and approval of the Superintendent of Kanawha County Schools.

22.02 Conflict of Interest; Prohibition.

22.02.1 No officer or employee shall use his or her public office or public employment or the prestige of his or her public office or public employment for private advancement or gain or for the advancement or gain of another person.

22.02.2 No officer or employee shall represent or otherwise assist any person or business for a fee or other compensation to secure passage of a policy or to obtain a contract, or payment of a claim, or in any other transaction or proposals relating to Kanawha County Schools.

22.03 Contract; Prohibition. No officer or employee shall receive a direct or indirect interest in the proceeds of any contract or service, or in furnishing any supplies in the contract for, or the awarding or letting of, which such

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Conflict of Interest

Series: G22

Reference: W.Va. Constitution, Article 12, Section 9; W.Va. Code §§6B-1-1 et seq., 18-2A-9, 61-10-15

Issued: 06.16.1988

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Revision Number: 1

officer or employee may have voice, influence or control. Provided, however, that, nothing herein shall be construed to prevent the employment of the spouse of an officer or employee. Nor shall this provision be construed to prevent employees from entering Supplemental Service Contracts.

22.04 Waiting Period. No officer or employee, above the Director level, shall receive a direct or indirect interest in the proceeds of any contract with Kanawha County Schools for a period of one-year following termination of employment or office. Except that this section shall not prohibit the Superintendent from recommending to the Board that an employee who has retired or resigned be retained on contractual basis, or that an entity which employs such employee be retained on a contractual basis, to provide services deemed necessary for the efficient operation of the school system. The Board may approve such recommendations and thereby waive the one-year waiting period. Provided, however, that no retirant shall be employed in a substitute or temporary capacity for more than 100 days under a 10-month contract or for more than 120 days under a 12-month contract.

22.05 Avoidance of Conflict of Interest. No officer or employee shall acquire any financial interest, including but not limited to, interest in a business, real property, or in a contractual relationship, when he believes or has reason to believe that it will be directly and immediately affected by his official action, voice or influence.

22.06 Disclosure of Information. No officer or employee shall disclose or use confidential information not available to

members of the general public for his personal gain or benefit or for the personal gain of any other person or business if he has obtained such information through his official position.

22.07 Gifts. No official or employee may solicit any gift. No official or employee may accept any gift, directly or indirectly, from any persons whom the official or employee knows or has reason to know has an interest in any Kanawha County Schools matter which may require such official or employee to experience impartial or independent judgment. This section shall have no application to gift items with a value of \$5.00 or less or gifts from relatives by blood or marriage or a member of the same household.

22.08 Financial Disclosure Statement. All Board Members and the Superintendent shall comply with the financial disclosure statement requirements of West Virginia Code 6B-2-1 et seq.

22.09 Specious Schemes or Business Arrangements. The use of intermediary parties or other schemes in avoidance of the requirements of this policy is prohibited.

22.10 Penalties.

22.10.1 Officers – Any officer who shall violate any provision of this policy shall be guilty of official misconduct and shall be subject to removal from office under pertinent statutory provisions.

22.10.2 Employees – Any employee who shall violate any provision of this policy shall be guilty of willful neglect

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Conflict of Interest

Series: G22

Reference: W.Va. Constitution, Article 12, Section 9; W.Va. Code §§6B-1-1 et seq., 18-2A-9, 61-10-15

Issued: 06.16.1988

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Revision Number: 1

of duty and subject to appropriate disciplinary measures.

22.10.3 Additional penalties – Nothing in this policy shall be construed to limit any additional civil or criminal penalties imposed by law for conduct that may amount to a violation of this policy.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Equal Employment Opportunity

Series: G23

Reference: Affirmative Action Program

Issued: 06.29.1988

Revised:

Revision Number:

23.01 Equal Employment Opportunity.

Kanawha County Schools, through responsible administrators, shall recruit, hire, train, and promote in all job titles without regard to race, color, national origin, religion, sex, handicap or age, except where sex, age, or freedom from a particular handicap is a bona fide occupational qualification.

23.02 Personnel Actions. Administrators and supervisors shall insure that all other personnel actions such as compensation, benefits, school district sponsored training, transfer, demotion, termination, and reduction in force shall be administered without regard to race, color, national origin, religion, sex, handicap or age, except where sex, age, or freedom from a particular handicap is a bona fide occupational qualification.

23.03 Affirmative Action Program Goals. Administrators and supervisors shall base employment decisions on the principles of equal employment opportunity and with the intent to further the Board's affirmative action program goals.

23.04 Affirmative Action. Administrators and supervisors shall take affirmative action to insure that minority group individuals, females, and qualified handicapped persons are hired and that these employees are encouraged to aspire for promotion, offered training where appropriate, and are considered as promotional opportunities arise.

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Outside Teaching, Writing and Consulting

Series: G24A

Reference: Board Policy Series G22

Issued: 08.08.1988

Revised:

Revision Number:

24.01 Conflict of Interest. Employees are generally encouraged to teach, write and consult. However, Policy Series G22, Conflict of Interest, must be observed when engaging in such activities.

objectives, the Office of Staff Development may underwrite the cost of duplication, supplies and materials from its budget.

24.02 Compensation/Instruction of KCS Employees. It is permitted to provide outside instruction to employees of Kanawha County Schools for compensation except where such instruction is a condition of employment for Kanawha County Schools employees, in terms of certification, licensure, qualification or promotion, and where the instructor had voice, influence or control with respect to the decision to impose such condition of employment.

24.03 Release Time. Employee may be released from their regular assignments for the purpose of providing instruction where such instruction relates to Kanawha County Schools staff development goals and objectives. Permission from the immediate supervisor upon recommendation by the Director of Staff Development is required to obtain release time. Compensation may not be received for instruction provided on release time.

24.04 Scheduling of Classes. Employee may not provide outside instruction for compensation at a time which conflicts with the work day.

24.05 Duplication, Materials and Supplies. The use of Kanawha County Schools resources including duplication, materials, and supplies in connection with outside instruction, writing and consulting is generally prohibited. Where, however, such outside activity relates directly to Kanawha County Schools staff development goals and

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Grievance Process; Employee Misconduct; Local Procedures

Series: G25A

Reference: W.Va. Code §§18-29-1 et seq., 18-4-10, 18A-2-7, 18A-2-8

Issued: 01.26.1989

Revised:

Revision Number:

25.01 Investigations. Investigations of alleged misconduct of an employee which may serve as the basis for the administration of discipline shall be authorized by the Superintendent. Such investigations shall be conducted by the Superintendent's designee(s).

25.02 Criminal Charges. In the event an employee is charged with the violation of either state or federal criminal laws and the alleged conduct may serve as a basis for the administration of discipline, the Superintendent shall cause an investigation to be conducted. Such investigation or the administration of discipline will not be dependent on the outcome of a law enforcement agency's investigation or the prosecution of such criminal charges.

25.03 Attorneys Fees/Criminal Charges. In the event an employee is charged with criminal conduct (by way of indictment or complaint) in connection with any job related activity and is acquitted or charges are dismissed, such employee may petition the Superintendent for reimbursement of any reasonable attorney fees actually incurred. If the Superintendent determines that the actions which were the subject of criminal charges were within the scope of the employees duties and were taken in good faith, he may recommend to the Board that such petition for attorney fees be approved. In no event will the Board provide a defense or advance attorney fees prior to an acquittal or dismissal of charges.

25.04 Administrative Suspension With Pay. During the course of any investigation pending a Superintendent's hearing as provided in Section 25.06 of this regulation, the Superintendent may suspend an employee with pay for a

period of time not to exceed 30 days. Administrative suspensions may not be extended beyond 30 days without board approval.

25.05 Due Process—Penalty of 5-day or Less Suspension. If after a preliminary investigation the Superintendent determines that the maximum possible penalty which may be imposed is a 5-day suspension, the Superintendent or designee shall conduct a meeting during which the employee shall be apprised of the charges and afforded an opportunity to provide his or her version of such misconduct. An employee may be accompanied by counsel or other representative at this meeting. An employee shall be afforded an opportunity to provide a written statement, in connection with alleged misconduct, to be considered by the Superintendent and the Board relative to a recommendation that discipline be administered.

25.06 Due Process—Penalty in Excess of 5-Day Suspension. If after a preliminary investigation the Superintendent determines that the possible penalty which may be imposed is in excess of a 5-day suspension, the Superintendent shall provide the employee with written notice which shall include the following:

- (a) Date, time and place of hearing;
- (b) A statement of the charges in such form as will afford the employee with a reasonable opportunity to prepare a defense; and,
- (c) A statement indicating: that the hearing will be recorded by mechanical means; that testimony will be given under oath; that the

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Grievance Process; Employee Misconduct; Local Procedures

Series: G25A

Reference: W.Va. Code §§18-29-1 et seq., 18-4-10, 18A-2-7, 18A-2-8

Issued: 01.26.1989

Revised:

Revision Number:

employee may be accompanied by counsel or other representative; and, that the employee may cross-examine the witnesses against him or her, call witnesses and present evidence.

All hearings shall be conducted in accordance with the procedures set forth in the above-described notice requirements.

25.07 Superintendent's

Recommendation of Suspension or Termination.

If following the observance of due process procedures as provided by Sections 25.05 and 25.06 the Superintendent determines to suspend or terminate an employee, subject to board approval, notice of the Superintendent's decision shall be provided to the employee and shall contain findings of fact and conclusions of law. A copy of such notice shall accompany any recommendation to the board that it approve the Superintendent's decision to suspend or terminate an employee.

25.08 Suspension Without Pay. Any period of suspension imposed following the observance of due process procedures as provided in Sections 25.05 or 25.06 may be without pay.

25.09 Sexual Harassment. An employee who wishes to prosecute a grievance charging sexual harassment may initiate such grievance with the Director of Employer/Employee Relations in lieu of said employee's immediate supervisor.

25.10 Forms. Forms G1, G2, G3 and G4 are hereby adopted for use within Kanawha County Schools and are obtainable from the Office of the Director of Employer/Employee Relations.

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Salary Formula--Administration; Central Office

Series: G26A

Reference: W.Va. Code §18-5-33

Issued: 02.27.1989

Revised: 07.18.1996

Revision Number: 5

This regulation was repealed, in part, by the Board on May 14, 2001

26.01 Effect. The purpose of this regulation is to publish formulas to be used in the calculation of salaries for persons employed in the following positions: Assistant principal; principal; community school coordinator; specialist; supervisor; school psychologist; coordinator; director; assistant superintendent; and, associate superintendent. Annual budget recommendations shall be based upon cumulative salary computations of anticipated staff made through the application of the formulas set forth in this regulation. Board approval of such budget recommendations shall constitute Board approval of the resulting salary levels. However, nothing in this regulation shall be construed to limit the authority of the Board to direct any changes in the formulas used in the calculation of salaries. Reference is made to a memorandum dated February 24, 1989, authored by Luther Cope, former Director of Personnel, for a general history and rationale of the salary levels established by this regulation. Note on Employee Examples: Examples are for illustrative purposes only and are not part of this regulation. The figures used in examples are relevant to the 1995-96 school year. Revision to the Principal and Assistant Principal Compensation Schedules were developed in connection with "Objective 16" during the 1994-95 school year.

26.02 Definitions.

26.02.1 Enrollment – For purposes of salary determination, enrollment shall be taken from the "second month report" and used in the calculation of salaries for the ensuing school year.

26.02.2 Employment term – Number of contract days (shown on billet).

26.02.3 KCS teacher's salary – The total salary to be received by a 200-day teacher.

26.02.4 Administrative experience – Experience (up to a maximum of 15 years) as: superintendent; associate superintendent; assistant superintendent; director; coordinator; principal; or, assistant principal.

26.02.5 Central office administrative experience – experience (up to a maximum of 15 years) as: superintendent; associate superintendent; assistant superintendent; director; or, coordinator.

26.03 Employment Term/Principals and Assistant Principals. The employment term of principals and assistant principals shall be as follows: [NOTE: so long as a Principal or Assistant Principal remains in a particular school reduction in enrollment will not result in any change in the employment term.]

Employment Term

High Schools	240
Junior/Middle Schools -less than 500 students	225
Junior/Middle Schools - 500 students or more	230
Elementary Schools - less than 350 students	212
Elementary Schools - 350 to 500 students	215
Elementary Schools - more than 500 students	220

26.04 Employment Term/Central Office.

The employment term for central office personnel is reflected in the following chart:

Specialist	210
Supervisor	210
School Psychologist	210
Community School	261
Coordinator	261
Director	261

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Salary Formula--Administration; Central Office

Series: G26A

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Issued: 02.27.1989

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Revision Number: 5

This regulation was repealed, in part, by the Board on May 14, 2001

Administrative Assistant	261
Assistant Superintendent	261
Associate Superintendent	261
Deputy Superintendent	261

26.05 Assistant Principal Compensation

Formula. Assistant principals shall be compensated at 90% of the principal level of compensation in the school that they are assigned as calculated in section 26.06 of this administrative regulation.

[Transition Note: If the application of the above-stated formula would result in a reduction in daily rate of compensation earned in the 1994-95 school year, the daily rate of compensation shall remain at the 1994-95 level until such time as the application of the above-stated formula results in an increase in daily rate of compensation.]

26.06 Principal Compensation Formula.

Administrative Multiplier:

High School -- .06
 Junior/Middle School -- .035
 Elementary School -- .015

Experience Multiplier:

.01 per year up to a maximum of 10 years

Student Population Multiplier:

Students	Multiplier
1,283	.07965
1,270	.07955
1,257	.07945
1,244	.07935
1,231	.07925
1,218	.07915
1,205	.07905
1,192	.07895
1,179	.07885

1,166	.07875
1,153	.07865
1,140	.07855
1,127	.07845
1,114	.07835
1,101	.07825
1,088	.07815
1,075	.07800
1,062	.07785
1,049	.07770
1,036	.07755
1,023	.07740
1,010	.07725
997	.07710
984	.07695
971	.07680
958	.07665
945	.07650
932	.07635
919	.07620
906	.07605
893	.07590
880	.07575
867	.07560
854	.07545
841	.07530
828	.07515
815	.07500
802	.07360
789	.07340
776	.07320
763	.07300
750	.07280
737	.07260
724	.07240
711	.07220
698	.07200
685	.07180
672	.07160
659	.07140
646	.07120
633	.07100
620	.07080
607	.07060
594	.07040

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Salary Formula--Administration; Central Office

Series: G26A

Reference: W.Va. Code §18-5-33

Issued: 02.27.1989

Revised: 07.18.1996

Revision Number: 5

This regulation was repealed, in part, by the Board on May 14, 2001

581	.07020
568	.07000
555	.06890
542	.06860
529	.06830
516	.06800
503	.06770
490	.06740
477	.06710
464	.06680
451	.06650
438	.06620
425	.06590
412	.06560
399	.06530
386	.06500
373	.06450
360	.06400
347	.06350
334	.06300
321	.06250
308	.06200
295	.06150
282	.06100
269	.06050
256	.06000
243	.05920
230	.05850
217	.05780
204	.05710
191	.05640
178	.05570
165	.05500
152	.05420
139	.05350
126	.05280
113	.05210
100	.05140
87	.05070
74	.05000

26.07 Adult/Career Technical School Assistant Principal Compensation

Formula. [KCS teacher's salary in accordance with degree level] + [3.5 x

KCS teacher's salary in accordance with degree level]) [200] x [240] + [240 x administrative experience] = Annual Compensation.

26.08 Community School Coordinator Compensation Formula.

[KCS teacher's salary in accordance with degree level and KCS experience as Community School Coordinator] x [247] + [Additional compensation as reflected in chart below] = Annual Compensation.

Community School Coordinator/ Additional Compensation

Experience*	Annual Additional Compensation
0 - 6	\$4,500
7 - 12	\$5,500

*All community school coordinators will begin with zero (0) administrative experience and will not exceed 12 years of experience.

26.09 Supervisor/Specialist/School Psychologist Compensation

Formula. [KCS teacher's salary in accordance with degree level and total experience] x [employment term] + [additional compensation as reflected in chart below] = Annual Compensation.

Supervisor/Specialist/School Psychologist Additional Compensation

Total Experience	Annual Additional Compensation
0 - 5	\$2,200
11 - 15	\$2,900
16 - 19	\$3,100
20+	\$2,500

26.10 Coordinator Compensation Formula.

[Maximum KCS teacher's salary in

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Salary Formula--Administration; Central Office

Series: G26A

Reference: W.Va. Code §18-5-33

Issued: 02.27.1989

Revised: 07.18.1996

Revision Number: 5

This regulation was repealed, in part, by the Board on May 14, 2001

accordance with degree level] x [240] +
[\$100] + [\$200 for each year of central
office administrative experience] =
Annual Compensation.

26.11 Director Compensation Formula.

[Maximum KCS teacher's salary in
accordance with degree level] x [240] +
[\$2,544] + [\$380 for each year of
administrative experience] = Annual
Compensation.

26.12 Administrative Assistant. Highest
paid high school principal's salary =
Annual Compensation.

26.13 Assistant Superintendent. Highest
paid high school principal + \$3,537.00 =
Annual Compensation.

26.14 Associate Level. Assistant
superintendent salary + \$3000.00 =
Annual Compensation.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Family Leave

Series: G27

Reference: W.Va. Code §21-5D-1 et seq.

Issued: 07.13.1989

Revised:

Revision Number:

27.01 Definitions.

- (a) “Employee” – Any individual hired for permanent employment, who has worked for at least twelve (12) consecutive weeks performing services for remuneration, but shall not include the Superintendent of Kanawha County Schools.
- (b) “Health care” – Any clinically related preventive, diagnostic, treatment or rehabilitative service whether provided in the home, office, hospital, clinic or any other suitable place, provided or prescribed by any health care provider or providers. Such service includes, among others, drugs and medical supplies, appliances, laboratory, preventive, diagnostic, therapeutic and rehabilitative services, hospital care, nursing home and convalescent care, medical physicians, osteopathic physician, chiropractic physicians, and such other surgical, dental, nursing, pharmaceutical, and podiatric services and supplies as may be prescribed by such health care providers.
- (c) “Health care provider” – Any person, partnership, corporation, facility or institution licensed, certified or authorized by law to provide professional health care services in this state to an individual during this individual’s medical care, treatment or confinement.
- (d) “Parent” – Any biological, foster or adoptive parent, a stepparent or a legal guardian.
- (e) “Serious health condition” – any physical or mental illness, injury or impairment which involves:
- (1) Inpatient care in a hospital, hospice or residential health care facility; or,
 - (2) Continuing treatment, health care or continuing supervision by a health care provider.
- (f) “Child” – Any individual who is a biological, adopted or foster child, a stepchild or a legal ward, and is
- (1) under eighteen years of age; or
 - (2) eighteen years of age or older and incapable of self-care because of mental or physical disability.
- (g) “Spouse” – Any person legally married to an employee.
- (h) “Dependent” – Any person who is living with or dependent upon the income of any employee whether related by blood or not.

27.02 Family Leave. An employee shall be entitled to a total of twelve (12) calendar weeks of unpaid family leave, following exhaustion of all annual and personal leave during any twelve month period in order to care for the employee’s child, spouse, parent or dependent who has a serious health condition.

27.03 Intermittent Leave. Upon receiving written certification as provided in section 13.06 of this policy an employee may take family leave intermittently when medically necessary.

27.04 Part-time Leave. An employee may take family leave on a part-time basis and on a part-time leave schedule, but the period during which the number of

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Family Leave

Series: G27

Reference: W.Va. Code §21-5D-1 et seq.

Issued: 07.13.1989

Revised:

Revision Number:

work weeks of leave may be taken may not exceed twelve 12 consecutive months, and such leave shall be scheduled so as not to disrupt unduly the operations of Kanawha County Schools. An employee's immediate supervisor must approve any part-time leave schedule. Such approval shall be withheld if such schedule would disrupt unduly the employee's job responsibilities.

27.05 Foreseeable Leave. If the need for family leave is foreseeable, an employee shall make a reasonable effort to schedule medical treatment or supervision so as not to disrupt unduly the operation of Kanawha County Schools, subject to the approval of the employee's child, parent or dependent; and an employee shall provide at least two (2) weeks' written notice of the need for such family leave.

27.06 Certification. An application for family leave must be accompanied by the written certification of a health care provider which shall contain the following:

- (a) A statement that the child, parent or dependent has a serious health condition;
- (b) The date the serious health condition commenced and its probable duration; and,
- (c) The medical facts regarding the serious health condition.

27.07 Employment Status. An employee shall be entitled to return to the same position held at the commencement of family leave, provided that such leave does not exceed twelve (12) calendar weeks. An employee shall not accrue

seniority during periods of family leave. Provided, however, that no employee shall lose any benefits which accrued prior to such periods of family leave.

27.08 Benefits. During periods of family leave all benefits shall be suspended except that an employee may continue group health insurance coverage provided pursuant to the West Virginia Public Employees Insurance act and dental/optical insurance coverage provided by Kanawha County Schools. Provided, that the employee shall pay Kanawha County Schools the premium costs of such insurance coverage.

27.09 Posting. The Personnel Office shall cause to be posted in conspicuous places where notices to employees are customarily placed notices of family leave rights in a form approved by the West Virginia Department of Labor.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Sick Leave

Series: G28

Reference: W, Va. Code §18A-4-10; 126 CSR 158

Issued: 07.13.1989

Revised: 07.19.1990

Revision Number: 1

28.01 Definitions.

- (a) Immediate family -- employee's spouse, child, dependant or parent.
- (b) Sick leave -- absence from assigned duties due to personal injury or illness or due to immediate family injury or illness. Such leave is limited to an amount accumulated for such purpose pursuant to applicable state law.

28.02 Accumulation of Leave. Sick leave shall be accumulated at the level allowed by state law, Provided, however, that .5 employees shall accumulate sick leave at a .5 rate. Provided, further, that employees who are on leave without pay or some form of leave of absence without pay shall not accrue sick leave. Summer employees shall accrue sick leave on a day-by-day basis at the level allowed by state law.

28.03 Family Illness or Injury. An employee may take up to three (3) days of accumulated sick leave per school year for the purpose of attending to the injury or illness of such employee's immediate family.

28.04 Physician's Statement. If absences due to an injury or illness exceed two consecutive work days, a statement, included on the sick leave claim form, which certifies such injury or illness must be completed by a physician licensed by the State of West Virginia.

28.05 Claims. All claims for sick leave must be signed by the employee, the employee's immediate supervisor, if the absence is two (2) work days or less in duration, and by a physician as provided in Section 28.04 of this policy. Forms for making claims shall be published from time to time by the

Office of
Budget/Finance/Accounting.

28.06 Payment Rate. Payment for sick leave shall be made at the salary rate in effect at the commencement of absences due to injury or illness.

