

CHAPTER 3

3.1.11 Teaching Conditions Policy

It shall be the endeavor of the Marshall County Board of Education and the administrative staff to provide the best possible teaching conditions that can be provided under existing circumstances.

3.1.11.1 Teacher Load (Revised 12/13/94)

Efforts will be made to keep each teacher's pupil and teaching load at a reasonable level. The teacher-pupil ratio for grades K-6 will be established in accordance with West Virginia Code 18-5-18a, Maximum teacher-pupil ratio.

Each secondary full-time teacher must have an assignment equal to that of other full-time teachers. This shall be deemed an administrative function and be left to the best judgment of the principal and the superintendent.

3.1.11.2 Coach Teaching Load (Revised 12/13/94)

A member of the faculty shall be considered one who is a full-time teacher as defined by the West Virginia State Department of Education.

The coach who is also employed as a full-time teacher in a Marshall County school **must carry the same regular teaching load as any teacher in the school**. This may include regular class periods, study hall periods, or any other regular full-time period to which some other teacher may have to be assigned to carry on the **regular and necessary** work of the school.

The ruling is based on the idea that the coach receives **extra pay for extra services**.

Athletic coaching cannot be counted as one of the required full-time periods.

Coaching shall be interpreted to mean instruction, direction, or supervision of members of athletic teams, individually or as a group for the purpose of developing ability or skill to perform in athletic contests.

In acceptance of rule #127-3-6, of the West Virginia Secondary Schools Activities Committee as revised in 1992, "A member of a school faculty, substitute teacher or student teacher within a public, private, or parochial school system shall be allowed to coach an athletic team". Also, an authorized certified individual may coach if...

a) The coach is employed under a contract with a county board of

education which specifies a rate of pay equivalent to the rate for professional educators who accept similar duties as extra duty assignments and which provided for liability insurance associated with the activity.

- b) The coach has completed approved training: NFICEP Sport Science and Sport First Aid (12 hours of instruction and test).
- c) The authorized certified coach may be contracted to coach only if an employed certified professional educator within the county has not applied for and accepted the coaching position.
- d) Coaching authorizations are for one year. They may be re-issued upon request if a certified professional educator within a county is not available.

3.1.11.2.1 Volunteer Coach (Adopted 12/12/95)

The board of education will consider acceptance of a volunteer coach only upon the written recommendation of the coach under whose direction the volunteer will serve, the athletic director/activities coordinator, and the principal of the involved school.

The volunteer must receive clearance by the Criminal Identification Bureau, complete the National Federation Interscholastic Coaches Education Program (unless currently certified as a teacher in the State of West Virginia) as endorsed by the West Virginia Secondary School Activities Commission and the State Board of Education, and receive a coaching authorization issued by the West Virginia Department of Education. Persons who have not previously completed approved training, upon acceptance as a volunteer coach by the local board, must complete approved training and apply to the West Virginia Department of Education for an authorization within sixty days of board acceptance.

The volunteer coach, serves without pay, must personally bear the cost of training, and must cease volunteer efforts at any time the board so directs. The volunteer may assist a coach through studying film, suggesting specific plays or strategy, scouting an upcoming opponent, etc. However, the volunteer may assist a board employed coach in working with student-athletes only when the coach is present. In other words, the volunteer cannot substitute for the coach.

The volunteer coach is responsible to the coach assigned, the athletic director/activities coordinator, and the principal of the involved school.

3.1.11.3 Duty-Free Periods (Revised 8/24/04)

Every teacher who is regularly employed for a period of time more than one half the class periods of the regular school day shall be provided one planning period within each school instructional day to complete necessary preparations for the instruction of pupils in accordance with W.Va. Code 18A-4-14. A teacher may exchange his/her planning period for any compensation or benefit mutually agreed upon by the employee and the county superintendent of schools or his agent; provided they may not agree to terms which are different from those available to any other teacher within the individual school or to terms which discriminate among teachers within the individual school. If no duty-free planning period is scheduled, a written waiver must be mutually agreed upon by the teacher and principal and kept on file in the school.

3.1.11.4 Extracurricular Duties

The assignment of teachers to extracurricular assignments shall be made only by mutual agreement of the employee and the superintendent, or designated representative, subject to board approval and in accordance with W.Va. Code 18A-4-16. An employee's contract of employment shall be separate from the extracurricular assignment agreement.

3.1.11.5 Lunch Duty (Revised 8/24/04)

In accordance with W.Va. Code 18A-4-14, every teacher who is regularly employed for a period of time more than one half the class periods of the regular school day shall be provided a daily lunch recess of not less than thirty consecutive minutes, and such employee shall not be assigned any responsibilities during this recess. A teacher may exchange his/her lunch recess for any compensation or benefit mutually agreed upon by the employee and the county superintendent of schools or his agent; provided they may not agree to terms which are different from those available to any other teacher within the individual school or to terms which discriminate among teachers within the individual school. If no duty-free lunch recess is scheduled, a written waiver must be mutually agreed upon by the teacher and principal and kept on file in the school.

