

CHAPTER 3

3.1.14 Reduction In Force/Professional Personnel (Revised 03/12/91) (Revised 05/28/13)

1. If, in order to reduce the number of professional employees, the Marshall County Board of Education releases any of its professional personnel, it shall do so only upon recommendation of the County Superintendent of Schools and in accordance with the applicable school laws. On the date this policy was adopted, the applicable school laws included West Virginia Code § 18A-4-7a, § 18A-2-2, § 18-9A-4, § 18-9A-5a, and, in the case of probationary professional employees, West Virginia Code § 18A-2-8a. Under the provisions of W. Va. Code § 18A-4-7a, all positions which meet the following definition of “classroom teacher” shall be considered lateral positions during a reduction in force of professional personnel. "Classroom teacher" means a professional educator who has a direct instructional or counseling relationship with students and who spends the majority of his or her time in this capacity.
2. If, in order to reduce the number of professional employees, any professional personnel are transferred, the transfers shall proceed only upon recommendation of the County Superintendent of Schools and in accordance with the applicable school laws. On the date this policy was adopted, the applicable school laws included West Virginia Code § 18A-2-7 and § 18A-4-7a.
3. If the seniority of a professional employee is insufficient to allow the Marshall County Board of Education to retain the employee during a reduction in work force, the employee's recall rights, if any, shall be governed by the applicable school laws. On the date this policy was adopted, the applicable school laws included West Virginia Code § 18A-4-7a and, in the case of employees who hold continuing contracts, West Virginia Code § 18A-2-2.
4. Unless otherwise provided by applicable school law, priorities between or among professional employees who have accumulated identical seniority in a given area shall be determined by a random selection system to which the employees and the County Superintendent of Schools, on behalf of the Marshall County Board of Education, agree. Although not intending to restrict employees in the choice of a random selection system, the Marshall County Board of Education commends to them and gives its prior approval to the following procedure:
 - a) The employees who have identical seniority shall be given advance written notice to attend a meeting. The notice shall be sent to each employee's last known address.

- b) The employees or their representatives shall attend the meeting.
 - c) At the meeting, the names of the employees shall be written on identical pieces of paper, placed in identical capsules, and placed in a container. The names shall then be drawn out of the container, one at a time, by a person agreeable to the employees who cannot see the names in the container.
 - d) An employee whose name is drawn from the container shall be deemed to have more seniority than the employee or employees whose name or names are then in the container.
5. The power of the Marshall County Board of Education to transfer or release employees as part of a reduction in force shall be exercised in a reasonable manner and in the best interests of the Marshall County Schools. The power shall not be exercised arbitrarily or capriciously. 6. Except for those persons who are entitled or required under applicable law to assume a specific professional position and, for that reason, are included on a list of persons to be considered for transfer and subsequent assignment, all professional employees whose names are placed on such a list as part of a reduction in force shall be considered as applicants for all posted professional vacancies for which they qualify, regardless of whether they make application for such vacancies.

**3.1.14.1 Lateral Positions Other Than Classroom Teacher
(Approved 10/27/93) (Amended 05/28/13)**

As required by W. Va. Code § 18A-4-7a, the Board hereby finds that other professional positions shall be considered lateral positions during a reduction in force as stated below. In making these findings, the Board has given consideration to the rank of each position in terms of title; nature of responsibilities; salary level; certification, licensure or both; and days in the period of employment:

The position of Assistant Superintendent shall be considered lateral to the position of Assistant Superintendent.

The position of Director shall be considered lateral to the position of Director.

The position of Coordinator shall be considered lateral to the position of Coordinator.

The position of Specialist shall be considered lateral to the position of Specialist.

The position of High School Principal shall be considered lateral to the position of High School Principal.

The position of Middle School Principal shall be considered lateral to the position of Middle School Principal.

The position of Elementary School Principal shall be considered lateral to the position of Elementary School Principal.

The position of Assistant High School Principal shall be considered lateral to the position of Assistant High School Principal.

The position of Assistant Middle School Principal shall be considered lateral to the position of Assistant Middle School Principal.

The position of Assistant Elementary School Principal shall be considered lateral to the position of Assistant Elementary School Principal.

The position of School Nurse shall be considered lateral to the position of School Nurse.

The Superintendent shall submit a copy of this policy to the State Board of Education within 30 days of adoption.