28.07 Workers' Compensation Set Off. Where authorized by state law, sick leave compensation payments shall be reduced by an amount corresponding to workers' compensation benefits received by an employee in connection with an absence from duty. In all cases where sick leave compensation is reduced as aforesaid an employee's accumulated sick leave shall be charged only to the extent such reduced sick leave payments are made.

28.08 Unpaid Medical Leave. Any employee who shall exhaust sick leave and vacation leave, but who continues to be absent from his or her duties due to injury or illness shall be considered on unpaid medical leave. For purposes of benefit eligibility under the West Virginia Public Employees Insurance program such unpaid medical leave shall be considered an approved medical leave of absence. An employee on unpaid medical leave shall not accrue any further leave or seniority while absent, nor shall such employee be eligible for pay during such period of absence. An employee on unpaid medical leave for a period of time in excess of one year shall not be entitled to be restored to the same assignment of position or duties, but shall be eligible for reemployment in a position commensurate with such employee's qualifications.

28.09 Work Stoppage or Strike. Notwithstanding the provisions of

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Sick Leave

Series: G28

Reference: W, Va. Code §18A-4-10; 126 CSR 158

Issued: 07.13.1989

Revised: 07.19.1990

Revision Number: 1

Section 28.04 the Superintendent shall have authority during a concerted work stoppage or strike to require a physician's statement on the first work day of absence due to illness or injury. Notice of the implementation of this section shall be given by postings in each school or facility.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Bereavement Leave

Series: G29

Reference: W. Va. Code §18A-4-10

Issued: 04.20.1989

Revised:

Revision Number:

29.01 Bereavement Leave. Immediately following the death of a child, parent, grandparent, grandchild, sibling, son-in-law, daughter-in-law, brother-in-law, sister-in-law, legal guardian, persons (as previously mentioned) of the same relationship to spouse, spouse, or any relative living in the same household, an employee shall be entitled to bereavement leave for a period of three (3) working days or for a period of five (5) working days in the event the funeral is held a distance of 300 miles or more from the employee's residence. Bereavement leave shall be charged against an employee's accumulated sick leave, and, to the extent such leave is so charged, shall be with pay.

29.02 Claims. Claims for bereavement leave shall be made upon forms published from time-to-time by the Office of Accounting.

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Drug Free Work Place

Series: G30

Reference: Public Law 100-690; 126 CSR 8

Issued: 08.16.1989

Revised: 06.27.1994

Revision Number: 2

30.01 Definitions.

30.01.1 “Conviction” means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes. “Conviction” shall also mean and include any finding of guilt that results in probation and conditional discharge as provided in 21 USC 44.

30.01.2 “Criminal drug statute” means a Federal or non-Federal Criminal statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.

30.02 Condition of Employment/Rose Model. In recognition of the pervasive threat posed by student drug abuse, Kanawha County Schools hereby imposes an affirmative duty upon its employees to comport their conduct, both at and away from the work place, in a manner so as to avoid violation of criminal drug statutes. Any conviction for violation of a criminal drug statute significantly impairs the ability to serve as a role model for students and will, therefore, be regarded as willful neglect of duty for which an opportunity to improve would be inappropriate.

30.03 Published Notice. The Personnel division shall publish and post in prominent places in each school and other work places, and include in any publication of an employee handbook, the following statement:

“Drug Free Workplace – Expectations of Employee Consequences For Failure to Meet Expectations”

“The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, except as prescribed by a physician, or use or distribution of alcohol is prohibited in the work place. Any employee who violates this prohibition is subject to appropriate disciplinary action, up to and including termination of employment. Compliance is Mandatory.

“All employees must provide written notice to the superintendent within 5 days of any conviction for violation of a criminal drug statute (includes conviction of offenses both at and away from the work place). Upon receiving said written notice the Superintendent shall recommend appropriate disciplinary action, up to and including termination of employment.”

30.04 Verification Statement. As a condition of employment all employees shall sign a “Drug-Free Workplace Verification Statement.” See Appendix A.

30.05 Staff Development. The Office of Staff development shall establish a drug-free awareness program to inform employees about:

30.05.1 The dangers of drug and alcohol abuse in the work place.

30.05.2 The policies of Kanawha County Schools of maintaining a drug free work place.

30.05.3 The penalties that may be imposed upon employees for drug abuse violations.

30.06 Notification. Kanawha County Schools will notify any applicable grantor agency in writing within 10

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Drug Free Work Place

Series: G30

Reference: Public Law 100-690; 126 CSR 8

Issued: 08.16.1989

Revised: 06.27.1994

Revision Number: 2

calendar days after receiving notice from
an employee or otherwise receiving
actual notice of a conviction.

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

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Reference: Public Law 100-690; 126 CSR 8

Issued: 08.16.1989

Revised: 06.27.1994

Revision Number: 2

APPENDIX A

In addition, I understand that under federal law and as a condition of employment, if I am

**Kanawha County Schools
DRUG-FREE WORKPLACE
VERIFICATION STATEMENT**

NAME _____

SOC. SEC. NO. _____

ADDRESS _____

TELEPHONE _____

DATE EMPLOYED BY KANAWHA COUNTY SCHOOLS _____

convicted of any violation of a criminal drug offense in the workplace, I must report this conviction to the Superintendent within five (5) days of the conviction.

Employee Signature

I, _____, certify that I have received a copy of the Kanawha County Schools Drug-Free Workplace policy.

Date

As an employee of Kanawha County Schools, I agree to abide by the drug-Free workplace policy which states that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance and/or alcohol is prohibited in the workplace. Additionally, no employee shall report for work while under the influence of alcohol and/or an illegal drug.

The workplace shall be defined as a work site where work is performed in connection with the employee's Kanawha County Schools employment. The workplace shall include facilities, property, buildings, offices, structures, automobiles, trucks, trailers, other vehicles, and parking areas, whether owned or leased by the District.

The policy is applicable while employees are engaged in any work-related activity which includes performance of District business during regularly scheduled work days, meal breaks, and/or occasions having a connection with the job or the District.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Absence Without Pay

Series: G31

Reference:

Issued: 09.21.1989

Revised:

Revision Number:

31.01 Absence Without Pay. With prior approval of the immediate supervisor, an employee may be permitted to be absent without pay if all forms of leave which may be available in connection with such absence have been exhausted.

31.02 Claims. All claims for absence without pay shall be made on forms published from time to time by the Office of Budget/Finance/Accounting.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Jury Service/Subpoenas

Series: G32

Reference: W.Va. Code §§18A-5-3, 18A-5-3a

Issued: 09.21.1989

Revised:

Revision Number:

32.01 Jury Service. An employee shall be excused from duty on those days which he or she serves on a jury. An employee shall be compensated for each day of jury service the difference between that allowed for such jury service (exclusive of travel allowance) and the employee's daily rate of pay. It shall be the responsibility of an employee who serves on a jury to obtain a certificate from the clerk of the court, where such jury service is rendered, indicating the date[s] of service and the daily allowance.

32.02 Answer to Subpoena. An employee shall be excused from duty on those days which he or she is absent in response to a subpoena which requires attendance as a witness in any court or administrative proceeding. An employee shall be compensated for each day of absence in connection with a subpoena the difference between the witness fee allowed by the tribunal, exclusive of travel allowance, and the employee's daily rate of pay. However, employees who are absent because they are defendants in criminal proceedings or who are parties to proceedings unrelated to school business shall not be compensated for the days they are absent unless they take some other form of available leave, e.g., vacation or personal leave.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Personal Leave (Without Cause)

Series: G33

Reference: W. Va. Code §18A-4-10

Issued: 11.16.1989

Revised: 02.18.1999

Revision Number: 1

33.01 Personal Leave. Personal leave without cause may be taken under the terms and conditions established by state law. Provided, however, that regular full-time employees may accumulate a total of five (5) such days that may be taken without regard to the cause of absence.

33.02 Claims. All claims for personal leave without cause shall be made on forms published from time to time by the Office of Accounting. The delivery of a completed claim of personal leave form to an employee's principal or immediate supervisor shall constitute "notice" as required by the provisions of W. Va. Code §18A-4-10. The date and time of receipt of such notice shall be controlling with respect to all issues pertaining to eligibility for leave.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Military Leave

Series: G34

Reference: W. Va. Code §15-1F-1

Issued: 11.21.1989

Revised:

Revision Number:

34.01 Military Leave. Military leave may be taken under the terms and conditions established by state law.

34.02 Claims. All claims for military leave shall be made on forms published from time to time by the Office of Accounting.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Employment Application Process

Series: G35

Reference: W.Va. Code §18A-4-8b

Issued: 12.19.1989

Revised: 01.18.1990

Revision Number: 1

35.01 Qualifications. It shall be the responsibility of an individual who applies for a position advertised by Kanawha County Schools to present his or her relevant qualifications for the position in question to the person or persons who are responsible for making the initial recommendation for employment.

35.02 Separate Applications. Separate written supplemental applications must be made by current employees for each advertised position. Applications placed on file in the Personnel Office shall be retained for a two-year period for professional personnel and a one-year period for service personnel.

35.03 False Information on Application for Employment. Misrepresentation or falsification of information required on application forms will result in denial of employment.

35.04 Limitation on Applications by Principals and Classroom Teachers. In order to avoid unnecessary interruptions in the delivery of instructional programs occasioned by frequent changes in classroom teachers and principals, it is necessary to require applicants for such positions to commit to at least one school year of continued service in any position for which successful application is made. The Board, therefore, adopts the following limitation upon applications: Any individual who makes successful application for either a position as principal or classroom teacher may not apply for any other positions advertised by Kanawha County Schools for the period of the remaining school year following the date work is commenced. However, this section shall not prohibit a classroom teacher from applying for an

administrative position at any time. Nor shall it prohibit a principal from applying for an administrative position other than principal at any time. This section shall apply prospectively from the date of Board approval.

35.05 Exception to Limitation of Application. An employee who meets the eligibility criteria for family Leave as provided in Kanawha County Board of Education Policy, Series G27, may make written application to the superintendent for an exception to the limitation provided in Section 35.04, so long as such exception would facilitate the care of the employee, employee's child, spouse, parent, or dependent who has a serious health condition.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Vacation Leave

Series: G36

Reference: W. Va. Code §18A-4-10

Issued: 09.21.1989

Revised: 03.18.1999

Revision Number: 1

36.01 Eligibility. All full time, 12-month employees shall be eligible for vacation leave.

36.02 Accrual Rates. The following accrual rates shall be observed:

Service	Accrual Rate	Annual
0 - 2 years	1.25/month	15.00
3 - 5 years	1.50/month	18.00
6+ years	1.75/month	21.00

Accrual rates may change only on July 1 of each year. Example: Employee commences work on July 7, 1985. Such employee would not accrue 1.5 days/month until July 1, 1989.

Employees who commence work on or prior to the 15th day of a month shall accrue leave for such month. Employees who commence work after the 15th day of a month shall not accrue leave for such month.

36.03 Maximum Accumulation. An employee may accumulate unused vacation leave; provided however, that no more than 30 days of vacation leave may be carried over from one fiscal year to the next.

36.04 Limitations. Vacation leave may be taken at no less than .5 day increments and may only be taken from accrued leave.

36.05 Approval. All vacation leave must be approved in advance by an employee's immediate supervisor.

36.06 Claims. All claims for vacation leave shall be made on forms published from time to time by the Office of Budget/Finance/Accounting.

36.07 Holidays. Vacation leave shall not be charged in connection with a legal holiday falling within a vacation period for which all District employees are not required to work. However, school closings falling within a vacation period for reasons other than legal holidays

shall be charged against an employee's accrued vacation leave.

36.08 Transfer. An employee who transfers from a position from within the District to a full time, 12 month position shall be entitled to receive up to 6 years of length of service credit in connection with the accrual rates set forth in Section 36.02.

36.09 Adequate Work Force. It shall be the responsibility of all supervisory personnel to monitor vacation leave so as to maintain an adequate work force. Toward this end, supervisory personnel may establish a vacation schedule in order to preserve equity and to retain an adequate work force.

36.10 Termination of Employment. Upon termination of employment, an employee may receive a lump sum payment based upon the employee's daily rate of pay for accumulated vacation leave, up to a maximum of 30 days, or convert said vacation leave to any benefit authorized by state law. The estate, surviving spouse or dependents, as the case may be, shall have the same options with respect to the accumulated vacation leave of a deceased employee.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Drug Screening Program

Series: G37

Reference:

Issued: 04.19.1990

Revised:

Revision Number:

37.01 Authority to Establish. The Superintendent shall have the authority to establish and implement a drug screening program for applicants for safety sensitive positions with Kanawha County Schools, but no applicant shall be required to submit to a test as part of such program unless the applicant has met all requirements to be recommended to the Board for employment in a safety sensitive position. The Superintendent also shall have the authority to establish and implement a drug screening program for persons currently holding safety sensitive positions, based upon a reasonable suspicion of improper drug or alcohol use by such persons.

37.02 Posting or Advertisement. Any public announcement, advertisement, or posting soliciting applications for employment in a safety sensitive position in Kanawha County Schools shall include a statement of the requirements of the drug screening program established under this policy for applicants and for employees holding such positions.

37.03 Termination of Employment. Valid posting test results with respect to any test administered under this policy shall constitute grounds for termination of employment or withholding the Superintendent's recommendation for employment.

37.04 Confidentiality. The results of any test administered as a part of a program authorized by this policy shall be confidential and shall not be disclosed publicly except as may be required by Board approval of a recommendation that employment be terminated.

37.05 Administrative Regulations. The Superintendent shall adopt administrative regulations, as necessary, to carry out the provisions of this policy.

37.06 "Safety Sensitive" Positions

Defined. Safety sensitive positions shall include, but not be limited to the following positions:

37.06.1 Director of Transportation.

37.06.2 Coordinator of Transportation.

37.06.3 School Bus Terminal Supervisors.

37.06.4 School Bus Operators.

37.06.5 School Bus Mechanics.

37.06.6 Driver Education Instructors.

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Drug Testing Standards

Series: G38A

Reference:

Issued: 04.19.1990

Revised:

Revision Number:

38.01 Laboratory Selection. The selection of laboratories to administer relevant portions of Board Policy G37, “Drug Screening Program,” shall be based upon requests for proposals which contain at least the following specifications:

38.01.1 Chain of Custody – Chain of custody and security protocols shall be calculated to meet or exceed current National Institute of Drug Abuse (NIDA) and Health and Human Services (HHS) guidelines. If the chain of custody protocol is violated, any sample will be regarded as invalid.

38.01.2 Broad spectrum screening analysis – Samples shall undergo a broad spectrum screening analysis to identify positives for the following drugs:

Amphetamines
Barbiturates
Benzodiazepines
Cocaine
Opiates
THC
Methaqualone
Phencyclidine
Methadone
Propoxyphene

38.01.3 Second screening, if positives found – If a positive is found, the screening shall be repeated.

38.01.4 Gas Chromatography/Mass Spectrometry – If after a second screening the same comes back positive, the sample shall be analyzed by GC/MS (gas chromatography/mass spectrometry) for the specific drug[s] identified by the screening.

38.01.5 Analysis standards – Screening analysis shall be run with a series of standards—a known high and a known low. The cut off point shall be well above the lower detection limit. The GC/MS shall use deuterated standards of the specific drug being analyzed to ensure calibration and accuracy of a GC/MS analysis.

38.01.6 Retention of samples – All samples shall be retained for a period of one month. All positive samples shall be frozen and retained for a period of one year.

38.01.7 Blind audit – The laboratory shall employ blind audit systems to insure the quality of results. This shall include internal blind audits, as well as audits by state agencies with which they do business, and by the College of American Pathologists.

38.01.8 False positives – The laboratory shall report no false positives and no more than approximately 1% false negatives in connection with blind audits for the year immediately preceding the date of its proposal.

38.01.9 Federal certification – Laboratory agrees to seek certification under new federal legislation.

38.01.10 Confidentiality – Laboratory shall observe the confidentiality requirements set forth in Board Policy G9.04.

38.01.11 Additional testing standards – The laboratory shall implement such additional testing standards as may be necessary to ensure the integrity of all samples, including the following steps:

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Drug Testing Standards

Series: G38A

Reference:

Issued: 04.19.1990

Revised:

Revision Number:

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- 38.01.11.1** The individual shall report to the laboratory at the designated time to provide a urine sample.
- 38.01.11.2** The individual will be fully dressed except for removal of outer garments (coats, etc.) and pockets emptied.
- 38.01.11.3** The individual will be asked to void into a container and shall be reminded that any tampering or adulteration of the sample is not permitted. The laboratory representative shall use auditory means to witness the providing of the sample.
- 38.01.11.4** The sample amount must be at least 60 cc. If insufficient, the individual will be provided with water and additional time to provide the sample.
- 38.01.11.5** The laboratory representative will check the appearance and temperature of the urine after receiving the specimen from the individual. The representative may ask for another sample with direct observation if there is reason to suspect that the original sample was subject to tampering or adulteration. Any suspect samples will be sealed and stripped for analysis along with the repeat sample.
- 38.01.11.6** In the individual's presence, a tamper proof custody seal shall be affixed to the specimen container. The individual being tested shall initial the label.
- 38.01.11.7** The laboratory representative and the individual shall complete Chain of custody forms. These forms shall accompany the sample throughout the testing process.
- 38.01.11.8** A positive result from the GC/MS testing shall be immediately communicated by telephone to the Superintendent and the written results of all tests along with the chain of custody forms shall be mailed to the Superintendent.
- 38.02 Termination of Contract.** Any contracts entered into with a drug-testing laboratory shall include a clause requiring the report of any false positive audit results. Such contracts shall further provide for the termination of the contracts based upon a finding of false positive audit results.

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Food Service Staffing

Series: G39A

Reference:

Issued: 05.24.1990

Revised: 03.11.1995

Revision Number: 2

39.01 Definition of Average Daily

Participation. Total meals served (lunch = 1; breakfast = .5) during two consecutive months divided by the number of days meals were served during such months.

39.02 **Cook Staffing Levels.** Based upon average daily participation for the months of September through January schools will be staffed with .5 cooks for each 55 meals served per day. However, each school will be staffed with a minimum of 1.5 cooks regardless of the number of meals served.

39.03 **Cafeteria Manager.** A cafeteria manager may be employed in lieu of a cook for the next ensuing school year in schools with an average daily participation for the months of September through January of 375 or greater.

39.04 **Adjustments to Staffing During School Year.** If average daily participation for the months of September and October meets requirements for increased staff, such additional positions may be posted at the discretion of the Superintendent. However, no such additional positions will be posted following the deadline for including positions on the second month report.

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Substitute Employee Use

Series: G40A

Reference:

Issued: 09.04.1990

Revised:

Revision Number:

40.01General. The amount appropriated within the general budget for substitute employees has been calculated to meet needs occasioned by sick, family, military, vacation, jury service/subpoena, or personal leave use. No general budget monies are available for substitute employees to provide coverage for absences occasioned by professional leave.

area clerk and keep such clerk advised of the use of such substitute for the duration of the absence.

40.02Restrictions. General budget substitutes shall only be available to provide coverage for absences occasioned by the use of sick, family, military, vacation, jury service/subpoena, or personal leave. Furthermore, no substitutes shall be available to cover for professional employees who do not have students directly assigned (e.g., libraries) until after three consecutive days of absence.

40.03Special Account Codes. Principals shall cause special account codes to be entered on payroll reports when substitutes are to be paid from a special account.

40.04Exceptions. Any exceptions to the restrictions set forth in Section 40.02 of this administrative regulation must receive prior written approval from the Superintendent.

40.05Monitoring. The Payroll and Data Processing offices shall monitor substitute use each payroll period. The detection of excessive or inappropriate use of substitutes shall result in a reduction or unavailability of general budget substitutes at the school in question.

40.06Notification of Area Clerks. Principals who arrange for substitute coverage must notify the appropriate

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Transfers; Professional Positions

Series: G41A

Reference: W.Va. Code §18A-4-7a

Issued: 09.14.1990

Revised:

Revision Number: This has been superceded by subsequent legislation.

41.01Implementation. Senate Bill 1, effective August 30, 1990, was signed into law by the Governor on September 5, 1990. All professional positions posted before September 5, 1990, may be filled through transfer effective upon recommendation of the Superintendent and Board approval.

41.02Transfers/Effective Date. All professional positions shall be posted within 20 days of position openings. If the successful candidate is a current employee the effective date of transfer shall be the commencement of the next ensuing semester, unless the Superintendent shall determine that the best interests of students would be served by an earlier effective date. If the successful candidate is an employee upon an approved leave of absence, the effective date of transfer shall be upon the recommendation of the Superintendent and Board approval.

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Elementary Staffing

Series: G42A

Reference: W. Va. Code §§18-5-18; 18-5-18a; 18A-5-18b

Issued: 01.14.1991

Revised: 04.04.2001

Revision Number: 3

42.01 Purpose. The purpose of this policy is to establish a staffing procedure that is fair and easily understood and that provides for the delivery of a rich curriculum with available resources.

42.02 Reference. Reference will be made to the second month report as the primary basis for staffing decisions. Move-up numbers will be examined to verify enrollment trends. Round-up numbers and historical enrollment trends will serve as a basis for kindergarten staffing decisions.

42.03 Principal. Elementary schools will be under the direction of a supervising principal.

42.04 Assistant Principal. Elementary schools with enrollments of 500 or more will be staffed with an assistant principal.

42.05 Counselor. Counseling services shall be provided to each elementary school. Counselors may be assigned to provide counseling services to one or more elementary schools.

42.06 Regular Classroom And Kindergarten Teachers. All relevant provisions of the W. Va. Code that relate to maximum teacher/pupil ratios shall be referenced in the determination of staffing levels.

42.07 Special Education Staffing. Special education staffing will be referenced to state caseload limitations and Individualized Education Plan requirements.

42.08 Librarian. All elementary schools shall be staffed with at least a one-half time librarian. The Superintendent may recommend such additional

discretionary staffing in accordance with Section 42.13 hereof.

42.09 Physical Education Teachers. All elementary schools shall be staffed with at least a one-half time Physical Education teacher. The Superintendent may recommend such additional discretionary staffing in accordance with Section 42.13 hereof.

42.10 Secretary. One secretary will be assigned to each elementary school.

42.11 Clerks. Elementary schools with enrollments over 500 will be staffed with one full-time clerk.

42.12 Fine Arts and Physical Education Teachers. Fine Arts teachers will be assigned based upon the recommendation of the Fine Arts Curriculum Supervisor. Physical Education teachers will be assigned based upon the recommendation of the Elementary Curriculum Supervisor. Program equity will serve as the primary criteria for such assignments. Guidelines to be used for the assignment of itinerant teachers shall include the following:

42.12.1 In the event of the addition or reduction of services, the itinerant teacher assigned to the affected school(s) will make the decision regarding which school to keep and which school to give up.

42.12.2 After the choices have been made, a list of available schools will be compiled. Teachers whose schools have closed or have had services reduced will be allowed, by seniority, to select from the list. After the most senior teacher has chosen, the next most senior teacher

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Elementary Staffing

Series: G42A

Reference: W. Va. Code §§18-5-18; 18-5-18a; 18A-5-18b

Issued: 01.14.1991

Revised: 04.04.2001

Revision Number: 3

will be allowed to choose until all unassigned teachers are placed.

42.12.3 When a school becomes available due to retirement, transfer or resignation, the remaining staff of itinerants will be made aware of the opening and given the opportunity to inform the applicable curriculum supervisor of their interest in the position.

42.13 **Superintendent's Discretion.** The Superintendent shall have discretion to recommend alternative staffing levels if circumstances, including, but not limited to, budget restraints, identified school-wide academic deficiencies, or other compelling factors, warrant.

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Transfer of Professional Personnel; K-6 Classroom Teachers

Series: G43A

Reference: W.Va. Code §§18A-4-7a, 18A-2-7

Issued: 01.14.1991

Revised: 01.14.2000; 01.28.2003

Revision Number: 3

43.01 Definitions.

- (a) Realign – A change in the number of classroom teachers assigned to teach in particular grade levels so as to adjust to shifting enrollment.
- (b) Change in assignment – A change in assignment shall occur if a classroom teacher either agrees or is required to teach in a new grade level or new split grade assignment.
- (c) Seniority – Shall mean total county service.

43.02 Realignment/No Increase or

Reduction. If a principal determines that it will be necessary to realign the assignments of classroom teachers for the next ensuing school year and the total number of classroom teachers assigned to the school is not scheduled to increase or be reduced, a request shall be made of the affected classroom teachers to agree to reassignment. Any teacher who withholds agreement shall be recommended for transfer by the Superintendent. If such recommended transfers are approved by the Board, all newly created assignments shall be promptly posted.

43.03 Realignment/Increase. If a principal determines that it will be necessary to realign the assignment of classroom teachers for the next ensuing year and the total number of classroom teachers assigned to the school is scheduled to increase, the additional position[s] shall be posted to meet anticipated needs. If after posting such additional positions it is determined that further realignment is necessary, a request shall be made of the affected classroom teachers to agree to reassignment. Any teacher who withholds agreement shall

be recommended for transfer by the Superintendent. If such recommended transfers are approved by the board, all newly created assignments shall be promptly posted.

43.04 Realignment/Reduction. If a principal determines that it will be necessary to realign the assignments of classroom teachers for the next ensuing school year and the total number of classroom teachers assigned to the school is scheduled to be reduced, the least senior classroom teacher assigned to the school (excluding special program teachers, See Section 43.05) shall be recommended for transfer by the Superintendent. If the least senior classroom teacher is not assigned to a grade level scheduled to be reduced, the classroom teachers in the grade level scheduled to be reduced, in order of seniority starting with the most senior classroom teacher, shall be requested to agree to reassignment to the position to be vacated by the least senior classroom teacher. Notwithstanding the foregoing, if the school's least senior teacher is assigned to a kindergarten position, and the least senior teacher in the grade level to be reduced is not certified to teach kindergarten, then the least senior teacher in the grade level to be reduced shall be recommended for transfer instead of the kindergarten teacher, if no more senior teacher in the grade level to be reduced is certified and agrees to teach kindergarten. If no agreement is forthcoming, the least senior classroom teacher who withheld agreement shall be recommended for transfer by the Superintendent. If such recommended transfers are approved by the Board, all newly created assignments shall be promptly posted.
Note: Half-time (.5) classroom

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Transfer of Professional Personnel; K-6 Classroom Teachers

Series: G43A

Reference: W.Va. Code §§18A-4-7a, 18A-2-7

Issued: 01.14.1991

Revised: 01.14.2000; 01.28.2003

Revision Number: 3

teachers are not subject to transfer or reassignment unless a half-time (.5) reduction is required.

43.05 Program Reduction. If a determination is made to reduce any special program (e.g. IMC, Elementary Physical Education, Head Start, Special Education, Title 1, positions funded through a particular federal program and multi-school itinerant positions) the professional personnel assigned to such special program shall be recommended for transfer by the Superintendent.

43.06 Agreed Reassignments. Subject to the approval of a principal, two classroom teachers may agree to exchange assignments beginning the next ensuing school year. If a reduction in staffing occurs through either loss of student population or loss of program and no realignment is necessary as provided in Section 43.04 of this regulation, the classroom teacher identified for recommended transfer may agree to reassignment into an existing vacancy within the school.

43.07 Reconfiguration from K-6 to K-5. If a school is reconfigured from a K-6 to a K-5, the sixth grade teacher in the school may elect to apply for positions created at the middle school. In the event the sixth grade teacher is not selected or does not apply for the middle school position, such teacher shall retain the rights under West Virginia Code §18A-4-7a to displace a less senior teacher in the school. For purposes of this section a sixth grade teacher shall be determined based upon the description of the position as set out in the notice of vacancy for such position.

In the event professional educators vote, pursuant to W. Va. Code §18A-4-8f, to give priority to sixth grade teachers in schools where the sixth grade is being removed to a middle school, the following provisions shall apply:

- a. Sixth grade teachers will have priority only in the middle school to which their schools sixth graders will attend. If the elementary school feeds into two middle schools, priority shall be given at either school.
- b. Middle school sixth grade positions will be determined and posted and priority given to qualified teachers in the feeder elementary schools on a seniority basis.
- c. In the event a sixth grade teacher is not selected or does not apply for a middle school position, such teacher may displace a less senior teacher in the elementary school in accordance with W. Va. Code §18A-4-7a.
- d. 5/6 Split. A teacher who is teaching a 5/6 split grade shall be deemed to be a sixth grade teacher, if, as of the second month enrollment of the school year immediately preceding the reconfiguration, such teacher's class contains 50% or more sixth graders.
- e. Looping. If a teacher is looping, i.e., staying with 5th and 6th grade students for a two year period, such teacher's status shall be determined based upon the position for which such teacher was originally hired for the position. If a position has been posted as a 5/6 looping position, then the person who actually

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Transfer of Professional Personnel; K-6 Classroom Teachers

Series: G43A

Reference: W.Va. Code §§18A-4-7a, 18A-2-7

Issued: 01.14.1991

Revised: 01.14.2000; 01.28.2003

Revision Number: 3

holds the sixth grade position in
the school year immediately
preceding the reconfiguration
shall be deemed to be the sixth
grade teacher.

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Transfer; Middle/Junior, High School Classroom Teachers

Series: G44A

Reference:

Issued: 01.14.1991

Revised: 01.14.2000

Revision Number: 2

44.01Definitions.

- (a) Curricular area – All potential class offerings which require a teacher to possess distinct licensure and/or endorsement shall be regarded as a curricular area.
- (b) Assignment – The responsibility to teach classes in one or more curricular areas shall be regarded as an assignment, e.g. a classroom teacher with current responsibilities to teach classes in the math curriculum area and the social studies curriculum area has a math/social studies assignment.
- (c) Change in assignment – A change in assignment shall occur if a classroom teacher either agrees or is required to assume teaching responsibilities in a curricular area in addition to the current assignment. Neither an increase in the number of classes within curricular area nor the decrease or elimination of classes within a curricular area shall constitute a change in assignment.
- (d) Seniority – Shall mean total county service.

44.02Reduction/Declining Enrollment.

If a reduction in staffing at a school is scheduled to occur commencing with the next ensuing school year as a result of declining enrollment, the principal shall determine how best to meet the curricular needs of the school with remaining staff. In reaching this determination the principal shall determine the curricular area[s] where reductions could be absorbed. The least senior classroom teacher currently assigned to teach in the area[s] to be reduced shall be recommended for

transfer unless the principal determines that such least senior teacher has teaching responsibilities in another curricular area which may not be absorbed by remaining staff. If such a determination is made, the principal shall recommend classroom teachers for transfer by selecting such teachers as will result in the least disruption for the school and will permit the school to deliver the required curriculum. In making such recommendation the principal shall consider the teachers in order of reverse seniority.

44.03Program Reduction.

If a determination is made to reduce any special program (i.e. special education, multischool itinerant, federally funded or other special program), the professional personnel assigned to such special program shall be recommended for transfer by the Superintendent.

44.04Change In Assignment.

If a principal determines that it will be necessary to change the assignment of a classroom teacher in order to efficiently meet the educational program needs of a school for the next ensuing school year, the affected teacher[s] shall be requested to agree to such change in assignment. If agreement is withheld, the teacher[s] shall be recommended for transfer. If such recommended transfers are approved by the Board, positions reflecting the needed assignments shall be promptly posted.

44.05Reconfiguration From Junior High to Middle School.

If a school is scheduled to be reconfigured from a junior high school to a middle school all newly created sixth grade teaching positions shall be posted and filled in accordance with the provisions of W. Va. Code §18A-4-7a or §18A-4-8f, as

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Transfer; Middle/Junior, High School Classroom Teachers

Series: G44A

Reference:

Issued: 01.14.1991

Revised: 01.14.2000

Revision Number: 2

the case may require. In the event seventh and eighth grade teaching positions are created as a result of closure and merger with another school, such teaching positions shall be posted and filled in accordance with W. Va. Code §18A-4-7a or §18A-4-8f, as the case may be. The principal shall then undertake to identify any remaining seventh and eighth grade classroom teaching assignments and the certification[s] for each such assignment, relative to the middle school configuration. In order of seniority, classroom teachers shall be requested by the principal to accept an assignment for which they are certified. No teacher shall, however, be required to accept a **change in assignment** as defined in Section 44.01 of this regulation. Any teacher who shall refuse an assignment shall be recommended for transfer. Any teacher who, by virtue of lack of seniority and/or certification, is not offered a teaching assignment shall be recommended for transfer. If such recommended transfers are approved by the Board, all remaining unfilled positions shall be posted.

In the event professional educators vote, pursuant to W. Va. Code §18A-4-8f, to give priority to ninth grade teachers in schools where the ninth grade is being removed to a high school, the following provisions shall apply:

- a. Ninth grade teachers shall have priority in filling vacancies created at the feeder high school as a result of the influx of students from the former junior high school.
- b. If a ninth grade teacher does not apply or is not selected for a

ninth grade vacancy, such teacher may displace a less senior teacher at the “new” middle school exclusive of new sixth grade positions.

- c. A ninth grade teacher shall be deemed to be a teacher whose class schedule consists of 50% or more ninth grade classes.
- d. A ninth grade class shall be deemed to be a class which is counted towards a student’s high school graduation requirements.

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Transfer--Service Personnel Assigned to Schools

Series: G45A

Reference: W.Va. Code §§18A-2-7, 18A-4-8g

Issued: 01.09.1992

Revised: 02.04.1997

Revision Number: 1

45.01Reduction. If a determination is made to reduce a service position from a school, the employee assigned to the position to be reduced shall be recommended for transfer. For example, if a half-time kindergarten aide position is recommended to be reduced for the next ensuing school year, the aide currently assigned to the position will be recommended for transfer.

45.02Seniority. Seniority will only be a factor when a reduction is recommended where two or more service personnel are employed in equivalent positions, in which case the least senior employee will be recommended for transfer. For example, if a full-time Custodian I position is recommended to be reduced for the next ensuing school year and the school currently has three full-time Custodians I, the least senior full-time custodian I will be recommended for transfer. Seniority will be determined by the date service commenced with the county within a classification, less any time the employee is willfully absent from employment duties because of a concerted work stoppage or strike or is suspended without pay.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Legislative Service Leave

Series: G46

Reference: W. Va. Code §18A-4-10

Issued: 02.18.1992

Revised: 01.19.1995

Revision Number: 1

46.01 Legislative Service Leave. Any employee who is a member of the Legislature shall be entitled to legislative service leave for each day such employee is in attendance during an extension of a regular session of the Legislature, for each day such employee is in attendance during an extraordinary session of the Legislature, or for each day such employee is in attendance during a committee interim meeting. Legislature service leave shall be charged against the employee's total accumulated personal (sick) leave and, to the extent such leave is so charged, shall be with pay.

46.02 Claims. All claims for legislature service leave shall be made on forms published from time to time by the Office of Accounting.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Travel

Series: G47

Reference: W. Va. Code §18A-5-4

Issued: 07.01.92

Revised: 07.20.2000; 10.20. 2005

Revision Number: 3

47.01 In-State Travel. In-state travel costs will be reimbursed only for travel necessary for the proper conduct of Kanawha County School business.

47.02 Filing Claims for Reimbursement After Returning From In-State Trips.

Expense claims, on Form AD-2, for in-state travel shall be filed within 10 days after completion of trip. In-county expense for mileage shall be filed monthly and by the 10th of the month following such expense. All expenses shall be itemized, including board paid transportation. After expense itemization is totaled, credit for Board paid transportation and/or other advances shall then be itemized and totaled. The difference of the total itemized expense less the total itemized credit shall then be indicated as the net amount finally due to the employee or the Board of Education. *A claim form must be completed even if the expense equals the cash advance.* Daily allowances for in-state travel shall be subject to:

47.02.1 Meals: Employees shall be provided a per diem reimbursement of Twenty-five Dollars (\$25) per day. Meal expenses will be reimbursed only when the employee is away from home overnight. On an overnight trip meal reimbursement will be allowed on both the day of departure and the day of return, if the employee departs Kanawha County prior to 5:00 p.m., and returns to Kanawha County after 12:00 noon.

47.02.2 Transportation: Reimbursement will be made for the actual cost of bus, rail or air travel. A receipt for the amount paid for airplane tickets and other commercial transportation must be

submitted with the expense account. The mileage allowance for use of privately owned vehicles engaged in Kanawha County School business will be at the "Standard Mileage Rate" published by the Internal Revenue Service, plus parking and garage fees, when applicable. *Note: County vehicles must be used for in-state travel when they are available. If two or more employees are to travel to the same destination, they should travel together.*

47.02.3 Lodging: Employees traveling on Kanawha County School business will be reimbursed in an amount equal to their actual hotel bills for lodging. No reimbursement will be made for hotel charges for radio, television, laundry or valet charges. A receipt for the amount paid for hotel rooms must be submitted with the expense account.

47.02.4 Registration Fees: Registration fees at meetings or conferences must be supported by a receipt.

47.02.5 Tips and Gratuities: Tips or gratuities shall not exceed fifteen percent (15%) of the cost of allowable hotel charges and meals.

47.03 Out-of-State Travel. Out-of-state travel costs will be reimbursed only for travel deemed necessary for the proper conduct of Kanawha County School business and must be approved 30 days in advance by the Deputy, Associate or Assistant Superintendent, and the Kanawha County Board of Education.

47.04 Filing Claims for Reimbursement After Returning From Out of State Trips. Expense claims, on Form AD-2, for out-of-state travel shall be filed

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Travel

Series: G47

Reference: W. Va. Code §18A-5-4

Issued: 07.01.92

Revised: 07.20.2000; 10.20. 2005

Revision Number: 3

within 10 days after completion of trip. After expense itemization is totaled, credits for Board paid transportation and/or other advances shall then be itemized and totaled. The difference of the total itemized expense less the total itemized credits shall then be indicated as the net amount finally due to the employee or the Board of Education. *A claim form must be completed even if the expense equals the cash advance.* Daily allowances for out-of-state travel shall be as follows:

47.04.1 Meals: Reimbursement will be made for the per diem costs of meals while away from home overnight. (See Section 47.02.1 hereof.) In major cities and metropolitan areas, the reimbursable costs for meals shall be increased to Forty Dollars (\$40) per day.

47.04.2 Transportation: Reimbursement will be made for the actual cost of bus, rail or air travel. The mileage allowance for use of privately owned vehicles engaged in Kanawha County School business will be at the "Standard Mileage Rate" published by the Internal Revenue Service, plus parking and garage fees, when applicable. *Note: Reimbursement for travel in a privately owned vehicle shall not exceed the cost of available air transportation.*

47.04.3 Lodging: employees traveling on Kanawha County School business will be reimbursed in the amount equal to their actual hotel bills for lodging. No reimbursement will be made for hotel charges for radio, television, laundry and valet charges. A receipt for the amount paid for hotel rooms

must be submitted with the expense account.

47.04.4 Registration Fees: Registration fees at meetings or conferences must be supported by a receipt.

47.04.5 Tips and Gratuities: Tips and gratuities shall not exceed fifteen percent (15%) of the cost of allowable hotel charges and meals.

47.05 **Cash Advances.** Cash advances for approved out-of-county travel expenses will be honored by the Accounting Department providing ten days' notice is furnished. The cash advance request is to be accompanied by a copy of the fully approved travel authorization. Cash advance requests are to be made in memorandum form to the Director of Accounting. The employee should cash his/her travel advance check and use the cash advance monies to pay for the airplane ticket, registration, lodging, etc. Purchase orders may not be obtained for the purchase of airplane tickets, registration, or lodging. Airplane tickets, registration, lodging, etc., may not be charged to the Kanawha County Board of Education.

47.06 **Miscellaneous.**

47.06.1 Expenses for personal service such as laundry, personal telephone calls, valet service, entertainment, insurance, etc., are not allowable.

47.06.2 Expenses for meals and lodging incurred while in Kanawha County are not eligible for reimbursement.

47.06.3 If more than one employee seeks to attend a training opportunity or conference, an analysis shall be performed that compares the total cost, including the costs of substitutes, attending such travel, with the cost of

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Travel

Series: G47

Reference: W. Va. Code §18A-5-4

Issued: 07.01.92

Revised: 07.20.2000; 10.20. 2005

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providing a similar opportunity
within the county.

47.07 Spouses Accompanying

Employees on Official In-State or

Out-of-State Business. When spouses accompany employees on in-state or out-of-state business which involves overnight stays, they shall be subject to the following regulations and limitations:

- 47.07.1** Kanawha County Schools will reimburse the employee only for the cost of the employee's lodging expense.
- 47.07.2** The employee is responsible for meals, travel and other miscellaneous expenses of the spouse.
- 47.07.3** Where spouses accompany employees on such trips, it is the responsibility of the employee to provide accident insurance coverage.

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Professional Personnel Evaluation/Administrative Procedures

Series: G48A

Reference: 126 CSR 142 Section 3B

Issued: August 13, 1992

Revised: February 2, 1996; July 1, 1999; September 10, 2002

Revision Number: 3

48.01 Identification of Immediate

Supervisor - For purposes of conducting observations and evaluations immediate supervisors, including the Superintendent, Deputy Superintendent, Assistant Superintendents, Directors, Coordinators, Principals, Assistant Principals, Professional Support Personnel and Coaches, shall be identified by reference to the job descriptions published and amended from time to time by the Superintendent.

48.02 Time Frame for Completion of Evaluation Process -

a. Classroom teachers with zero to two years experience:

-- a minimum of two (2) written evaluations per year is required.

-- one evaluation completed not later than five working days after the conclusion of the first semester.

--The second semester evaluation must be completed by the second Monday in April.

--a minimum of three (3) observations is required for each written evaluation. Two observations shall cover a minimum of thirty (30) minutes each and shall be conducted during an instructional activity. One (1) of the two (2) instructional observations shall be scheduled with the employee. Other observations shall be conducted at the discretion of the supervisor and may include non-instructional

duties. The first observation shall occur on or before November 1.

--After each thirty (30) minute observation of the teacher, the supervisor shall conduct a post observation conference with the employee within five (5) working days. At that time a signed copy of the observation form shall be given to the employee.

b. Classroom teachers with three to five (3-5) years of experience:

--a minimum of one (1) written evaluation per year is required.

--a minimum of two (2) observations is required for each written observation. One of the two (2) observations shall cover a minimum of thirty (30) minutes and shall be conducted during an instructional activity. The supervisor shall schedule one (1) of the two (2) observations with the employee. Other observations may be conducted at the discretion of the supervisor and may include non-instructional activities. The first observation shall occur on or before November 1.

--after each thirty (30) minute observation of the teacher, the supervisor shall conduct a post observation

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conference with the employee within five (5) working days. At that time a signed copy of the observation form shall be given to the employee.

- c. For teachers with five (5) or more years of experience who have not received an unsatisfactory, one (1) evaluation every three (3) years is required unless the supervisor determines that an evaluation is needed more frequently. Supervisors may determine that teachers whose written evaluations include identified deficiencies related to specific performance criteria may be evaluated more frequently than once every three years.

To determine if an evaluation is needed more frequently than once every three (3) years for a particular teacher with five or more years of experience and no unsatisfactory ratings, supervisors shall complete at least two written observations using state performance criteria with deficiencies specified. Observations may be conducted during instructional or non-instructional activities at any time during the school year. The supervisor shall conduct a post observation conference with the teacher within five (5) working days of each observation informing the teacher during any observation conference after the first observation conference that an evaluation using the state performance criteria forms will be conducted with reasons specified. After each conference, a signed copy of the observation form will be given to the teacher.

Teachers with five (5) or more years of experience who have not received an unsatisfactory evaluation may request an evaluation more frequently than once every three years with a written request to the school principal by October 1 in the year an evaluation is requested.

A teacher who has received an unsatisfactory evaluation shall be evaluated every year using state performance criteria forms until five consecutive years of satisfactory rating have been achieved.

- d. Classroom teachers beginning their seventh year:

--a professional growth and development plan may be used in lieu of performance evaluation. The plan will be mutually agreed upon by the employee and supervisor and will contain the following elements: goal(s), objectives and activities, and criteria to measure achievement of goal(s).

--The professional growth and development plan will be implemented for a one (1) year period and will alternate with a performance evaluation.

--The professional growth and development plan will be developed and agreed upon by the employee and supervisor on or before November 1.

Immediate supervisors will discuss the progress toward

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achievement of the goal(s) by June 1 in an evaluation conference and included in a written evaluation narrative..

evaluation. The administrator shall receive a copy of the evaluation within five working days.

e. Administrators with zero to two years of experience:

--The administrator shall maintain a portfolio of materials that validate progress or completion of the mutually established goals.

--a minimum of two (2) written evaluations per year is required.

Immediate supervisors will discuss the progress toward achievement of the goal(s) by June 1.

--one (1) evaluation must be completed within five working days after the end of the first semester.

--the second semester evaluation must be completed by June 1.

h. Professional Support Personnel with zero to two years of experience:

f. Administrators with three or more years of experience:

--a minimum of one (1) written evaluation per year is required.

--a minimum of two (2) written evaluations per year is required.

--one evaluation must be completed not later than five working days after the end of the first semester.

g. All administrators will mutually establish annual written goals for the administrator's performance evaluation on or before October 1.

--the second semester evaluation must be completed by June 1.

--The goals shall be related to the administrator's job responsibilities.

i. Professional Support Personnel with three through five years of experience:

--In addition to the goal setting conference, the administrator and the supervisor shall meet at least once annually to review progress toward meeting the established goals.

--a minimum of one (1) written evaluation per year is required.

--The supervisor will schedule an evaluation conference with the administrator to share findings and prepare the written

--The goals shall be related to the professional support personnel's job responsibilities.

--In addition to the goal setting conference, the

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professional support personnel and the supervisor shall meet at least once annually to review progress toward meeting the established goals.

--The supervisor will schedule an evaluation

conference with the professional support personnel to share findings and prepare the written evaluation. The professional support personnel shall receive a copy of the evaluation within five working days.

--The professional support personnel shall maintain a portfolio of materials that validate progress or completion of the mutually established goals.

j. For professional support personnel with five (5) or more years of experience who have not received an unsatisfactory, one (1) evaluation every three (3) years is required unless the supervisor determines that an evaluation is needed more frequently. Supervisors may determine that professional support personnel whose written evaluations include identified deficiencies related to specific professional support personnel performance criteria may be evaluated more frequently than once every three years.

k. All Professional Support Personnel will mutually establish annual written goals for the

performance evaluation on or before November 1.

l. Coaches:

--a minimum of one(1) written evaluation per coach's contract period is required.

--The principal, assistant principal or athletic director who hold an administrative certification shall evaluate coaches and assistant coaches.

--The principal, assistant principal or athletic director, in conjunction with the head coach, will conduct observations of assistant coaches and evaluate the assistant coaches.

--The principal, assistant principal or athletic director shall conduct observations and evaluations of head coaches. A minimum of two observations is required for each evaluation.

--The principal, assistant principal or athletic director, with input from the head coach, shall conduct observations and evaluations of assistant coaches. A minimum of two observations is required for each evaluation.

--The principal, assistant principal or athletic director shall share the evaluation with the employee during a

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scheduled conference and within a four week period at the conclusion of the coach's contract period.

transferred to the new supervisor for continuation. Employees may not transfer to another school within the county while on a Plan of Improvement.

48.03 Procedure for Sharing Results of

Evaluation - Evaluation results shall be shared through a scheduled conference between the immediate supervisor and the employee.

-- Copies of all improvement plans shall be submitted to the Superintendent, Office of General Counsel, the Assistant Superintendent of Administration and Instruction, the Assistant Superintendent (or department head if applicable) and the Human Resources Office.

48.04 Improvement Process – In the event an employee's performance is unsatisfactory in an area of job responsibility, an improvement plan shall be developed by the employee and the supervisor.

--The improvement plan shall designate how the employee shall meet the criteria standard.

48.05 Improvement Team Selection – The improvement team shall be comprised of the employee's immediate supervisor, one additional administrator preferably in the content area, and one professional educator in the same or related specialization. The professional educator shall be selected by the teacher from a list approved by the county. This list is approved by the Assistant Superintendent of Curriculum. In the event the teacher fails to designate the teacher member of the improvement team, the supervisor shall select the person to serve on the team. Additional members of the improvement team may be selected by the mutual agreement of the employee and the employee's immediate supervisor.

The improvement plan shall:

- Identify the deficiency(ies).
- Specify the corrective action to remediate the deficiencies.
- Contain the time frame for monitoring and deadlines for meeting criteria, but in no case shall an improvement plan be for more than one (1) semester in length.
- describe the resources and assistance available to assist in correcting the deficiency(ies).
- after an employee has successfully corrected deficiency(ies) the employee must continue to meet standards.
- If an employee transfers to any other county within the state during the implementation of an improvement plan, the plan is

48.06 Identification of Training – All supervisors are required to evaluate professional personnel shall receive training from the Center for Professional Development and/or the West Virginia Board of Education.

48.07 Orientation – Each building administrator shall provide an orientation that is calculated to provide all employees with a full understanding of the purposes, instruments and procedures in evaluating the performance of employees.

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

West Virginia Board; Teacher Code of Conduct

Series: G49A

Reference: 162 CSR 18

Issued: 08.25.1992

Revised:

Revision Number:

49.01Publication and Distribution of Code

of Conduct. The Division of Business and Personnel shall publish and distribute the West Virginia Board of Education Code of Conduct, attached hereto as Appendix A, to all teachers, including substitute teachers, employed as of the effective date of this regulation and shall distribute a copy of said code of conduct to all teachers and substitute teachers hired subsequent to the effective date of this regulation.

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Series: G49A

Reference: 162 CSR 18

Issued: 08.25.1992

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APPENDIX A

**WEST VIRGINIA BOARD OF
EDUCATION TEACHER CODE OF
CONDUCT**

West Virginia Board of Education Policy 5902 (162 CSR 18) requires county boards of education to provide a copy of the following code of conduct to all teachers, including substitute teachers.

To provide students with quality educational opportunities which reflect both excellence and equity, every teacher in the public school of West Virginia shall:

1. Demonstrate a belief that all students can learn.
2. Give assignments that make learning relevant;
3. Teach responsible citizenship and life skills;
4. Treat each student fairly;
5. Promote a safe and positive learning environment;
6. Be a good adult role model;
7. Exhibit a caring, honest and professional attitude;
8. Maintain professional growth and development;
9. Communicate with parents;
10. Recognize the community as a partner in educating students;
11. Maintain confidentiality; and,

12. Abide by policies and regulations.

Policy 5902 further provides that school principals shall consider the foregoing code of conduct in evaluating each teacher's professionalism.

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Racial, Sexual, Religious/Ethnic Harassment and Violence

Series: G50A

Reference: W.Va. Code §5-11-9(a)(1); Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; W. Va. Board of Education Policy 2421

Issued: 01.12.1993

Revised: 10.02.2000; 09.20.2001; June 1, 2006

Revision Number: 4

50.01 Purpose. The purpose of these regulations is to prevent racial, sexual or religious/ethnic harassment or violence, towards students and staff, to protect the academic environment and to assure that Kanawha County Schools respond to harassment and/or violence incidents when they occur in a manner that effectively deters future incidents and affirms respect for individuals.

50.02 Racial, Sexual, Religious and Ethnic Harassment or Violence Prohibited.

Harassment or violence on the basis of race, sex, religion or ethnicity occurring in the work place or the educational environment is strictly prohibited and illegal. All employees are responsible for assuring that the workplace and educational environment is free from racial, sexual, religious/ethnic harassment or violence. Because of the District's strong disapproval of offensive or inappropriate sexual behavior at work and at school, all employees must avoid any action or conduct which could be viewed as sexual harassment.

50.03 Definitions.

50.03.1 Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

50.03.1.1 submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual obtaining or retaining employment, or is exchanged for job benefits, or of obtaining an education;

50.03.1.2 submission to or rejection of such conduct by an individual is used as the basis for employment or education decisions affecting such individual;

50.03.1.3 such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or education or creating an intimidating, hostile or offensive working or educational environment; or

50.03.1.4 submission to or rejection of such conduct would have any effect on a student's academic record, disciplinary record, participation in extra-curricular activities or any other detrimental effect on the student.

50.03.2 Sexual Violence is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts include the primary genital area, groin, inner thigh, buttocks or breast, as well as the clothing covering these areas. Sexual Violence may include, but is not limited to:

50.03.2.1 touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;

50.03.2.2 coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts;

50.03.2.3 coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another;

50.03.2.4 threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another; or

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Series: G50A

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Issued: 01.12.1993

Revised: 10.02.2000; 09.20.2001; June 1, 2006

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50.03.2.5 threatening or forcing exposure of intimate apparel or body parts by removal of clothing.

50.03.3 Racial harassment - Racial harassment consists of physical, verbal or written conduct relating to an individual's race when:

50.03.3.1 it has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;

50.03.3.2 it has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or

50.03.3.3 otherwise adversely affects an individual's employment or academic opportunities.

50.03.4 Racial Violence – Racial Violence is a physical act of aggression or physical assault upon another because of, or in a manner reasonably related to, race.

50.03.5 Religious/Ethnic Harassment – Religious/ethnic harassment consists of physical, verbal, or written conduct which is related to an individual's religious or ethnic background when:

50.03.5.1 it has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;

50.03.5.2 it has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or

50.03.5.3 otherwise adversely affects an individual's employment or academic opportunities.

50.03.6 Religious/Ethnic Violence – Religious/ethnic violence is a Physical act of aggression or Assault upon another because of, or in a manner reasonably related

to religion or ethnicity.

50.03.7 Assault – Assault is:

50.03.7.1 an act done with intent to cause fear in another of immediate bodily harm or death; or

50.03.7.2 the threat to do harm to another with present ability to carry out the threat.

50.04 Examples of Sexual Harassing

Behavior. Sexually suggestive or obscene letters or notes; sexual rumors or name calling; unwelcome touching, grabbing or pinching; inappropriate comments about one's body; dirty jokes or stories; dehumanizing graffiti; display of suggestive pictures, cartoons or objects; threats or demands for sexual favors; assault or attempted assault which is gender based, including any attempt by an employee to develop a romantic relationship with a student; and peer and same sex harassment.

50.05 Reporting Complaints. (a) Any employee or student who has a complaint of racial, sexual, religious/ethnic harassment at work or at school by anyone, including supervisors, coworkers, teachers, staff or non-employees, must report the problem to the immediate supervisor, the Director of Employer/Employee Relations, other staff member(s) designated to receive such complaints or the Title IX Coordinator (348-1379). If the complaint involves someone in the employee's direct line of supervision, the employee may report the problem directly to the Director of Employer/Employee Relations. (b) Any employee who has a reasonable suspicion that a student is being sexually harassed by an employee must report the same to the principal

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Series: G50A

Reference: W.Va. Code §5-11-9(a)(1); Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; W. Va. Board of Education Policy 2421

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Revised: 10.02.2000; 09.20.2001; June 1, 2006

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immediately. The principal must then report immediately to the Superintendent. In the event the principal is the harasser, the report shall be made directly to the Superintendent.

50.06 Investigation. All complaints will be promptly and thoroughly investigated. For cases other than alleged sexual harassment of a student by an employee, the investigation shall be undertaken by the principal, immediate supervisor, or their designee unless the alleged harasser is the principal, immediate supervisor, or their designee in which case the Superintendent shall designate another individual to investigate. A written report of the investigation and its findings will be prepared and submitted to the Title IX Coordinator. Absent exceptional circumstances, the investigation shall be completed and a report submitted within ten (10) school days. Complaints involving sexual harassment of a student by an employee must be reported immediately to the superintendent. Investigations of a complaint relating to sexual harassment of a student by an employee shall be conducted in accordance with the requirements of Administrative Regulation Series G64A "Investigative Procedures for Sexual Harassment Complaints." The privacy of the complaining party and the person accused of racial, sexual, religious/ethnic harassment will be kept strictly confidential to the extent permitted by law, as will all reports, documents, statements, and other information generated by the investigation.

50.07 Discipline. If the results of the investigation support disciplinary

action, steps will be taken, which may include a warning, reprimand, suspension or termination of employment. If the harasser is a student, disciplinary action may include suspension or expulsion. Any employee or student who falsely reports racial, sexual, religious/ethnic harassment shall be subject to the same disciplinary actions.

50.08 Student/Employee Relationships.

Employees are strictly prohibited from dating, attempting to cultivate a romantic relationship or becoming involved in inappropriate relationships with students, regardless of the student's age or consent. This prohibition shall be in force at any time so long as the student is considered a student within the school system, including during the summer break, holidays and other times away from school.

50.09 Reprisals. No person shall retaliate against any person who is the victim of or who reports alleged racial, sexual, religious/ethnic harassment or testifies, assists, or participates in an investigation, proceeding, or hearing related to a racial, sexual or religious/ethnic harassment complaint. Retaliation includes, but is not limited to any form of intimidation, reprisal or harassment. Persons found guilty of retaliation shall be subject to discipline.

50.10 Non-exclusive Remedy. These procedures do not limit the right of any person to pursue other avenues of recourse which may include filing an employee grievance, charges with the West Virginia Human Rights Commission, a Title IX grievance, or such other criminal, civil or

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Series: G50A

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Revision Number: 4

administrative remedy as may be available.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Reduction In Force

Series: G51

Reference: W.Va. Code §18A-4-7a

Issued: 10.21.1993

Revised: 12.13.2001

Revision Number: 1

51.01 Definitions.

- (A) Lateral area – For the purposes of complying with the requirements of West Virginia Code 18A-4-7a the term “lateral” shall be defined and applied as follows:
- (1) Employment as an elementary principal shall be deemed an area of lateral employment to principals of either elementary school or middle school. In the event of a reduction in the number of elementary principals, any principal subject to release shall be entitled to displace a middle school principal or an elementary or middle school assistant principal with less administrative seniority in inverse order of seniority.
 - (2) Employment as a middle school or junior high school principal shall be deemed an area of lateral employment to principals of either elementary school, middle/junior high, high school or vocational, technical or adult school. In the event of a reduction in the number of middle or junior high school principals, any principal subject to release shall be entitled to displace an elementary, high school or vocational, technical and adult principal or elementary, middle/junior, high school or vocational, technical or adult assistant principal with less administrative seniority in inverse order of seniority.
 - (3) Employment as a senior high school principal or vocational, technical or adult school principal shall be deemed an area of lateral employment to principals of middle/junior, high school or vocational, technical or adult schools. In the event of a reduction in the number of senior high, vocational, technical or adult school principals, any principal subject to release shall be entitled to displace a middle/junior high school principal or a senior high, vocational, technical or adult assistant principal with less administrative seniority in inverse order of seniority.
 - (4) Employment as an elementary assistant principal shall be deemed an area of lateral employment to elementary and middle school assistant principals. In the event of a reduction in the number of elementary assistant principals, any assistant principal subject to release may displace a middle school assistant principal with less administrative seniority in inverse order of seniority.
 - (5) Employment as a middle school or junior high school assistant principal shall be deemed an area of lateral employment to assistant principals in elementary, middle/junior, high school or vocational, technical and adult school. In the event of a reduction in the number of middle/junior high school

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- assistant principals, any assistant principal subject to release may displace an elementary, high school or vocational, technical or adult school assistant principal with less administrative seniority, in inverse order of seniority.
- (6) Employment as a high school assistant principal or vocational, technical or adult school assistant principal shall be deemed an area of lateral employment to middle/junior high school and high school, vocational, technical or adult school assistant principals. In the event of a reduction in the number of high school, vocational, technical or adult school assistant principals, the assistant principal subject to release may displace a middle/junior high school assistant principal with less administrative seniority, in inverse order of seniority.
- (7) “Administrative Seniority” means the number of school years, or fractions thereof, which an employee has been employed as either an assistant principal, principal or central office administrator. Employment in an administrative position for the full 200 day employment term for teachers in a school year shall be deemed to be employment in such position for a full school year.
- (8) When a principal is subject to release, such principal shall displace less senior administrators in the following order: principals at other lateral areas, assistant principals at the principal’s same level and assistant principals at other lateral areas.
- (9) The employment of professional personnel, other than classroom teachers, principals, and assistant principals, in position of like rank, in terms of title, nature of responsibilities, and salary level shall be deemed employment in a lateral area.
- (B) Reduction in force vacancy – Means a vacancy which is created for the purpose of accommodating the placement of an employee who, by virtue of seniority and certification, is entitled to employment in a position in connection with a reduction in force.
- (C) Employment in a position where previously employed – Means the employment of a professional employee in a classification of employment of previous employment as contrasted with employment in an exact position of previous employment.
- 51.02 Reduction In Force Steps.** The following steps shall be observed in staffing schools, adjusting other professional personnel assignments and, if necessary, accomplishing a reduction in force;
- (A) Each year the Personnel Department, in conjunction with the Division of Administration and Instruction and the Office of

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- Exceptional Students shall determine the staffing levels of each school in accordance with Kanawha County Schools policies.
- (B) Each year the Superintendent shall determine any recommended reductions or additions of other professional personnel positions.
- (C) Each year all persons who are recommended for transfer shall be identified.
- (D) Each year all vacancies which are to be filled relative to the staffing needs of the next ensuing school year shall be identified and advertised, including all positions held by employees teaching on permit, who have not obtained certification within five years.
- (E) In the event a sufficient number of vacancies are not available to accommodate those persons to be recommended for transfer, the Personnel Department shall ascertain the seniority and areas of certification held by each employee to be recommended for transfer.
- (F) The Personnel Department shall then ascertain the least senior professional employees according to areas of certification needed to accommodate more senior employees who are to be recommended for transfer.
- (G) Prior to April 1 of each year all employees who are required to be reduced shall be so notified in a timely fashion and provided with an opportunity to be heard by the Board.
- (H) On or before the first Monday in April of each year all employees to be recommended for transfer shall, starting with the most senior employee, be notified of the reduction in force vacancy to which a transfer is recommended. Reduction in force vacancies shall be identified by matching the most senior employee with the position vacated by the least senior employee in the relevant area of certification. However, with respect to reduction in force vacancies created in principal positions, the Superintendent, after consultation with the affected principals, shall identify the reduction in force vacancy to which each affected principal is recommended for transfer.

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

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Secondary Staffing

Series: G52A

Reference: W. Va. Code §18A-5-18b; 126 CSR 17; 126 CSR 43

Issued: 01.09.1994

Revised: 01.08.2001

Revision Number: 2

52.01 General Purpose. The purpose of this regulation is to establish a staffing procedure that is fair and easily understood and that provides for the delivery of a rich curriculum with available resources.

52.02 Reference. Reference will be made to the second month report as the primary basis for staffing decisions. Move-up numbers will be examined to verify enrollment trends.

52.03 Special Education Staffing. Special education staffing will be referenced to state caseload limitations and Individualized Educational Plan requirements. Special education positions will not be counted in regular curriculum staffing ratios.

52.04 Regular Curriculum Staffing. All secondary schools will be staffed at a twenty one (21) student to one (1) teacher ratio, unless exceptions are made pursuant to either §31.07 or §31.08.

52.05 Required Courses. Staff will be configured to deliver courses and electives required by 126 CSR 143. Local school programming will be permitted within the regular curriculum-staffing ratio. Consideration must be given to shared staff and alternative year course offerings.

52.06 Special Criteria For High Schools. Part time students shall be considered full time for purposes of determining second month enrollment.

52.07 Special Criteria For Small Junior High Schools. Junior high schools with less than three hundred (300) enrollment, as determined by the second month report, may be eligible for additional staff if necessary to meet the program requirements set forth in 126 CSR 43.

52.08 Special Criteria For Middle Schools. Middle schools may be eligible for additional staff if necessary to meet the program requirements set forth in 126

CSR 143 and to provide teaming for basic skills, including common planning. Move-up numbers shall be examined to determine enrollments of school teams. A review team consisting of the principal, teachers and appropriate assistant superintendents will examine middle school and small junior high school schedules to determine the level of staffing needed to deliver the required program.

52.09 Principal. All secondary schools shall be under the direction of a supervising principal.

52.10 Assistant Principals. Middle/junior high schools with enrollments of three hundred (300) or more will be staffed with one (1) assistant principal. High schools will be staffed with at least one (1) assistant principal. High schools with enrollments of one thousand and one hundred (1100) or more will be staffed with two (2) assistant principals.

52.11 Assistant Principals For Curriculum. All high schools will be staffed with one assistant principal for curriculum.

52.12 Counselor/High School.

Enrollment	Counselors
701+	3 + 1 for each additional 350
401 to 700	2
to 400	1

52.13 Counselor/Middle/Junior High Schools.

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Secondary Staffing

Series: G52A

Reference: W. Va. Code §18A-5-18b; 126 CSR 17; 126 CSR 43

Issued: 01.09.1994

Revised: 01.08.2001

Revision Number: 2

Enrollment	Counselors
1,150	3
701 to 1,149	2
to 700	1

52.14 Secretaries And Clerks. Each school will be staffed with one secretary. Each school with an enrollment of one thousand (1,000) or more will be staffed with three (3) clerks. Each school with an enrollment of less than one thousand (1,000) will be staffed with two (2) clerks. One of these clerk positions shall be assigned to the counselor's office on a half-time basis. Each school with more than 500 enrollment, but less than 1000 enrollment will be staffed with one (1) clerk.

52.15 Librarian. Each school with an enrollment of one thousand five hundred (1,500) will be staffed with two (2) librarians. Each school with an enrollment of less than one thousand five hundred (1,500) will be staffed with one (1) librarian.

52.16 Superintendent's Discretion. The Superintendent shall have discretion to recommend alternative staffing levels if circumstances, including, but not limited to, budget restraints, identified school-wide academic deficiencies, or other compelling factors, warrant.

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Childbirth; Adoptive Parent Leave

Series: G53A

Reference: W.Va. Code §§18A-4-19, 18A-2-2a

Issued: 02.09.1994

Revised:

Revision Number:

53.01 Definitions.

53.01.1 Primary caretaker – the parent or adoptive parent who is responsible for attending to a majority of child care duties in terms of the amount of time spent with child as well as specific duties such as feeding, clothing, supervising, bathing, etc. If a parent or adoptive parent other than the employee remains in the home during any relevant time periods, it will be presumed that the employee is not the primary caretaker.

53.01.2 Secondary caretaker – a parent or adoptive parent who is not a primary caretaker.

53.02 Pregnancy Leave. Pregnancy leave is required when, in the opinion of the employee's attending physician, the employee is unable to continue her duties. Pregnancy leave shall be charged against the employee's total accumulated sick leave and, to the extent such leave is so charged, shall be with pay.

53.03 Convalescence Leave. Following childbirth an employee shall remain on convalescence leave until such time as her attending physician certifies in writing that the employee is able to continue her duties. Convalescence leave shall be charged against the employee's total accumulated sick leave and, to the extent such leave is so charged, shall be with pay.

53.04 Adoptive Parent Leave. Immediately following the arrival of an adoptive child into the home of an adoptive parent employee, such employee shall be entitled to adoptive parent leave for a period of up to forty-five consecutive calendar days if such employee is the primary

caretaker of such child or children. Adoptive parent leave shall be charged against the employee's total accumulated sick leave and, to the extent such leave is so charged, shall be with pay.

53.05 Secondary Caretaker Leave.

Immediately following the arrival of an adoptive child into the home of a secondary caretaker employee or immediately following the birth of a child of a secondary caretaker employee, such employee shall be entitled to secondary caretaker leave for a period of up to five consecutive calendar days. Secondary caretaker leave shall be charged against the employee's total accumulated sick leave and, to the extent such leave is so charged, shall be with pay.

53.06 Child Care Leave. Parents of newborn children or adoptive parents of newly arrived children shall be granted child care leave for a period of up to one calendar year upon written request for the purpose of pregnancy, childbirth or adoptive or infant bonding. An employee shall not be required to take other forms of leave provided in this policy, sick leave or annual leave prior to taking childcare leave. Such leave will be without pay and shall be regarded as leave of absence for purposes of determining rights and benefits upon return to work.

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Use of Non-Certified Personnel for Enrichment

Series: G54A

Reference:

Issued: 02.09.1994

Revised:

Revision Number:

54.01 Employment of Non-Certified

Personnel. The Kanawha County School System may employ non-certified personnel on a part-time or temporary basis in highly specialized areas, such as the performing arts, and some professions, when certified personnel lack the specific training needed to provide enrichment instruction. The non-certified personnel may not replace a certified classroom teacher.

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Drug and Alcohol Testing for School Bus Operators

Series: G55A

Reference:

Issued: 12.06.1994

Revised:

Revision Number:

55.01 General. School bus operators, other service personnel who may be required to operate a school bus in accordance with their job descriptions, and employees who are required to operate commercial motor vehicles shall be subject to a drug and alcohol testing program that fulfills the requirements of the Code of Federal Regulations, Title 49, Part 382. Testing procedures and facilities used for the tests shall conform with the requirements of the Code of Federal Regulations, Title 49, Section 40 et seq.

55.02 Pre-Employment Tests. Tests shall be conducted before the first time a driver performs any safety-sensitive function for the District. (49 CFR 382.301) Safety-sensitive functions include all on-duty function performed from the time a driver begins work or is required to be ready to work until he/she is relieved from work and all responsibility for performing work. It includes driving; waiting to be dispatched; inspecting and servicing equipment; supervising, performing or assisting in loading and unloading; repairing or obtaining and waiting for help with a disabled vehicle; performing driver requirements related to accidents; and performing any other work for the district or paid work for any other entity. (49 CFR 382.107, 395.2).

The tests shall be required of an applicant only after he/she has been advised that the Superintendent intends to recommend to the Board that he/she be employed in a position. Exceptions may be made for drivers who have had the alcohol test required by law within the previous six months and participated in the drug-testing program required by law within the previous 30 days, provided that the District has been able to make all verifications required by law. (49 CFR 382.301)

55.03 Post-Accident Tests. Alcohol and controlled substance tests shall be conducted as soon after an accident as practicable on any driver:

55.03.1 Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved loss of human life; or,

55.03.2 Who received a citation under state or local law for a moving traffic violation arising from the accident. (49 CFR 382.303)

Drivers shall make themselves readily available for testing, absent the need for immediate medical attention. (49 CFR 382.303) No such driver shall use alcohol for 8 hours after the accident or until after he/she undergoes a post-accident alcohol test, whichever occurs first. (49 CFR 382.209) If an alcohol test is not administered within 2 hours or if a drug test is not administered within 32 hours, the District shall prepare and maintain records explaining why the tests were not conducted. Tests will not be given if not administered within 8 hours after the accident for alcohol or within 32 hours for drugs.

Tests conducted by authorized federal, state or local officials will fulfill post-accident testing requirements provided they conform to applicable legal requirements and are obtained by the District. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations. (49 CFR 382.303)

55.04 Random Tests. Tests shall be conducted on a random basis at unannounced times throughout the year. Tests for alcohol shall be conducted just before, during or just after the performance of safety-sensitive functions. The number of random alcohol tests annually must equal 25% of the average number of driver positions. The number of random drug tests

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Drug and Alcohol Testing for School Bus Operators

Series: G55A

Reference:

Issued: 12.06.1994

Revised:

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annually must equal 50% of the average number of driver positions. A scientifically valid random process shall select drivers, and each driver shall have an equal chance of being tests each time selections are made. (49 CFR 382.305).

55.05 Reasonable Suspicion Tests. Tests shall be conducted when a supervisor or district official trained in accordance with law has reasonable suspicion that the driver has violated the District's alcohol or drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech or body odors. The observations may include indications of the chronic and withdrawal effects of controlled substances. (49 CFR 382.307). Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before or just after the period of the workday when the driver must comply with alcohol prohibitions. An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within two hours of a determination of reasonable suspicion, the District shall prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate after eight hours. (49 CFR 382.307). A supervisor or District official who makes observations leading to a controlled substance reasonable suspicion test shall make a written record of his/her observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier. (49 CFR 382.307).

55.06 Enforcement. Any driver who refuses to submit to a post-accident, random, reasonable suspicion or follow-

up tests shall not perform or continue to perform safety-sensitive functions, and shall be subject to dismissal. (49 CFR 382.211) Drivers who test positive for alcohol (concentration of 0.02 or greater) or drugs shall be subject to disciplinary action up to and including dismissal.

A driver who violates district prohibitions related to drugs and alcohol shall receive from the district the names, address, and telephone numbers of substance abuse professionals and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee shall be evaluated by a substance abuse professional who shall determine what help, if any, the driver needs in resolving such a problem. Any substance abuse professional who determines that a driver needs assistance shall not refer the driver to a private practice, person, or organization in which he/she has a financial interest, except under circumstances allowed by law. (49 CFR 382.605) The District shall not be responsible for any costs associated with the evaluation, counseling, or treatment of drug and alcohol related problems.

An employee identified as needing help in resolving a drug or alcohol problem shall be evaluated by a substance abuse professional to determine that he/she has properly followed the prescribed rehabilitation program and shall be subject to unannounced follow-up tests after returning to duty, if such employee is returned to duty. (49 CFR 382.605).

55.07 Return-To-Duty Tests. A drug or alcohol test shall be conducted when a driver who has violated the District's drug or alcohol prohibition returns to performing safety-sensitive duties, if such employee is returned to duty. (49 CFR 382.309) Employees whose conduct involved drugs cannot return to

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Drug and Alcohol Testing for School Bus Operators

Series: G55A

Reference:

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- duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result. (49 CFR 382.605).
- 55.08 Follow-up Tests.** A driver who violates the District's drug or alcohol prohibition, who is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem and who is returned to duty shall be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with law. Follow-up alcohol testing shall be conducted just before, during or just after the time when the driver is performing safety-sensitive functions. (49 CFR 382.3211).
- 55.09 Records.** Employee drug and alcohol test results and records shall be maintained under strict confidentiality and released only in accordance with law. Upon written request, a driver shall receive copies of any records pertaining to his/her use of drugs or alcohol, including any records pertaining to his/her drug or alcohol tests. Records shall be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver. (49 CFR 382.405).
- 55.10 Notification.** Each driver shall receive educational materials that explain the requirements of the Code of Federal Regulations, Title 49, Part 382, together with a copy of the District's policy and regulations for meeting these requirements. Drivers shall also receive information about legal requirements, District policies, and disciplinary consequences related to the use of alcohol and drugs. Representatives of employee organizations shall be notified of the availability of this information. The information shall identify:
- 55.10.1** The person designated by the District to answer driver questions about the materials.
- 55.10.2** The categories of drivers who are subject to the Code of Federal Regulations, Title 49, Part 382.
- 55.10.3** Sufficient information about the safety-sensitive functions performed by drivers to make clear what period of the work day the driver is required to comply with Part 382.
- 55.10.4** Specific information concerning driver conduct that is prohibited by Part 382.
- 55.10.5** The circumstances under which a driver will be tested for drugs and/or alcohol under Part 382.
- 55.10.6** The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results and ensure that test results are attributed to the correct driver.
- 55.10.7** The requirements that a driver submit to drug and alcohol tests administered in accordance with Part 382.
- 55.10.8** An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendance consequences.
- 55.10.9** The consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation, and treatment.
- 55.10.10** The consequences for drivers found to have an alcohol concentration of 0.02 or greater, but less than 0.04.
- 55.10.11** Information concerning the effects of drugs and alcohol on an individual's health, work and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a

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coworker's); and, available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to an employee assistance program and/or referral to management. (49 CFR 382.601).

Each driver shall sign a statement certifying that he/she received a copy of the above materials. (49 CFR 382.601). Before any driver operates a commercial motor vehicle, the district shall provide him/her with post-accident procedures that will make it possible to comply with post-accident testing requirements. (49 CFR 382.303).

Before drug and alcohol tests are performed, the District shall inform drivers that the tests are given pursuant to the Code of Federal Regulations, Title 49, Part 382. This notice shall be provided only after the compliance date specified in law. (49 CFR 382.113). The District shall notify a driver of the results of a pre-employment drug test if the driver requests such results within 60 calendar days of being notified of the disposition of his/her employment application. (49 CFR 382.411) The District shall notify a driver of the results of random, reasonable suspicion and post-accident drug tests if the test results are verified positive. The District shall also tell the driver which controlled substance(s) were verified as positive. (49 CFR 382.411).

Drivers shall inform their supervisors if at any time they are using a controlled substance that their physician has prescribed for therapeutic purposes. Such a substance may be used only if the physician has advised the driver that it will not adversely affect his/her ability to safely operate a commercial motor vehicle. (49 CFR 382.213)

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Professional Personnel Allocation

Series: G56A

Reference:

Issued: 12.28.1994

Revised: 02.18.1995

Revision Number: 1

56.01 General. Professional personnel allocation recommendations shall be made to the Board by the Superintendent in the context of a recommended annual budget. Such professional personnel allocation recommendations shall also be reflected in proposed personnel actions.

56.02 Definitions.

(a) Management Team – The Management Team shall consist of: the Superintendent, all Associate and Assistant Superintendents; the Treasurer; General Counsel; other administrators designated from time-to-time to serve by the Superintendent; a representative designated by the Schoolmasters; and, a representative designated by the Elementary Principals Association.

(b) “Adjusted Enrollment,” “Professional Educator” and “Professional Instructional Personnel” – Shall be defined as set forth in W. Va. Code §18-9A-2 and as may be amended from time-to-time.

56.03 Allocation of Professional

Personnel. Prior to December 15 of each year the Management Team will ascertain the total number of professional educators that will be funded through the state aid formula and will also ascertain the total number of the existing professional educator billets. If the total number of professional educator billets must be reduced, consideration shall be given to the elimination of positions in the following order:

(a) Central office administrators, other professional personnel, and professional educators that are not based in schools, Cabell Alternative School professional personnel, vocational school personnel;

(b) Assistant principals; and,

(c) Principals.

To determine the total number of professional educator billets that will be budgeted and assigned to the schools the total number of personnel identified in Section 56.03, paragraph (a), will be subtracted from the total number of professional educator billets to be funded through the state aid formula. To this difference the Management Team will add the total number of professional educator billets to be funded through local revenue.

The Management Team will consider the percentage of professional educators that is attributed to each of the six areas’ adjusted enrollment and shall allocate school based professional educator staff to each area, based upon the percentage of adjusted enrollment in each of the areas.

56.04 School Staffing. Each Area Assistant Superintendent, working in conjunction with each school in his or her area, shall allocate professional educators to each school from the total allocation. Consideration shall be given to the following factors:

(a) State staffing requirements;

(b) The mission and goals of the District;

(c) Systemwide equity;

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Reference:

Issued: 12.28.1994

Revised: 02.18.1995

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- (d) Special needs students served in regular classroom;
- (e) Socio-economic needs of the student population;
- (f) The provision of required planning time;
- (g) Split grades:
 - levels of split grades
 - sequence of split grades in a single school
 - class size of split grades
 - existence of straight grade class in conjunction with split grades
- (h) Special funded staff assigned to school;
- (i) Class size at primary grade levels; and,
- (j) Classes and electives required by the State.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Posting of New Administrative Positions

Series: G57

Reference:

Issued: 01.19.1995

Revised:

Revision Number:

57.01 Posting New Administrative

Positions. When the administration wants to add a new administrative position that currently does not exist, or modify an existing administrative position such that it must be posted, then the administration must submit the position title and description to the board at a regular board meeting prior to posting the job. The Board must vote to approve the posting of this administrative position before it can be posted.

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Political Activity; Employee Restrictions

Series: G58A

Reference:

Issued: 09.04.1996

Revised:

Revision Number:

58.01 Prohibited Activities.

- (a) No employee shall use public property in connection with any type of partisan or nonpartisan political campaigning.
- (b) No employee shall engage in any type of partisan or nonpartisan political activity during instructional time or during work periods.
- (c) No employee shall post or distribute or facilitate the posting or distribution of political materials including, but not limited to, circulars, letters, leaflets, petitions, badges, pins, balloons or posters on Kanawha County Schools property.
- (d) No employee shall collect or solicit campaign funds on Kanawha County Schools property during instructional time or during work periods.
- (e) No employee shall solicit campaign workers on Kanawha County Schools property during instructional time or during work periods.
- (f) No employee shall use students in writing, addressing, or distributing campaign materials.
- (g) No employee shall publish or allow the publication of any materials under the auspices of Kanawha County Schools or under the auspices of an individual school which endorses or supports a political view or candidate for public office.

- (h) The use of state, local, or federal funds for partisan political purposes is prohibited.

58.02 Permitted Activities. Nothing in this regulation shall be construed to prohibit the following activities:

- (a) The right of employees, as citizens, to engage in political activity so long as such activity does not occur during the instructional time or during work periods.
- (b) The conduct of appropriate instructional activities designed to accomplish a predetermined learner outcome.
- (c) The use of political figures as resource persons in the classroom provided there is an attempt to present a balance of parties, ideology or conflicting points of views.
- (d) The dissemination of information relative to proposed constitutional amendments, referendums, levy elections, etc., which relate directly to public education.
- (e) Wearing political badges or pins of reasonable size and number on Kanawha County Schools property during instructional time or during work periods.
- (f) The use of facilities for political functions otherwise permitted by separate policies and administrative regulations which relate to the use of facilities.

58.03 KCS-TV. The Administrative Assistant for Staff Development/ Instructional Television, upon the

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Political Activity; Employee Restrictions

Series: G58A

Reference:

Issued: 09.04.1996

Revised:

Revision Number:

request of a bona fide candidate for the office of Member of the Kanawha County Board of Education, shall program an equal opportunity to appear on KCS-TV in response to an appearance by an incumbent candidate for the office of Member of the Kanawha County Board of Education upon a program that is controlled, or approved, by the incumbent Member of the Kanawha County Board of Education. Programs produced prior to the time an incumbent Member of the Kanawha County Board of Education becomes a candidate for reelection shall not trigger the equal opportunity requirement. Requests to appear must be submitted to the Administrative Assistant for Staff Development/ Instructional Television within seven days of the appearance on KCS-TV by an incumbent candidate for Member of the Kanawha County Board of Education.

58.04 Penalties. Any employee who shall violate any provision of Section 58.01 of this regulation shall be guilty of willful neglect of duty and subject to appropriate disciplinary measures.

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Training Leave--Service Personnel

Series: G59A

Reference:

Issued: 10.17.1996

Revised:

Revision Number:

59.01 General Policy. The Board encourages service personnel to pursue activities designed to assist such employees to better meet the demands of their positions.

59.02 Reasons for Leave. Absences from duty without loss of pay may be requested for the following reasons:

- (a) Personnel necessarily absent because they are serving as officers or delegates in a meeting of an employee organization, or who are to appear on a program at the meeting.
- (b) Personnel requested by the state department of education to participate in committee work or to attend a meeting called by the State Department of Education.
- (c) Personnel requested by the county Superintendent to be in attendance at a conference or meeting.
- (d) Personnel attending staff development programs.

59.03 Terms and Conditions for Leave.

Absences from duty without loss of pay may be granted under the following terms and conditions:

- (a) Leave shall not be approved if general budget monies are required to pay the cost of substitute employees, unless approved by the Superintendent upon a showing of extenuating circumstances.
- (b) The activity/training is directly related to the employee's job responsibilities.

59.04 Requests for Leave. Written requests for absence from duty without loss of pay will be routed on the appropriate form as follows:

- (a) To the immediate supervisor; and, if approved...
- (b) to the appropriate Division/ Department Head; and, if approved...
- (c) To the Superintendent, or his/her designee, if a substitute is needed upon showing of extenuating circumstances.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Nepotism

Series: G60

Reference:

Issued: 04.23.1998

Revised: 03.15.2007

Revision Number: 1

60.01 Policy. It is the policy of the Kanawha County Board of Education that an applicant for any position within the school district and any employee of the school district seeking transfer or promotion shall be considered solely on the basis of respective qualifications for such position, regardless of whether the applicant is or is not related by blood or marriage to any member or the Board of Education or any employee of the school district. It is further the policy of the Kanawha County Board of Education that relatives of employees shall not be eligible for employment with the district in any situation where there are: potential problems of supervision, safety, security or morale; personal relationships that may disrupt or create a negative or unprofessional work environment; or potential conflicts of interest.

60.02 Definitions.

60.02.1 Immediate Family - Means spouse, parent, sibling, child, or the spouse of a parent, sibling or child; or an individual with whom an employee has a relationship that would be recognized as a common law relationship.

60.02.2 Direct Supervision - Means the authority to direct, recommend scheduling or formally evaluate daily work activities. For the purpose of this definition, principals, assistant principals, lead teachers and department heads shall be regarded as supervisors of all subordinate employees assigned to the school. Also for purposes of this policy, classroom teachers and bus operators shall be regarded as supervisors of aides who are assigned to attend to students within such teacher's

classroom or who ride such bus operator's bus.

60.02.3 Indirect Supervision. – Means an employee is in the direct chain of command between the immediate supervisor of a member of the immediate family and the Superintendent. The prohibition of indirect supervision shall not apply to positions requiring instructional certificates. Also the prohibition of indirect supervision shall not apply to the Superintendent of Schools or to members of the Board of Education.

60.03 Supervision Of Immediate Family Prohibited. No person, either by new hire, transfer, reassignment, or assignment as a substitute, shall be placed in any position in which he or she may directly or indirectly supervise or be directly or indirectly supervised by a member of the immediate family of the employee.

60.04 Supervision Occasioned By Marriage. If a marriage results in the supervision of an immediate family member, the subordinate employee shall be reassigned to an existing vacancy or to the next available vacancy for which the subordinate employee is qualified.

60.05 Employment Procedure. No person shall participate in any personnel action, including recommendation for employment, promotion, advancement or evaluation concerning a member of the employee's immediate family.

60.06 Board Report. In the event the Superintendent recommends the employment or promotion of a member of the immediate family of any administrator at or above the rank of principal or equivalent supervisory

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Nepotism

Series: G60

Reference:

Issued: 04.23.1998

Revised: 03.15.2007

Revision Number: 1

position, the Superintendent shall report to the Board the existence of such a relationship in connection with the recommendation.

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Classification Review - Service Personnel

Series: G61A

Reference: W. Va. Code §18A-4-8

Issued: 05.15.1998

Revised: 03.01.04

Revision Number: 1

61.01 Job Description Review. The Division of Human Resources shall maintain current job descriptions for each classification of service personnel employed by the District. Copies of job descriptions shall be available to all supervisors and employees. Job descriptions shall be reviewed annually and updated as needed to reflect changes in statutory definitions and job responsibilities and duties. Job descriptions shall be consistent with the responsibilities set forth in the class titles contained in W. Va. Code §18A-4-8.

61.02 Employee Evaluation. As part of the regular evaluation process for all service personnel, the immediate supervisor shall review the employee's responsibilities to ascertain that the employee is properly classified in accordance with statutory requirements and the relevant job description.

61.03 Classification Review. An employee or a supervisor may request the Division of Human Resources to conduct a formal classification review. The supervisor shall conduct an analysis of actual job responsibilities and submit the results to the Director for Human Resources. The analysis shall include observations, interviews and document review (where available). A copy of the analysis shall be provided to the employee. The employee may also submit a separate account of responsibilities and supporting documentation for review by the supervisor, Department of Human Resources and other appropriate persons.

61.04 Response. Within thirty (30) days of receipt of a classification review request, the Director for Human Resources will determine whether reclassification is

warranted. A written determination will be provided to the supervisor and the employee and shall include a statement of reasons supporting the determination. If reclassification is warranted, the Director will make a recommendation to the Superintendent who may recommend reclassification to the Board. If an employee regards a classification determination at any level to be adverse to his or her interest, the employee may elect to initiate a grievance. The statutory time limits for initiating a grievance shall be tolled for the period of time required for classification review.

61.05 Standards Of Review. The following standards shall be applied in classification reviews:

61.05.1 Reclassification requires the establishment that an employee's duties more closely match a classification other than the employee's current classification.

61.05.2 A requirement that an employee undertake some responsibilities of another classification (even regularly) does not render an employee misclassified *per se*.

61.05.3 When a statutory classification definition is generally worded, it must be applied broadly.

61.05.4 Comparisons will be made with the statutory definitions of other classifications and job descriptions of other classifications, not with the duties performed by employees who serve in other job classifications.

61.05.5 Incidental duties that are outside the responsibilities defined for a class title, and that require an

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Classification Review - Service Personnel

Series: G61A

Reference: W. Va. Code §18A-4-8

Issued: 05.15.1998

Revised: 03.01.04

Revision Number: 1

inconsequential amount of time to complete, will not support reclassification if the remainder of the employee's duties fall within the current classification.

61.06 Employee Consent. If an employee refuses to consent to a reclassification determination, he or she shall be recommended for transfer and subsequent assignment.

61.07 Position Descriptions. Within the parameters established by county job descriptions and statutory classification definitions, supervisors may establish a detailed position description that defines specific duties and responsibilities to an employee assigned to a position.

61.08 Effective Date of Reclassification. For purposes of establishing seniority and any back pay which may be due, approved reclassification requests shall be effective as of the date of filing the request.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Administrative Selection

Series: G62

Reference: W. Va. Code §18A-4-7a; 126 CSR 147.

Issued: January 21, 1999

Revised: 05.20.2004; 10.20.2005

Revision Number: 2

62.01 Scope. This policy is intended to define the procedure to be observed in the selection of administrators. The terms of this policy are to be construed and applied in a manner consistent with the requirement that selections be made based upon highest qualifications and with the requirements set forth in W. Va. Code §18A-4-7a.

62.02 Posting Requirements. The Human Resources Office shall post each administrative position that becomes open according to the following procedure:

62.02.1 The posting shall be in writing on a standard form designed for that purpose.

62.02.2 The posting shall specify the title of the position, the number of contract days, the salary range, the criteria for evaluating the qualifications of candidates for administrative positions as set forth in W. Va. Code §18A.4-7a, the minimum qualifications for the position, a copy of the job description.

62.02.3 A numerical weight shall be assigned to each of the criteria to be considered. However, no more than 25% of the total weight may be attributed to interview results.

62.02.4 The posting shall state the date of the posting and closing date for applications (five working days minimum).

62.02.5 The posting shall include a statement that indicates the identities and qualifications of applicants will be disclosed in response to Freedom of Information requests.

62.02.6 The posting shall include a statement that meets pertinent legal requirements, that indicates the District does not engage in unlawful discrimination.

62.02.7 The posting shall be displayed in conspicuous working places in each school and administrative unit, sent to all Board Members, and shall be advertised in local, state and national publications when authorized by the Superintendent.

62.03 Minimum Qualifications. The Superintendent, in conjunction with relevant staff, shall establish the minimum qualifications for administrative positions to be included in job postings.

62.04 Job Descriptions. The Human Resources Division shall maintain written job descriptions for all administrative positions. The Superintendent in writing must approve amendments to administrative job descriptions. The Board must approve any amendments to job descriptions that are made in connection with job postings and that relate to minimum qualifications for administrative positions, that upgrade an administrative position, or that downgrade an administrative position.

62.05 Interviews. In the event an interview is identified on the job posting as a criteria to be used in the evaluation of the qualifications of candidates for administrative positions, each candidate who meets minimum qualifications shall be considered for an interview.

62.06 Community Input. The Effective Schools Inventory shall include a

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Administrative Selection

Series: G62

Reference: W. Va. Code §18A-4-7a; 126 CSR 147.

Issued: January 21, 1999

Revised: 05.20.2004; 10.20.2005

Revision Number: 2

section that is calculated to measure desired principal leadership skills. This section shall contain the following description:

IN THE EVENT IT BECOMES NECESSARY TO SELECT A NEW PRINCIPAL, THE OPINIONS OF THE SCHOOL COMMUNITY ON DESIRED PRINCIPAL LEADERSHIP SKILLS WILL BE CONSIDERED IN SELECTING A NEW PRINCIPAL. PLEASE MARK THE FIVE (5) SKILLS THAT YOU BELIEVE ARE MOST IMPORTANT.

The results of this survey shall be used in formulating interview questions.

62.07 Interview Questions. The Superintendent shall designate the person or persons to formulate the interview questions to be used in a structured interview. The questions shall be calculated to measure the qualifications of the candidates to meet the unique requirements of the position. Each question shall be accompanied with a list of desirable responses that will be made available to the members of the interview team on the date of the interview. No person who has been designated to formulate interview questions or members of the interview team may disclose information concerning interview questions or desired responses to anyone in a manner that may result in an unfair advantage to any candidate for a position.

62.08 Interview Team. A standing pool of individuals shall be trained in the interview process and shall be available to be designated by the Superintendent to serve on an interview team. This pool shall contain teachers and

principals at the elementary, junior/middle, and high school levels. All interview teams for school based positions shall include the applicable Assistant Superintendent and in the case of assistant principal openings, the principal of the school. A representative of the Office of Human Resources shall serve on all interview teams. No person who would be prohibited by the Board's anti-nepotism policy from supervising a candidate for a position may serve on an interview committee that evaluates candidate interview performance.

62.09 Interview Procedure. An interview team member designated by the interview team shall ask all questions of each candidate. The responses to each question shall be rated by each interview team member on a scale of 1 to 5 with 5 being the highest score. At the conclusion of all interviews the interview team will review the scores awarded to each candidate by each team member. Following this review, and based upon the attending discussion, team members may adjust their individual scores if they feel an adjustment is indicated. Substantial deviation from consensus scores will be subject to further discussion and committee mediation. The total interview score shall be compiled on each candidate on each question and reported to the Selection Committee. The interview team shall not evaluate the qualifications of the candidates upon other criteria to be considered by the Superintendent. Interview team members shall maintain confidentiality with respect to candidate interview performance.

62.10 Selection Committee. A selection committee that shall include the

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immediate supervisor for the position, a supervisor of the next level of administration, a representative of the Human Resources Office, and, in the case of a school position, a representative of the faculty senate, will award credit in each of the criteria to be considered for each candidate. The selection committee shall incorporate the results of the interview and rank each candidate in ascending order. The names of the top 4 candidates shall be provided to the Superintendent

62.11 **Superintendent's**

Recommendation. The Superintendent shall consider the qualifications of the candidates for administrative positions based upon the criteria set forth in W. Va. Code §18A-4-7a. Such consideration may include, under the criteria other measures or indicators upon which the qualifications may fairly be judged: the results of a structured interview; input from the supervisors or other administrators who are familiar with the job performance of any candidate; successful completion of a leadership internship; and, interviews that may be conducted by the Superintendent. The Superintendent shall select a candidate from the pool provided by the selection committee.

62.12 **Agreement to Retain Position.** An individual who applies for and accepts a position as a principal must agree to serve in the position and shall not be eligible to transfer to any other position within Kanawha County Schools for a period of three full school years from the date the person assumes the position. The Superintendent and the Board of Education may waive this requirement

if the circumstances warrant. An individual who applies for and accepts a position as an assistant principal must agree to serve in the position and shall not be eligible to transfer to any other position within Kanawha County Schools for a period of one full school year from the date the person assumes the position. The Superintendent and the Board of Education may waive this requirement if the circumstances warrant. This requirement is not intended to prevent an individual from seeking a promotion, i.e., moving from an elementary principal position to a middle school principal position or from an assistant principal position to a principal position.

62.13 **Board Review.** In the event the Board declines to approve the Superintendent's recommendation, the candidate who was refused shall be afforded the opportunity to meet with the Board if a request for such a meeting is made within ten (10) days of the Board's action.

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Out of State Travel

Series: G63A

Reference: W.Va. Code §18-5-4; Kanawha County Board of Education Policy G12

Issued: January 22, 1999

Revised:

Revision Number:

63.01 Purpose. These Administrative Regulations are to be used by the Superintendent in deciding whether an out-of-state travel request should be denied or brought to the Board for consideration.

63.02 Student Related Trips. All out-of-state travel associated with student related activities will be considered by the Board and are not included within the context of these regulations.

63.03 Number of Trips. No employee shall attend more than one out-of-state conference or seminar per year, unless such conference or seminar is required by the state or for required certification. Evidence of such requirements shall be provided to the Superintendent and to the Board prior to approval.

63.04 Length of Trips. Out-of-state travel for any individual exceeding five days per school year is strongly discouraged by the Superintendent. The Board shall be informed of previous out-of-state travel during the fiscal year for each individual prior to granting approval for the trip.

63.05 Preferences. Special courses or subject specific seminars with clearly defined learning outcomes which have a direct application to the attendee's daily work shall be given preference over generic group meetings and conferences.

63.06 Number of Attendees. Attendance at generic conferences or meetings are generally limited to no more than five people and the Superintendent and/or the Board will select the attendees if more than five wish to attend. If more than five employees wish to attend such a conference or meeting, such

employees shall provide justification to the Board.

63.07 Outside Funding. Specifically-designed educational trips funded by CASE partners or special local business incentives will be given priority by the Superintendent and the Board.

63.08 In-House Seminars. If there are course specific seminars which more than six employees wish to attend, the Superintendent will determine whether or not it is feasible and more cost efficient to contract with the training organization to offer such training in Kanawha County, West Virginia, rather than sending the group to the seminar.

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Investigative Procedures for Sexual Harassment Cases

Series: G64A

Reference:

Issued: 10.02.2000

Revised: 02.16.2005; 04.24.2006

Revision Number: 2

64.01 Investigative Procedures for Sexual Harassment Cases.

The following steps should be followed in conducting the investigation of alleged sexual harassment of a student by an adult in the Kanawha County school system.

a. The recipient of a complaint or any employee who knows or reasonably believes that a student has been the victim of sexual harassment is responsible to ensure that the complaint and relevant information is reported to the principal, his or her designee, or other school level staff members designated to receive such complaints or the Title IX Coordinator (348-1379). If the complaint involves the principal, the student or the recipient may report the problem directly to the Superintendent (348-7732).

b. At the time of the filing of a complaint, the complainant shall be provided a copy of the "Policies, Procedures and Disciplinary Code; Handbook for Parents and Students" and directed to Section 25.24 et seq. If the complainant is not the victim, the foregoing information shall be provided to the victim at the earliest opportunity, and, in no event not later than the time the victim is interviewed.

c. The complaint may be oral or written, but any oral complaint must be placed in writing by either the complainant, recipient of the complaint, principal, his or her designee, or other school level staff members designated to receive such complaints, or the Title IX Coordinator (348-1379). The form to be utilized is entitled "Kanawha County Schools Incident Report: Possible Sexual, Racial, Religious/Ethic Harassment Matter". See Attachment 1. Whether or not a written statement has been received from a complainant or victim, the completed form

shall be submitted to the Title IX Coordinator by the principal within two school days.

d. If the Superintendent believes there is reasonable evidence indicating the accused violated the Board's Sexual Harassment Policy, the Superintendent will remove the accused from the school setting and place him or her on suspension with pay during the pendency of any investigation and any disciplinary hearing. In the alternative, the accused may be given an alternative assignment at an alternative site which does not involve the direct instruction or supervision of students.

e. The person accused of the harassment should be notified promptly of the investigation after the complaint is placed in writing or the investigator otherwise determines that there are reasonable grounds to believe that an incident of harassment actually occurred. The investigator will advise the accused that there will be no retaliation against any person for reporting the alleged sexual harassment or for testifying, assisting, or participating in an investigation, proceeding, or hearing relating to the sexual harassment claim.

f. An appropriate investigation shall be promptly initiated with a full, confidential interview with the complainant by an investigator not employed at the school site. At the time the interview is scheduled, the "student" complainant must have a parent or guardian present or consent of the parent or guardian must be given for the interview unless the student is eighteen (18) years or older. Prior to the interview, the Lead Counselor for the school district will designate a counselor from another school in the Kanawha County School system to aid and assist the complainant. This counselor is to be present for any interview or testimony of the student unless declined by the student's

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parent or guardian or by the student if the student is eighteen years of age or older.

g. The investigator shall obtain from the complainant the content of the allegations, the names of any witnesses, and supporting documents and evidence. Should the complainant respond orally, the investigator must immediately reduce the response to writing and provide the complainant with a summary for signature. In the alternative, the complainant may be given an opportunity to provide a hand written statement of events. If the student is not capable of reading, the student's parent(s) or guardian(s) may sign for the student.

h. The investigator should confirm whether the appropriate reports were made to the police and/or child protective services. Further, the investigator should determine if any immediate needs exist for the complainant, including scheduling changes or counseling.

i. Following an interview with the complainant, the investigator should individually interview any witnesses identified. Each witness shall be directed to keep the matter confidential.

j. At the conclusion of the interview, the complainant and any witnesses will be advised by the investigator that no persons should retaliate against them for reporting the alleged sexual harassment or for testifying, assisting, or participating in an investigation proceeding or hearing related to the sexual harassment claim. Further, the investigator will advise such individuals that should retaliation or reprisal occur he/she shall promptly report the specific actions to the investigator.

k. Once all witnesses identified by the complainant have been interviewed and all supporting documents or evidence has been

gathered, the investigator will interview the accused employee.

l. At the time of the interview, the accused employee must be provided a copy of the Kanawha County Board of Education Administrative Regulation G50A, and the board's procedure for the investigation of allegations under that regulation.

m. The investigator shall question the accused regarding the alleged allegations and obtain the names of any witnesses and supporting documents and evidence. Should the accused respond orally, the investigator must immediately reduce the response to writing and provide the accused with a summary for signature. In the alternative, the accused may be given an opportunity to provide a hand-written statement of events.

n. At the conclusion of the interview, the investigator will again advise the accused that there shall be no retaliation against any person who reported the alleged sexual harassment or testifies, assists, or participates in the investigation proceeding or hearing related to the complaint. The accused and any witnesses he or she identifies will be advised the matter should remain confidential with the exception of the accused's right to discuss the matter with a hearing representative or attorney for proper presentation of a defense at a disciplinary hearing.

o. Once all witnesses identified by the accused have been interviewed and all supporting documents or evidence has been gathered, the investigator shall provide a written report with accompanying documentation to the Title IX team and Superintendent. The report should summarize the allegations, describe the basis for the investigator's conclusions and set forth recommended action. The investigator

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should document the scope of the investigation even if the result is inconclusive.

p. Regardless of whether the student is hesitant about continuing the investigation, or the accused retires or resigns during the pendency of the investigation, the investigation shall continue until concluded and a report submitted.

q. The investigator shall be responsible for assembling an investigative file which will be maintained by the Title IX Coordinator in a secure and confidential manner. Notwithstanding the Title IX Coordinator's responsibility to maintain the security and confidentiality of the investigative file, the Superintendent and the General Counsel for the school district shall always have the right and authority to review the file. The expungement and deletion of material from the investigative file is prohibited. Further, no separate or private file regarding any allegation of sexual harassment of a student by a school employee shall be maintained by any other employee of the Kanawha County School system.

r. The investigator shall maintain a time line or activity log detailing dates, times and activity undertaken in the investigation process which will be maintained with the investigative file.

s. After review of the written report and documentation, the Superintendent will determine if further investigation is necessary or whether disciplinary action should occur.

t. If the Superintendent determines that a disciplinary hearing is appropriate, the accused employee will be provided written notice specifically stating the grounds upon which the proposed disciplinary hearing is based and specifically state the person(s), date(s), place(s) involved and events so alleged that the employee may identify the

nature of the charges and have a legitimate opportunity to prepare a defense. If the student is intended to be called to testify at the hearing, the parents will be notified by mail that the student will be need to be present for testimony, and that the parents, guardians or other representative may be present during the time the student provides sworn testimony. The hearing may be postponed for good cause, however, if the hearing is postponed at the request of the employee and not rescheduled and held within thirty days from the date originally scheduled, the Superintendent may determine that the employee's status will be changed to suspended without pay.

u. In the event a Kanawha County Schools student, or any other person under the age of 18, testifies as a witness in an employee disciplinary hearing, such testimony shall, at the request of any party, be taken by closed circuit television, teleconference or similar electronic transmission. The testimony of the student or child shall be taken in a room, separate and apart from the room in which the employee is present. The hearing examiner, the court reporter, the attorneys for the parties, the student's or child's parents and any other person the hearing examiner permits for the purpose of providing support for the student or child, in accordance with these regulations or otherwise, shall be present in the room in which the student or child is testifying. The image and voice of the student or child shall be electronically transmitted into the room in which the accused employee is present. The student or child shall testify under oath and shall be subject to examination and cross examination as in the same manner as any other hearing. The hearing examiner may permit consultation between counsel and the parties by adjournment, electronic means or otherwise.

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v. If the accused employee retires or resigns following notice of a disciplinary hearing or during the course of a disciplinary hearing, a letter advising that the employee did not conclude the disciplinary hearing will be sent to the West Virginia State Superintendent of Schools, accompanied by a copy of the disciplinary notice and a copy of the report of allegations. A copy of this letter to the West Virginia State Superintendent of Schools advising that the employee did not conclude the disciplinary hearing and the disciplinary notice and report of allegations will be placed in the employee's personnel file. Such information shall remain in an employee's file unless the Board is specifically ordered to remove such by an administrative body or court of competent jurisdiction such as the West Virginia Education and School Employees Grievance Board, Circuit Court, or West Virginia Supreme Court of Appeals.

w. A disciplinary hearing will be conducted by an independent hearing examiner who is not employed by the Board of Education. The hearing examiner shall, within a reasonable time, submit to the Superintendent specific findings of fact and law along with a recommendation for action.

x. The Superintendent will determine whether discipline is appropriate and the employee shall be given written notice of the Superintendent's action along with any recommendation for Board action. Such discipline may include reprimand, suspension, or termination of employment.

y. Any action by the Board of Education will be timely related to the employee, along with any explanation of the employee's right to appeal to the West Virginia Education State Employee's Grievance Board.

z. The Superintendent will report any conviction of a felony, hearing determination

or admission by the employee of "immorality" or "neglect of duty" pursuant to West Virginia Code Section 18-29-1 et seq. to the State Superintendent of Schools.

aa. The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant by the Superintendent or his/her designee or if the Superintendent is the subject of the complaint, by the President of the Board of Education.

64.02 Dissemination of Policy.

a. A copy of the Title IX Policy and Grievance Procedure shall be posted in each classroom, every school office, every county office, bus garages and warehouses of the Kanawha County Board of Education.

b. A summary of the Sexual Harassment Policy shall appear in the "Policies, Procedures and Disciplinary Code; Handbook for Parents and Students" which handbook will be distributed annually to students and parents or guardians.

c. A complete copy of the Title IX Policy and Grievance Procedure can be found in each school building, administrator's office and each business building of the Board of Education.

d. The Title IX Policy and the Sexual Harassment Policy are to be reviewed annually by the building administrator with all staff.

e. The Kanawha County Board of Education shall require each employee to annually attend at least one (1) hour of training regarding the prevention of sexual harassment within the school district. Such training shall include instruction regarding (1) what sexual harassment is, (2) how sexual harassment can be prevented, (3) what are the

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Investigative Procedures for Sexual Harassment Cases

Series: G64A

Reference:

Issued: 10.02.2000

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Revision Number: 2

rights of victims in the Kanawha County School system, (4) what to do when misconduct occurs, (5) how investigations are conducted and (6) how discipline is administered if misconduct is confirmed.

f. The Kanawha County Board of Education shall require that at least one age appropriate instructional period regarding the prevention of sexual harassment be taught annually to students in the Kanawha County School system. Such instruction shall include, as age appropriate, (1) what sexual harassment is, (2) how sexual harassment can be prevented, (3) what are the rights of victims in the Kanawha County School system, (4) what to do when misconduct occurs, (5) how investigations are conducted and (6) how discipline is administered if misconduct is confirmed.

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Supplemental Salaries for Professional Personnel

Series: G65A

Reference:

Issued: 09.19.2001

Revised:

Revision Number:

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- 65.01** All supplemental salaries must be approved, in advance, by the Superintendent of Schools through a written contract submitted to the Superintendent by the budget manager making the request.
- 65.02** Supplemental salary may be approved through written contract for additional duties outside the regular work day or for extra days employment outside the contract period.
- 65.03** 261 day professional personnel employed in Central Office administrative positions are not eligible to receive supplemental salary paid by Kanawha County Schools. Supplemental compensation for 210 - 240 day Central Office professional personnel may occur only outside the regular employment term; provided that such employees may be contracted to teach one graduate level course each semester outside of the employee's regular work day. All additional days employment outside the contract period for 210-240 day Central Office professional personnel must be approved in advance by the immediate supervisor through a written contract signed by the Superintendent of Schools.
- 65.04** If budgeted accordingly, supplemental salary may be approved for service and professional personnel for the following reasons:
- 65.04.1** To provide staff development/teach classes for service or professional personnel outside the regular work day or contract period, as stated in this regulation.
- 65.04.2** To plan staff development sessions which will take place during the regular work day (for example, during the Staff Development portion of the Faculty Senate Day) If supplemental compensation is provided for planning, then planning must take place outside the work day.
- 65.04.3** To provide requested duties related to staff development outside the regular work day or contract period, as identified in this document (i. e., planning and developing staff development programs, academies, institutes, forums, newsletters & other means of communication; serving as a trustee or mentor to new teachers/principals; assisting with staff development preparation, organizing, implementation, & recording; etc.)
- 65.04.4** To attend required staff development sessions not scheduled during the regular work day and some optional staff development sessions not scheduled during the regular work day.
- 65.04.5** To serve on committees to develop or modify curriculum, select instructional books and materials, develop instructional strategies, or make recommendations to the Superintendent related to curriculum or instruction, as regulated through this document.
- 65.04.6** To work additional days outside the 200 - 240 day contract period as approved by the Superintendent
- 65.04.7** Other purposes deemed necessary by the Superintendent.
- 65.05** Employees may not be compensated by other sources for the same activity or program for which KCS is compensating the employee unless

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organizations are splitting the cost. (For example, if AEL, RESA, a college/university, WVDE, or other entity is compensating an employee for services, then KCS will not compensate the employee for the same services. Employees may take approved vacation or approved personal days if they are providing services for another organization and/or if they are being compensated during the regular work day by another source.)

65.06 Pending budgeted program funds and advance supplemental contract approval, the rate of supplemental compensation for specific duties and activities is as follows:

65.06.1 Presenting at Staff Development Sessions, Workshops, Academies, Institutes, Forums, etc.

One day planning & preparation for a staff development session, workshop, academy, institute, forum, etc. if planning takes place outside the work day.

Professional - \$125.00 per session, if planning is required

Service - \$ 75.00 per session, if planning is required

Presenting a two-three hour staff development session not conducted during the regular work day or within the contract period and the two-three hour session is optional for participants
Professional and Service \$100.00 (plus planning if planning is necessary)

Presenting a four-six hour staff development session not conducted during the regular work day or within the contract period and the four-six hour session is optional for participants
Professional and Service \$200.00 (plus planning if planning is necessary)

Presenting a two-three hour staff development session not conducted during the regular work day or within the contract period and the two-three hour session is required for participants
Professional and Service \$150.00 (plus planning if planning is necessary)

Presenting a four-six hour staff development session not conducted during the regular work day or within the contract period and the four-six hour session is required for participants
Professional and Service \$300.00 (plus planning if planning is necessary)

Teaching a semester-long three hour credit graduate class, undergraduate class, or combined class that meets regularly as scheduled.
\$1,500.00

Teaching a semester-long two hour graduate class, undergraduate class, or combined class that meets regularly as scheduled.
\$1,000.00

Teaching a one hour graduate class, undergraduate class, or combined class that meets regularly as scheduled.
\$500.00

65.06.2 Participating in Staff Development Sessions Not Scheduled During the Regular Work Day

Compensation for attending optional staff development, not conducted during the regular work day or within the contract period, is not required but may be provided for specific activities which reflect the school or county goals and objectives when compensation has been budgeted through a specific project or grant and the supplemental services contract has been approved.

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Supplemental Salaries for Professional Personnel

Series: G65A

Reference:

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Optional attendance at a two-three hour staff development session, not conducted during the regular work day or within the contract period, if funds have been budgeted and approved for supplemental compensation Professional - \$ 50.00 per two-three hour session

Service - \$37.50 per two-three hour session

Optional attendance at a four-six hour staff development session, not conducted during the regular work day or within the contract period, if funds have been budgeted and approved for supplemental compensation Professional - \$100.00 per four - six hour session

Service - \$75.00 per four-six hour session

Required attendance at a two-three hour staff development session not conducted during the regular work day or within the contract period

Service and Professional .5 of the employee's daily rate of pay

Required attendance at a four-six hour staff development session not conducted during the regular work day

Service and Professional Daily rate of pay

65.06.3 Additional work days outside the 200-240 day contract period to perform supplemental job duties (serve on curriculum committees, etc.)

Professional \$100.00 per day

Service \$ 75.00 per day

Additional work days outside the 200-240 day contract period to perform regular job duties as requested by the Superintendent through written contract

Service and Professional Daily Rate

65.07 Contracted (Certified) Teachers (Regular, full time employees may be contracted to teach outside the regular work day or contract period in alternative education programs, adult and technical education classes, community education classes, or to provide Title I services in private schools, or to serve in other situations deemed necessary by the Superintendent.) Other non-professional employees or professional employees in situations not requiring certification may be approved through written contract to serve as staff members, etc. in programs, as well.

Compensation for certified teachers in adult and technical education programs will be *\$18.00 per hour.

Compensation for contracted (certified) teachers will be * \$15.00 per hour

Compensation for other contracted individuals (positions not requiring certification) will be \$7.00 - \$10.00 per hour.

65.08 Fees for all contracted speakers, presenters, consultants, etc. must be approved in advance through written contract by the Superintendent of Schools.

65.09 All budgets approved to provide supplemental compensation for regular employees must include funds for FICA, Workmen's Compensation, and Retirement.

* Hourly amount is currently being studied by a compensation committee.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Substitutes in Areas of Critical Need and Shortage

Series: G66

Reference: W. Va. Code §18A-2-3

Issued: 10.18.2001

Revised:

Revision Number:

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- 66.01. Purpose.** The purpose of this policy is to provide for the employment of retired teachers as substitutes in areas of critical need and shortage.
- 66.02. Findings.** The Kanawha County Board of Education hereby finds and determines that:
- a. there presently exists within Kanawha County, West Virginia, a critical need for substitute teachers in the areas of English, Language Arts, Speech, Journalism, Reading, Social Studies, Driver's Education, Physical Education, Health, Librarian, Art, French, Spanish, Latin, German, Science (Chemistry, General, Physics and Biology), Mathematics, Home Economics, Industrial Arts, Elementary Education, Business, Vocational and Technical, Special Education (All Areas) and Music;
 - b. there is also a shortage of certified substitutes available to cover these areas of critical need; and
 - c. the Superintendent has recommended the Board adopt a policy permitting retired teachers to substitute for an unlimited number of days in order to help alleviate these critical needs shortages.
- 66.03. Policy.** The Kanawha County Board of Education hereby adopts a policy to permit retired teachers to substitute for an unlimited number of days in the school year, without affecting such retiree's monthly retirement benefit, in order to alleviate the critical needs and shortages identified above, all in accordance with the provisions of W. Va. Code §18A-2-3.
- 66.04. Effective Dates.** This policy shall be effective for the school year 2001-2002 and may be renewed annually by the Board.
- 66.05. State Board Approval.** The Superintendent shall cause a copy of this policy to be transmitted to the West Virginia State Board of Education for its approval prior to employment of a retired teacher as a substitute beyond the period now permitted without affecting the retired teacher's monthly retirement benefit.
- 66.06. Affidavit.** Prior to the employment of any retired teacher as a substitute beyond the post-retirement employment limitations established by the consolidated public retirement board, the Superintendent shall submit to the consolidated public retirement board an affidavit, in a form approved by said retirement board, stating the name of the county, the fact that the Board has adopted a policy to employ retired teachers as substitutes to address areas of critical need and shortage and the name or names of the person or persons to be employed pursuant to this policy.

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Employee Health & Safety

Series: G67A

Reference:

Issued: December 14, 2001

Revised:

Revision Number:

67.01 Statement of Purpose. It shall be the policy of Kanawha County Schools to provide a safe and healthy workplace for all employees. KCS employees are entitled to work in an environment free from unsafe conditions and unnecessary hazards. Accidents are undesirable, unplanned occurrences which can result in serious bodily harm, loss of time, property damage, and legal issues. It shall be the policy of KCS to take every reasonable precaution for the safety of its employees. Everyone, including administrators, teachers and service personnel, has a role and responsibility in maintaining a safe workplace. Safety is important to everyone, not only as a protective measure during working hours, but also as an appropriate mode of behavior to minimize accidents at all times.

67.02 Worker's Compensation. KCS shall maintain good standing in the WV Worker's Compensation system and shall cooperate with the Worker's Compensation Division and its representatives in preventing accidents as well as processing claims of any injured employee and assisting the employee in remaining at or returning to work as soon as possible.

67.03 Reporting Injuries. It is the responsibility of each employee to immediately report any injury sustained by the employee to the immediate supervisor, regardless of whether or not medical treatment is required at the time. An accident report form shall be completed by the employee and the immediate supervisor. Prompt reporting is needed to provide accurate data on the nature and cause of injuries in order that appropriate analysis and remedial measures can be undertaken.

67.04 Reporting Hazards. KCS expects its employees to assist in maintaining a safe workplace by being alert for any potential hazards that could cause an injury and promptly reporting the same to their immediate supervisor. Reporting forms will be available to all employees at their work locations and shall be submitted to the Director of Safety at the Regulatory Training Center. All reports shall be reviewed and corrective action taken where appropriate.

67.05 Safety Training. KCS shall offer appropriate safety training to its employees on a regular basis. The training shall be designed to alert employees of the potential for injuries in the workplace and to help them recognize and avoid hazardous situations which could result in an on-the-job injury.

67.06 Return to Work Program. KCS recognizes the importance of establishing and managing an effective program to facilitate a prompt and safe return to work following an employee injury. The program shall be designed to ensure quality medical care, contain Worker's Compensation costs, and return injured workers to productive, gainful employment.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Fleet Safety

Series: G68

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68.01 Policy: Many employees operate board owned vehicles as part of their jobs. Employees are expected to operate vehicles safely to prevent accidents which may result in injuries and property loss. It is the policy of Kanawha County Schools to provide and maintain a safe working environment to protect our employees and the citizens of the communities where we conduct business from injury and property loss. Kanawha County Schools considers the use of automobiles part of the working environment. Kanawha County Schools is committed to promoting a high level of safety awareness and responsible driving behavior in it's employees. Our efforts and the commitment of employees will prevent vehicle accidents and reduce personal injury and property loss claims. This program requires the full cooperation of each driver to operate their vehicle safely and to adhere to the responsibilities outlined in the Fleet Safety Program. Elements of this program include:

68.01.1 Assigning responsibilities at all levels of employment

68.01.2 Vehicle use

68.01.3 Employee driver's license checks

68.01.4 Accident reporting and investigation

68.01.5 Accident Review Committee

68.01.6 Vehicle selection and maintenance

68.01.7 Training standards

68.01.8 Car Phone Safety

68.01.9 Fleet Safety Rules

68.02 Responsibility: Management is responsible for successful implementation and on-going execution of this program. Supervisors and employees are responsible for meeting and maintaining the standards set forth in this program.

68.03 Scope: This policy applies to employees who are required as part of their regular duties to operate vehicles owned by the Kanawha County School Board and will be reviewed by managers and supervisors to ensure full implementation and compliance.

68.04 ORGANIZATION AND RESPONSIBILITIES: The Directors of Pupil Transportation and Maintenance/Energy Management are responsible for directing an aggressive vehicle safety program. The Director of Safety will provide support and technical assistance to the Fleet Safety Program.

68.04.1 The Directors will:

68.04.1.1 Implement the Fleet Safety Program in their areas of responsibility.

68.04.1.2 Insure compliance with the program.

68.04.1.3 Provide assistance and the resources necessary to implement and maintain the program.

68.04.2 Supervisors will:

68.04.2.1 Be held accountable for safety performance in their areas of

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- responsibility through the evaluation process.
- 68.04.2.2** Where conditions permit, investigate all accidents involving personal injury or major property damage. Where on-site investigations are not possible, photographs should be taken. The supervisor should review all the facts available (i.e., driver's report, police report, insurance investigation, and eye witnesses) to determine the likely chain of events.
- 68.04.2.3** Conduct accident investigations to help assure that the conditions responsible for the loss were identified and corrective action was taken, verified as being implemented and later evaluated for its effectiveness.
- 68.04.3** Driver's will:
- 68.04.3.1** Always operate a motor vehicle in a safe manner.
- 68.04.3.2** Maintain a valid driver's license.
- 68.04.3.3** Maintain assigned vehicles according to established maintenance standards.
- 68.04.3.4** Will give verbal notice of an accident immediately to the designated supervisor and shall complete a written accident report form submitted to the supervisor within 24 hours.
- 68.05** Vehicle Use:
- 68.05.1 Passenger Cars:** Employees authorized by their supervisors will be permitted to operate a passenger car.
- 68.05.2 Commercial Vans, Trucks, & Buses:** Employees with appropriate commercial driver's license (if required by the state), authorization from their supervisor and qualified by state and federal DOT (Department of Transportation) when applicable will be permitted to operate the vehicle.
- 68.05.3 Unauthorized Operation of Vehicles:** Assigned drivers and other authorized employees will not allow an unauthorized individual to operate a county owned vehicle. No Exceptions! Disciplinary action may be taken.
- 68.06** Driver Selection:
- 68.06.1 Driver Evaluation:** Employees will be evaluated and selected based on their driving ability.
- 68.06.2** To evaluate applicants and employees as drivers, supervisors will:
- 68.06.2.1** Ensure the employee has a valid driver's license.
- 68.06.2.2** Review past driving performance and work experience through previous employers' reference checks.
- 68.06.2.3** Review the employee's Motor Vehicle Record (MVR) prior to hire. In addition, the motor

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vehicle record of all persons required as part of their regular duties to operate county owned vehicles should be obtained and reviewed at least annually. A driver with a history of accidents and traffic violations is likely to continue in this manner.

post accident classroom training, in-vehicle (road testing), discussion, or skills assessment which may reduce the potential for future accidents. Need for training can be identified through accidents, violations, or complaints.

68.06.2.4 Ensure the employee is qualified to operate the type of vehicle he/she will drive. All employees with commercial driver's license will be given a road test, in traffic, in the type of vehicle they are expected to drive. Road tests results will be documented. Other employees who drive as a part of their duties may be given a road test if reasonable cause for concern about their driving abilities exists.

68.06.3.3 Defensive Driving Techniques - this should be the theme of the driver training program.

68.07 ACCIDENT RECORD

KEEPING, REPORTING &

ANALYSIS: Every accident involving personal injury and/or property damage will be reported, investigated, and reviewed. Each driver will be instructed on how to handle an accident situation. The vehicle driver must give verbal notice of the accident immediately to the designated supervisor and shall complete a written accident report form submitted to the supervisor within 24 hours. As soon as possible after each accident, the driver will be interviewed by the supervisor. The supervisor will complete their own report of the accident investigation using the information gathered from the accident scene, law enforcement, accident reports, witnesses, and discussions with the driver. A master file of accidents and related data should be maintained for purposes such as periodic analysis to identify trends in frequency and severity.

68.06.3 Driver Training: A minimum training program, including any Federal or State Regulations, should involve:

68.06.3.1 Rules of the road, accident and emergency procedures, and knowledge of the vehicle and proper operation. Each vehicle should have an accident report packet, which provides the driver with information on who to notify and forms to record necessary information.

68.06.3.2 Remedial Training - a measure that can be used to improve driving skills and performance. This training can take the form of

68.07.1 An Accident Review Committee shall be established in each department to review accidents and determine preventability. Determining driver

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responsibility for accidents shall be based upon National Safety Council, Rules and Regulations. The purposes of the review will be to:

- 68.07.1.1 Give fair and impartial treatment to the safety record of the driver.
- 68.07.1.2 Provide guidance for the Fleet Safety Program based on actual accident experience.
- 68.07.1.3 Provide the foundation for a Safe Driver Recognition Program
- 68.07.2 Each Accident Review Committee shall include at least one (1):
 - 68.07.2.1 Supervisor
 - 68.07.2.2 Designated safety representative
 - 68.07.2.3 Department employee selected representative
 - 68.07.2.4 Mechanic representative where possible or as needed
 - 68.07.2.5 Back-up representative for the above

68.07.3 Preventable Accidents – A preventable accident is any accident involving a company' vehicle regardless of who was injured, what property was damaged or to what extent, or where it occurred in which the driver in question failed to exercise every possible precaution to prevent the accident. Responsibility for accidents is based on whether or not the accident was preventable and not on who was primarily responsible

or at fault. Responsibility to prevent accidents goes beyond careful observance of traffic rules and regulations. Drivers must drive in a manner to prevent accidents, regardless of the other fellow's faulty driving or non-observance of traffic regulations. Therefore:

UNLESS THOROUGH INVESTIGATION SHOWS EXTENUATING CIRCUMSTANCES QUITE BEYOND THE CONTROL OF THE DRIVER, THE FOLLOWING TYPES OF ACCIDENTS WILL BE REGARDED AS PREVENTABLE. THIS LIST HAS BEEN PREPARED AS A GUIDE TO HELP YOU DETERMINE WHETHER OR NOT AN ACCIDENT SHOULD BE CHARGED AS "PREVENTABLE" ON A DRIVER'S RECORD.

- 68.07.3.1 Grade Crossing Collisions: Collisions with trains at grade crossings. Regardless of where the accident occurred, trains always have the right-of-way.
- 68.07.3.2 Backing Accidents: The care with which a vehicle is backed depends entirely on the driver - whether or not he uses both the left and right rearview mirrors and how careful he is to make certain the way is clear. The driver is in no way relieved of his responsibility to act safely when someone guides him. The guide does not have control of the vehicle and can neither start it

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nor stop it.

68.07.3.3 Collision with the Vehicle Ahead:

Having the vehicle ahead stop suddenly is a common highway hazard.. Collisions with such vehicles are considered preventable because drivers always should follow at a safe distance.

68.07.3.4 Your Vehicle Struck in Rear By Another: Will be considered preventable when:

68.07.3.4.1 Your driver was passing traffic when close to an intersection, then stopped suddenly at the intersection for a red light, stop sign, pedestrian or other vehicle.

68.07.3.4.2 Vehicle was improperly parked.

68.07.3.4.3 Vehicle rolled back in preparation for starting ahead.

68.07.3.4.4 Driver made sudden stop to park, to load or unload merchandise or passengers, for a grade crossing or for similar reasons.

68.07.3.5 Accidents at Intersections:

68.07.3.5.1 Driving Straight Through Intersection: Collisions with vehicles coming from either the left or the right, regardless of the presence or absence of stop signs or traffic lights, or whether the light was green or changing.

68.07.3.5.2 Driving Straight Through

Intersection: Collision with approaching vehicle making left turn in front of your driver.

68.07.3.5.3 Starting Through Intersection When Light Changes: Collision with cross traffic which has not cleared the intersection.

68.07.3.5.4 Making Right or Left Turns: Collision with approaching or cross traffic. Collision with adjacent traffic even when the other vehicle is illegally passing at the intersection. Also, collision with a vehicle leaving curb as your driver makes a right turn.

68.07.3.5.5 Making U-Turn

68.07.3.5.6 Accidents While Passing or Being Passed: Drivers are required to overtake and pass safely, and not speed up when being passed.

68.07.3.5.7 Weaving Right or Left: Failure to keep in line in multiple lane traffic. Some accidents may seem unavoidable if it appears that the other vehicle tried to pass through a space too narrow, when actually the space was made too narrow by the weaving of your driver.

68.07.3.5.8 Squeeze Plays and Shutouts: Usually due to leading driver forcing the other driver to the left of the center line - into viaduct columns, parked vehicles, adjacent traffic, or off the roadway. Drivers should not get into a position where they may

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be forced into trouble, nor should they swerve so as to force others into trouble.

68.07.3.5.9 Accidents in Pulling Away from the Curb or Other Parking Place:

It is the responsibility of your driver to enter the flow of traffic safely.

68.07.3.5.10 Accidents When Entering Traffic from a Driveway, Alley, or Side Street:

It is your driver's responsibility to enter traffic safely from such locations.

68.07.3.5.11 Accidents When Other Driver Enters the Main Road from Driveway, Alley or Side Street:

These accidents may be prevented by Defensive Driving.

68.07.3.5.12 Collisions with Streetcars: Head-on, angle and sideswipe collisions, and all rear end collisions of types covered in paragraph ___ and ___.

Included are all accidents occurring when passing streetcars. It is the driver's responsibility to pass safely.

68.07.3.5.13 Collision With Vehicles from Opposite Direction: Includes both head-on and sideswipe collisions.

68.07.3.5.14 Pedestrian Accidents: All types of pedestrian accidents, including collisions with children and with persons coming from between parked cars.

68.07.3.5.15 Non-Collision and Collision with Fixed Objects: Includes over-turning in roadway, running off roadway, and collision with culvert, traffic signal, parked vehicle, or other object.

68.07.3.5.16 Skidding Accidents: In which your vehicle skids.

68.07.3.5.17 Accidents Due to Poor Visibility: Darkness, fog, rain, snow, sleet, glare, etc. The burden of responsibility is placed on the driver to operate his vehicle within the limits of his ability to see ahead.

68.07.3.5.18 Accidents Due to Faulty Brakes: It is the driver's responsibility to report faulty *brakes*. It is also the driver's responsibility to drive within the limits of the mechanical condition of the vehicle. This classification includes accidents caused by trucks rolling away from parked position due to failure to block the vehicle, to properly set hand brake, air leak, etc.

68.07.3.5.19 Mechanical Failure: When the investigation of a "Mechanical Failure" accident shows that the mechanical failure which caused the accident was due to rough and abusive handling on the part of the driver, the resulting accident should be charged against the driver. Fleet operators should not permit nor require their drivers to operate

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- mechanically defective equipment.
- 68.07.3.5.20** Yard and Terminal Accidents:
The same rules apply regardless of where the vehicle is being operated. When operating on private property the driver is in no way relieved of his responsibility to operate safely.
- 68.07.3.6 Preventable and Non-Preventable Accidents:** After the employee accident is reviewed by the Accident Review Committee, a letter will be sent to the employee indicating how the accident was classified.
- 68.07.3.6.1** For accidents classified as **preventable**, the following applies:
- 68.07.3.6.1.1** A copy of the National Safety Council rules will be provided.
- 68.07.3.6.1.2** If the employee disagrees with the committee's decision, the employee will have ten days from the date of the letter to appeal to the Accident Review Committee. This appeal must be in writing.
- 68.07.3.6.1.3** The Accident Review Team feels that more attention to the driving task, earlier recognition of hazards and appropriate defensive action could have prevented the collision.
- 68.07.3.6.1.4** An appointment will be scheduled for the employee with the supervisor or designated Review Committee member to discuss your first minor preventable accident (less than \$250.00 combined damage and no bodily injury) within the last twelve month period.
- 68.07.3.6.1.5** An appointment will be scheduled for the employee with the Department Director or Safety designee to discuss any major preventable accident or second minor preventable accident within a twelve month period.
- 68.07.3.6.1.6** A written confirmation that the above conference (s) including any corrective actions taken shall be recorded.
- 68.08 Calculating Fleet Accident Frequency Rates for Bench-marking:**
The Bench-marking of the fleet loss, utilizing frequency or severity rates will provide a starting point, as well as a measurement standard as to the direction of the program. Accident statistics can identify the effectiveness of the fleet safety operations. Comparisons may be made against government or agency base loss data, similar industries, fleet or territories of operations. A useful accident analysis tool is a regularly-scheduled computing of the fleet accident

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frequency rate per 1,000,000 vehicle miles. Vehicle miles should be computed from odometer readings of all vehicles and not left to rough guesses based on route mileage unless the operations of the fleet are stable from day to day. The standard formula for figuring a fleet accident rate is: Fleet accident frequency rate equals the Number of Accidents multiplied by 1,000,000 divided by the Total fleet miles driven.

68.09 Safe Driving Award Program:

Management can motivate employees operating county owned vehicles by showing interest for safety and efficient job performance. Safe driving deserves recognition and the driver that does well deserves to be told so.

68.09.1 A safe driver award program is designed for employers to recognize, reward, and encourage the accident-free performance of individual employee's on a annual basis.

68.09.2 Each participating department shall enroll in the National Safety Council Safe Driver Award Program to encourage and promote continuous practice of safe driving skills.

68.09.3 A safe driving award shall be given annually to each regular employee driving a county owned vehicle who:

68.09.3.1 Is not involved in a preventable accident.

68.09.3.1.1 Did not use more than 5 days of sick leave, bereavement leave, personal leave, or a combination of these days.

68.09.3.1.2 Worked a minimum of 133 days in a fiscal year.

68.09.3.1.3 Drove a minimum of 750 miles per calendar month during each full month of their employment term.

68.09.3.2 All drivers qualifying for a safe driving award will receive \$100.00 incentive pay. This incentive program will be evaluated annually to determine its effectiveness and determine if it should be altered or eliminated.

68.10 VEHICLE INSPECTION & MAINTENANCE: The vehicle should be inspected daily by each driver, and at least quarterly by a qualified mechanic, using the Vehicle Inspection Report Form. A copy of the report should be forwarded to the appropriate supervisor. An effective preventive maintenance plan should be established. Guidance may be obtained from the equipment manufacturer. Preventive Maintenance is performed on a mileage or time basis. Records should be kept of all repairs and maintenance performed on any vehicle.

68.11 CAR-PHONE SAFETY: Driving safely must take precedence over phoning. When on the road, drivers must concentrate on safe and defensive driving, not on making phone calls. Placing phone calls while driving a county owned vehicle and the vehicle is in motion is prohibited. If a call is received while driving a county owned vehicle and the vehicle is in motion, the driver should pull off the road in a safe manner to

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conclude the call.

68.12 FLEET SAFETY RULES: The following are safe driving rules to be followed in the Fleet Safety Program. Do not take chances. To arrive safely is more important than to arrive on time. Drivers should be mentally and physically rested and alert prior to each trip.

68.12.1 Drinking of alcoholic beverages while driving, or driving while under the influence of alcohol or restricted drugs, is prohibited.

68.12.2 Drivers must have a valid driver's license for the type of vehicle to be operated, and keep the license(s) with them at all times while driving.

68.12.3 Traffic laws must be obeyed.

68.12.4 Speed shall never be faster than a rate consistent with existing speed laws and road, traffic and weather conditions. Posted speed limits must be obeyed.

68.12.5 Never attempt to exercise the right-of-way; always let the other driver go first.

68.12.6 Keep to the right except when overtaking slow-moving vehicles, or when getting into a position to make a left turn.

68.12.7 Never follow another vehicle so closely that a safe stop can't be made under any conditions. Observe Timed-Interval and Following-Distance guidelines.

68.12.8 Turn signals must be used to show where the driver is heading while going into traffic and before every turn or lane change. Remember, signaling intentions do not give the driver the right of way, or guarantee a safe lane change.

68.12.9 Slow down and watch for children in school zones.

68.12.10 Vehicles are to be driven by authorized drivers only.

68.12.11 Do not give rides to hitch-hikers or strangers.

68.12.12 Seat belts and/or safety restraint systems must be worn by drivers and passengers as designed by vehicle manufacturers.

68.12.13 Check the vehicle daily. Check lights, tires, brakes, and steering particularly. An unsafe vehicle should not be operated until repairs are made.

68.12.14 Drivers must report all accidents immediately.

68.12.15 Drivers must report all arrests and traffic convictions to your employer. Repeated traffic convictions or failure to report traffic accidents or convictions may result in disciplinary action.

68.12.16 Other applicable safe driving rules prescribed by state or local laws or by the applicable D.O.T. Motor Carrier Safety Regulations must be followed.

68.13 **MOTOR VEHICLE**

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RECORD/DRIVING RECORD

EVALUATION: MVR's (Motor Vehicle Reports) should be obtained on all drivers on an annual basis and also used as the foundation for selecting employees who will be allowed to operate a county vehicle. The review of these reports is important when hiring a new driver, as their past driving record affords one of the best clues to his/her future performance as a safe, dependable driver. Past experience has shown there is a high correlation between poor driving records and accident frequency. A new employee should not be allowed to drive a county vehicle until his MVR is obtained and favorable results are noted. Annual review of the MVR should result in the determination of whether an employee can continue to drive a county vehicle.

68.13.1 DISQUALIFYING VIOLATIONS

- 68.13.1.1** As an applicant, has (6) or more points on DMV driving record.
- 68.13.1.2** While employed, has accumulated 10 or more points on DMV driving record at any given time.
- 68.13.1.3** Driving while intoxicated.
- 68.13.1.4** Driving while under the influence of drugs.
- 68.13.1.5** Negligent homicide arising out of the use of a motor vehicle (gross negligence).
- 68.13.1.6** Operating during a period of suspension or revocation.

- 68.13.1.7** Using a motor vehicle for the commission of a felony.
- 68.13.1.8** Aggravated assault with a motor vehicle.
- 68.13.1.9** Operating a motor vehicle without the owners' authority (grand theft).
- 68.13.1.10** Permitting an unlicensed person to drive.
- 68.13.1.11** Reckless driving.
- 68.13.1.12** Racing on streets and highways.
- 68.13.1.13** Hit and run (bodily injury or property damage).

68.13.2 CORRECTIVE ACTION:

Employees will be restricted from driving county vehicles and placed upon a plan of improvement based upon the following criteria:

- 68.13.2.1** Three (3) minor preventable accidents within a 12 month period.
- 68.13.2.2** Two (2) major preventable accidents within a 12 month period.
- 68.13.2.3** Any combination of (3) major or minor accidents within a 12 month period.

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Employee Tuition Assistance

Series: G69A

Reference:

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Revision Number: 1

69.01 USE OF FEDERAL FUNDS FOR TUITION ASSISTANCE

Professional Personnel – TEACHER (Instructional/Pupil Services and Administrative)

Kanawha County Schools, based upon the availability of designated federal funds and need identified through the Unified County Improvement Plan, may assist in the payment of college tuition for professional personnel who qualify to receive benefits under federal guidelines. The school system will identify areas of need to ensure that all teachers are highly qualified under *No Child Left Behind* Legislation, and determine which courses are available for the reimbursement program. Reimbursement will only be issued for courses leading to certification or endorsement in identified areas of need. Kanawha County Schools may also enter into third party agreements with institutions of higher learning to offer courses at a reduced tuition for employees.

In order to be eligible to receive tuition assistance, the course(s) shall:

- assist the individual in becoming *highly-qualified* in the core content area(s), identified under federal *No Child Left Behind* Legislation, in which he or she is currently employed as a teacher.
- support the individual's acquisition of certification in an area that has an insufficient number of certified teachers, according to identified needs.

Application for tuition reimbursement must be initiated through the Certification Coordinator, Human Resources Division, Kanawha County Schools. The individual must complete the course prior to applying

for reimbursement. Upon completion of the course, the individual will submit a request for tuition reimbursement, a receipt issued to the individual from the institution granting the credit, a transcript verifying the grade received in the course and a properly executed W9 form. In order to receive reimbursement for undergraduate courses, the individual must have received a letter grade of an "A", "B", or "C". The individual must have a letter grade of an "A" or "B" to receive reimbursement for a course at the graduate or doctorate level. The course must be completed through an accredited college or university.

Requests of qualifying applicants for tuition reimbursement will be forwarded to the West Virginia Department of Education by the Human Resources Division for review and payment. Reimbursement requests will be honored by Kanawha County Schools, subject to available funding, for qualifying applicants who are denied payment by WVDE due to lack of funds.

Financial assistance for tuition may be provided only for those areas that are identified in the LEA's UCIP or federal projects needs assessment. Individuals accepting tuition reimbursement, must agree to remain under contract, assigned to the identified area of need, with Kanawha County Schools for a minimum of two consecutive school years following completion of certification or advanced degree. Those who terminate their employment contract within this period or who do not complete the certification or advanced degree will be required to repay the tuition funds reimbursed.

The amount of funding available for assistance for tuition is dependent upon needs identified by Kanawha County Schools and the amount of available funding, which will vary from fiscal year to fiscal year.

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Employee Tuition Assistance

Series: G69A

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69.02 USE OF LOCAL FUNDS FOR TUITION ASSISTANCE

Professional Personnel – TEACHER (Instructional/Pupil Services and Administrative)

Kanawha County Schools, based upon the availability of designated state or local funds, may assist in the payment of college tuition for professional personnel who qualify to receive benefits based upon identified local needs outlined in the UCIP.

In order to be eligible to receive tuition assistance, the course(s) shall:

- assist the individual in becoming state-certified in specialized instructional areas that have an insufficient number of fully certified teachers; or
- enable Kanawha County Schools to enhance or implement designated instructional programs.

Reimbursement will not be granted for courses that are Pass/Fail or Satisfactory/Unsatisfactory for professional personnel. Reimbursement will only be issued for courses issuing a letter grade. However, Kanawha County Schools may also enter into agreements with institutions of higher learning to offer courses at a reduced tuition.

Application for tuition reimbursement must be initiated through the Certification Coordinator, Human Resources Division, Kanawha County Schools. The individual must complete the course prior to applying for reimbursement. Upon completion of the course, the individual will submit a request for tuition reimbursement, a receipt issued to the individual from the institution granting the credit, transcript verifying the grade received in the course and a properly executed W9

form. In order to receive reimbursement for undergraduate courses, the individual must have received a letter grade of an “A”, “B”, or “C”. The individual must have a letter grade of an “A” or “B” to receive reimbursement for a course at the graduate or doctorate level. The course must be completed through an accredited college or university.

Requests of qualifying applicants for tuition reimbursement will be forwarded to the West Virginia Department of Education by the Human Resources Division for review and payment. Reimbursement requests will be honored by Kanawha County Schools, subject to available funding, for qualifying applicants who are denied payment by WVDE due to lack of funds.

Financial assistance for tuition may be provided only for those areas that are identified in the LEA's UCIP or federal projects needs assessment. Individuals accepting tuition reimbursement, must agree to remain under contract, assigned to the identified area of need, with Kanawha County Schools for a minimum of two consecutive school years following completion of certification or advanced degree. Those who terminate their employment contract or who do not complete the certification or advanced degree will be required to repay the tuition funds reimbursed.

The amount of funding available for assistance for tuition is dependent upon needs identified by Kanawha County Schools and the amount of available funding, which will vary from fiscal year to fiscal year.

69.03 Service Personnel

Kanawha County Schools, based upon the availability and approval of Service Personnel Staff Development funds, may assist in the payment of college tuition for service personnel (both regular employees and

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Employee Tuition Assistance

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substitutes). Kanawha County Schools may also enter into agreements with institutions of higher learning to offer courses at a reduced tuition

Tuition assistance for school service personnel may be budgeted and approved by the Service Personnel Staff Development Council through the Council's annual budget.

The Service Personnel Staff Development Council will determine the amount to be reimbursed uniformly for each class or semester and will be equal for each employee desiring tuition reimbursement, as outlined in this policy. The amount of funding available for assistance is dependent upon the amount of available funding and may vary from year to year. A Needs Assessment will be conducted each year prior to development of the Councils' budget and shall attempt to determine the number of employees who will apply for tuition reimbursement in a given fiscal year.

In order to be eligible to receive tuition assistance, the course(s) shall:

- increase the individual's job-related knowledge; or
- increase the individual's skill level; or
- lead to an Associate or Bachelor's Degree; or
- lead to an appropriate certification or licensure which may enhance the individual's job performance.

Application for tuition reimbursement must be initiated through the Certification Coordinator, Human Resources Division, Kanawha County Schools. The individual must complete the course prior to applying

for reimbursement. Upon completion of the course, the individual will submit a request for tuition reimbursement, a receipt issued to the individual from the institution granting the credit, transcript verifying the grade received in the course and a properly executed W9 form. In order to receive reimbursement for undergraduate courses, the individual must have received a letter grade of an "A", "B", or "C". The individual must have a letter grade of an "A" or "B" to receive reimbursement for a course at the graduate or doctorate level. The course must be completed through an accredited college or university.

Financial assistance for tuition may be provided only for those areas that are identified in the LEA's UCIP or federal projects needs assessment. Individuals accepting tuition reimbursement, must agree to remain under contract, assigned to the identified area of need, with Kanawha County Schools for a minimum of one school year following completion of certification or advanced degree. Those who terminate their employment contract within this period or who do not complete the certification or advanced degree will be required to repay the tuition funds reimbursed.

The amount of funding available for assistance for tuition is dependent upon needs identified by Kanawha County Schools and the amount of available funding, which will vary from fiscal year to fiscal year.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Transportation Uniform Policy

Series: G70

Reference: W. Va. Code §18-5-13

Issued: 04.21.05

Revised:

Revision Number:

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- 70.01 Purpose.** In an effort to improve the appearance and assist in the identification of pupil transportation employees, the Kanawha County Board of Education will provide uniforms for all regular school bus operators, aides and mechanics beginning with the 2005-06 school year. As funds become available substitute employees, supervisory staff and pupil transportation office employees will be included.
- 70.02 Scope.** This policy shall apply to all pupil transportation employees as identified above who are provided uniforms to wear while performing their duties with Kanawha County Schools.
- 70.03 Regulations Governing the Wearing of Uniforms.** The following provisions shall apply to wearing of uniforms.
- 70.03.1** All required uniforms are the property of Kanawha County Schools (or renting/leasing company).
- 70.03.2** Approved uniforms must be worn while serving as a driver or aide when in transit and on any Kanawha County Schools property.
- 70.03.3** Anytime a uniform is worn, it must be worn according to regulations.
- 70.03.4** If there is a question concerning the appropriateness of wearing a particular item of clothing, clarification regarding apparel should be obtained PRIOR TO WEARING IT TO WORK; this can be obtained from the Terminal Supervisor.
- 70.03.5** It is the employee's responsibility to keep uniforms, clean, pressed and in good repair at all times (exception may be when renting or leasing).
- 70.03.6** Appropriate approved black or navy colored shoes (safety conscious) shall be worn, kept clean and presentable. All drivers/aides will wear non-skid shoes. High heels, open heeled, open toed, sandals, or beach type shoes will not be permitted. Wooden soled and flip flop shoes will not be worn.
- 70.03.7** Optional ladies tunics or vests are to be worn buttoned. Optional men's vests are to be worn buttoned and monogrammed the same as the ladies' tunic or vest.
- 70.03.8** All shirt tails are to be worn inside pants or skirt with shirt buttoned up to the last button from the top. The summer golf shirts may have the top two buttons unbuttoned.
- 70.03.9** Any pants, shorts, and/or skirts with belt loops needs to be worn with an appropriate black or navy colored belt.
- 70.03.10** Coveralls may be worn over the uniform while installing tire chains or cleaning the bus.
- 70.03.11** Casual clothes may be worn while performing non-driving bus assignments, such as, cleaning the bus and/or maintenance duties which may cause excessive soiling of the uniform.
- 70.03.12** Optional approved hats will be appropriately monogrammed.
- 70.03.13** From April 1 to November 1 approved summer uniform items may be worn.
- 70.03.14** During colder weather approved sweaters, sweater vests, turtleneck

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shirts, heavier coats, toboggans, gloves and boots may be worn.

Assistant of the Pupil Transportation Department.

70.03.15 After initial fitting, alterations due to weight gain or weight loss, are the responsibility of the employee (exception may be when renting or leasing)

70.03.21 Upon termination of employment or change in classification all uniforms must be returned to the Kanawha County Pupil Transportation Department before receiving his/her last check. All required employee uniform items becoming unsuitable for wear must also be turned in to the Pupil Transportation Department.

70.03.16 All transportation employees are required to be clean and neat when reporting to work.

70.03.22 Uniform items such as, shirts and slacks, generally, depending upon wear, should be replaced every two (2) years and be provided by Kanawha County Schools.

70.03.17 Uniforms are not to be worn while working for another employer or during leisure activities.

70.03.18 The uniform is only to be worn while the employee is officially working for the Board of Education, and is not to be worn between the morning and evening runs if the operator is gainfully employed elsewhere. Uniforms shall be worn on weekends only when performing extra curricular activities or other job related duties. Employees are not to permit unauthorized use of his/her uniform.

70.03.23 The Superintendent or Administrative Assistant for Pupil Transportation shall designate the particular items of clothing that shall constitute the approved uniforms and approved optional items and shall make such list available to all transportation employees.

70.03.19 All pupil transportation uniformed employees are expected to adhere to common practices of modesty, cleanliness and neatness; to dress within the acceptable standards of the community and in such a manner as to contribute to the academic atmosphere, not detract from it. Any pupil transportation employee who fails to comply with this policy may be sent home and be subject to disciplinary actions.

70.03.24 The Superintendent or Administrative Assistant for Pupil Transportation may adopt such regulations as may be required or desired to implement and further the purposes of this policy.

70.03.20 Medical or religious exceptions to these regulations may be approved by the Administrative

70.04 **Penalties.** Any employee failing to comply with the provisions of this policy or any regulation promulgated hereunder shall be subject to the following penalties.

70.04.1 1st Offense - Employee will be given, an oral reprimand with documentation on an incident report form by the Terminal Supervisor.

70.04.2 2nd Offense - Employee will be given a written reprimand with a copy being

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Series: G70

Reference: W. Va. Code §18-5-13

Issued: 04.21.05

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placed in their personnel file by the
Administrative Assistant for Pupil
Transportation.

70.04.3 3rd Offense - Employee will be given
a three day suspension without pay.

70.04.4 4th Offense - Employee will be
recommended to the Kanawha
County School Board for termination
based upon Insubordination.

70.04.5 The Superintendent may recommend
enhanced or mitigated penalties if the
circumstances demonstrably warrant.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Prospective Employable Professional Personnel

Series: G71

Reference: W. Va. Code §18A-2-3; WV Board of Education Policy 5103

Issued: 02.16.2006

Revised:

Revision Number:

71.01 Purpose. In an effort to improve the recruitment of qualified teachers in areas of critical need and shortage, the Kanawha County Board of Education has determined that it would be appropriate to hire prospective employable professional personnel, in accordance with the requirements of West Virginia Code §18A-2-3 and West Virginia Board of Education Policy 5103.

71.02 Definition: Prospective employable professional personnel means certified professional educators who: (1) have been recruited on a reserve list of a county board; (2) have been recruited at a job fair or as a result of a contact made at the job fair; (3) have not obtained regular employee status through the job posting process provided in W.Va. Code §§18A-4-7a; and (4) will or have earned a baccalaureate degree from an accredited institution of higher education within the past year. Prospective employable professional personnel may also include current certified professional educators whose employment contract with the Board has or will be terminated due to a reduction in force in the current fiscal year.

71.03 Critical need: The Board finds that there exists a critical need and shortage of certified professional educators in the following areas: Math, Science, English, Foreign Language and Special Education. Additional areas may be identified as needed by the Superintendent. A notice of areas of critical need and shortage shall be posted in a conspicuous place in each school for at least ten working days.

71.04 Authorization: The Board hereby authorizes the Superintendent to hire prospective employable professional personnel on a reserve list, provided there are no potentially qualified applicants

available and willing to fill positions in identified areas of critical need. The maximum number of prospective employable professional personnel per year shall be twenty five. Prospective employable professional personnel will not be eligible for placement in a permanent position until the vacancy has been posted and filled in accordance with state laws governing employment of professional personnel.

71.05 Contract: Prospective employable professional personnel shall execute a contract outlining the terms and conditions of employment. (See Exhibit A) Upon the employee's placement in a permanent position, the employee shall execute a standard teacher's probationary contract of employment.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Prospective Employable Professional Personnel

Series: G71

Reference: W. Va. Code §18A-2-3; WV Board of Education Policy 5103

Issued: 02.16.2006

Revised:

Revision Number:

**PROSPECTIVE EMPLOYABLE PROFESSIONAL
PERSONNEL CONTRACT OF EMPLOYMENT**

THIS CONTRACT OF EMPLOYMENT is made this _____ day of _____, 200__, by and between the Board of Education of the County of Kanawha, State of West Virginia (hereinafter called the "Board"), and _____ of (address) _____, Social Security Number _____ hereinafter called the "Teacher."

This is a probationary contract of employment for school year _____ made pursuant to WV Code 18A-2-3 which provides for the employment of prospective employable professional personnel by a West Virginia county board of education.

WHEREAS the Board has identified a critical need to employ qualified professional personnel in curricular areas where a shortage of qualified teachers currently exists, and

WHEREAS the Teacher does now or will by the beginning of the next instructional term possess the necessary qualifications, including certification by the West Virginia Board of Education, to teach in an identified critical need area.

This contract is subject to the following mutually agreed upon terms and conditions:

(A) The Teacher will be employed for one school year for an annual employment term of 200 days, beginning on the first day of the 200 day employment term for teachers as identified by the Board.

(B) The rate of pay per annum shall be _____ in accordance with the Board's salary schedule.

(C) The Teacher will be eligible for all benefits on the same terms as other regular employees, including PEIA health and life insurance, dental/vision and disability insurance, personal/sick leave, and holiday pay.

(D) The Teacher shall initially be assigned to a reserve list, pending a permanent placement made in accordance with state laws governing posting of vacancies and employment of professional personnel. If no permanent placement has been made by the first day of the employment term, the Teacher will work in available temporary assignments until permanently placed.

(E) This contract is expressly contingent upon the Teacher meeting all employment requirements prior to the first day of the employment term, including completion of a teacher education degree where applicable, valid certification, standard content area tests, criminal record and reference checks, tuberculin skin test, and all other criteria required for regular employees. Failure to meet any applicable requirements shall render this contract null and void.

WITNESS the following signatures:

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Prospective Employable Professional Personnel

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President, Kanawha County Board of Education

Secretary, Kanawha County Board of Education

Teacher Signature

TEACHER'S OATH

State of West Virginia, County of Kanawha to-wit:

I do solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the State of West Virginia, that I will honestly demean myself in the teaching profession and that I will to the best of my ability execute my position of teacher.

Teacher Signature

Taken, subscribed and sworn to before the undersigned notary public in said county and state this _____ day of _____, 200__.

Notary Public My commission expires: _____

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Terms of Employment – Reporting Absences

Series: G72A

Reference:

Issued: 08.10.2006

Revised:

Revision Number:

72.01 Reporting Absences. The absence of any employee will be appropriately reported semi-monthly on the attendance payroll leave form. The name of any employee absent as a result of a serious illness or injury will be reported immediately to the assistant superintendent of the appropriate grade level or the Deputy Superintendent.

72.02 TSSI System. Any employee reporting an absence **must** call their immediate supervisor or designee, as well as calling the TSSI system. The TSSI System telephone number is 348-6568. The help desk phone number is 348-7713. The system calls substitutes at these times: weekdays 5:30 a.m. to 1:00 p.m. and 3:00 p.m. to 10:30 p.m.; holidays and weekends 1:00 p.m. to 10:30 p.m. All employees will need to have their personal identification number (PIN) when entering an absence on the TSSI system.

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Injury Free Program

Series: G73A

Reference:

Issued: 11.21.2006

Revised:

Revision Number:

73.01 Purpose: As a part of the school system's continuing efforts to provide a safe work and school environment for our staff, students and community members, KCS has established the Injury Free Program to assist employees who have repeatedly sustained on-the-job serious injuries. The purpose of the program is to work with and counsel injured employees so as to avoid additional injuries while accepting responsibility for personal safety. The motto of the KCS Safety Program is "Safety Starts With Me" and the ability to work safely is a condition of employment with KCS.

73.02 Serious injury: is defined as an injury that results in treatment beyond first aid, lost work days, work restrictions, loss of consciousness or significant injury or illness diagnosed by a physician or other licensed health care professional.

73.03 Reporting requirements: Employees are required to immediately report all on-the-job injuries to their immediate supervisor. Reports of injuries will be reviewed by safety committees at the work site and county levels. Serious injuries as defined above will be reviewed by the county safety team. Employees who sustain a serious injury will be notified by letter that another serious injury may result in placement in the Injury Free Program. Injuries sustained through no fault of the employee, e.g., assault by a student, unavoidable motor vehicle collision, etc., will not be subject to placement in the program. Employees who have sustained two or more serious injuries between July 1, 2003 and the effective date of the program will be notified that any additional serious injury may result in placement in the program.

73.04 Placement in program: Employees placed in the Injury Free Program will meet with a committee consisting of the Director of Safety, Director of Employee Relations, Assistant Superintendent/Division Head and the immediate supervisor to develop an Action Plan. The Action Plan will provide special attention, supervision and

training for the employee to reduce the potential for additional injuries. The employee will be interviewed about his/her injury history. If it is determined by the committee that placement in the Injury Free Program is not warranted, no further action will be taken. Employees placed in the Injury Free Program will be advised of the expectation that they will work without additional injuries for the next 12 months.

73.05 Action Plan: The Action Plan will be in writing and signed by the employee and committee members. Elements of the Action Plan may include additional training, monitoring, counseling, changes in equipment and operational methods, and other appropriate activities to guide and assist the employee in working safer.

73.06 Completion: Employees successfully completing the Action Plan with no additional injuries within the 12 month period will receive a written acknowledgment of their achievement. Any significant injuries at any time in the future will result in a review of the employee's injury history and possible inclusion back into the Injury Free Program.

73.07 Discipline: Employees who sustain another injury during the course of the Action Plan will be evaluated by the immediate supervisor and placed on a plan of improvement, as may employees who are placed on two or more Action Plans due to multiple injuries. Failure to improve performance will result in disciplinary action, up to and including suspension and/or termination of employment.

Nothing in this regulation shall be construed to restrict the ability of the employer to discipline employees for violation of safety rules.

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Job Descriptions

Series: G74

Reference:

Issued: 03.15.2007

Revised:

Revision Number:

The Superintendent, in conjunction with the Division of Human Resources, will develop and maintain job descriptions for each position or classification of positions within Kanawha County Schools. Each administrative and supervisory position shall have a specific role defined in a job description. Job descriptions for all positions shall be maintained on Kanawha County Schools website. The Superintendent or designee shall review the job descriptions from time to time in order to determine if such descriptions adequately describes the duties and responsibilities of such position. No changes in a job description shall be made in connection with a vacancy without the approval of the board of education.

The superintendent shall be responsible for developing, for each administrative and supervisory position, an effective job description that incorporates the objectives that are contemplated to be achieved by that position. The Superintendent will review the job description and the objectives for such position from time to time in order to determine if such position should be recommended for continuation or elimination.

The board of education, upon the recommendation of the superintendent, shall approve the creation of new administrative and supervisory positions and it shall establish the general broad responsibilities and objectives for the position. It shall be the superintendent's responsibility to assign the details of the position.