3.1.11.6 Alternate Work Schedule (Revised 01/10/95), (Revised 2/10/04) (Revised 05/12/10) (Revised 05/27/14)

When it becomes necessary to close a school or schools in Marshall County due to prevalence of contagious disease, conditions of weather or any other calamitous cause, the following work schedule shall be mandatory for professional and auxiliary

service personnel.

I. School Closing: Instructional Day Conversion

When school has been closed due to calamitous cause to leave less than 180 days of instruction for the school year, and continuing as long as and there are days available by law to convert to instructional days, all teachers, bus operators, cooks, nurses, aides, school secretaries and designated custodians will not report to work. Central office personnel, maintenance personnel, county office secretaries, supervisors, mechanics and designated custodians will report to work.

II. School Closing: Instructional Conversion Days and Instructional Time

In accordance with WV State Board Policy 3234: School Calendar and WV Code 18-5-45, the school calendar shall provide an instructional term for students of no less than 180 separate days of instruction.

If it is not possible to provide 180 separate instructional days within the school calendar as originally scheduled, the county board must schedule instructional days on any available non –instruction day (other than holidays, election days, Saturdays, or Sundays) regardless of the purpose for which the day was originally scheduled, or will use a day that was scheduled as an “out-of-calendar” day. County boards have the ability to apply for a waiver in accordance with the provision of the WV Code 18-5-45 to assist with meeting the mandatory 180 days of instruction.

In the event of prevalence of contagious disease, conditions of weather or other calamitous cause over which the board has no control and instructional time is lost due to a delayed start time or early dismissal, the Superintendent will recommend to the board adjustments to use accrued instructional time to compensate for the time lost, or the Superintendent is authorized to adjust the school day schedules or convert available non-instructional days to instructional days to cover lost instructional time.

Accrued instructional time may be used only to recover lost instructional time due to late arrival or early dismissal of students due conditions of weather, the closing of school because of the prevalence of contagious disease or other calamitous events, professional development activities, or to accommodate the scheduling of faculty senate on instructional days. Accrued instructional time cannot be used to avoid one hundred and eighty separate days of instruction.

III. Compensatory Time

Any employee who is required to work on a calamitous day will be compensated for such services by being excused from work on some later day mutually agreed upon by the employee and his/her immediate supervisor. The employee will initiate the request for compensatory time.

Compensatory time must be used, if desired, during the fiscal year, July 1 through June 30, in which earned. If not used during the fiscal year cited, all claims to such time shall be forfeited by the involved employee.

The superintendent has the option to change any employees work schedule.

3.1.11.7 Drug-Free Workplace (Revised 12/13/94)

The Marshall County Board of Education is concerned about the health and safety of all Marshall County Employees and recognizes the need to provide a high quality work environment. The abuse of controlled substances or the use of illegal drugs is a health and safety hazard and inhibits productivity.

Therefore, the Marshall County Board of Education shall assure full compliance with all regulations that define a drug-free workplace. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or illegal drugs or alcohol is prohibited in the workplace. Additionally, no employee shall report to work on any Marshall County Schools' project whether on-site or in the field, while under the influence of alcohol and/or an illegal drug.

REGULATIONS FOR IMPLEMENTATION OF DRUG-FREE WORKPLACE POLICY

3.1.11.7.1 Background

The United States Drug-Free Workplace Act 1988 (P.L.100-690) requires that all state agencies receiving direct funds from the federal government provide a Drug-Free Workplace. The agency must provide a drug awareness program for all employees. All employees must sign the Drug-Free Workplace Verification Statement which indicates that they have seen and understand the Drug-Free Workplace Policy.

3.1.11.7.2 Purpose

The Drug-Free Workplace Policy will enable the

Marshall County Board of Education to maintain a work environment free of illegal drugs. Also, it will provide a substance abuse awareness program which will inform employees of the harmful effects of alcohol and illegal drugs.

3.1.11.7.3 Procedure (Revised 12/13/94)

The Marshall County Board of Education will continuously work to maintain a Drug-Free Workplace. As required by the Drug-Free Workplace Act 1988, all employees will be informed of and required to sign the Drug-Free Workplace Verification Statement. All employees will have an opportunity to participate in a drug awareness program provided by the Marshall County Board of Education.

The Marshall County Board of Education will take appropriate personnel action in accordance with the disciplinary procedure outlined in the Marshall County Schools Policy Manual (3.1.2.6). The Policy Manual states that notwithstanding any other provision of law, the board may suspend or dismiss any person in its employment at any time for: immorality, incompetence, cruelty, insubordination, intemperance, willful neglect of duty, unsatisfactory performance, the conviction of a felony or a guilty plea or a plea of nolo contendere to a felony charge. In addition, the board will consider suspension or dismissal for reporting to work under the influence of alcohol, narcotics, or other illegal drugs or abused controlled substances.

If an employee is dismissed or suspended, charges shall be stated in writing served upon the employee within two days of presentation of said charges to the board. The employee so affected shall be given an opportunity, within five days of receiving such written notice, to request, in writing, a level four hearing and appeals pursuant to provisions of article twenty-nine (§ 18-29-1 et seq.), chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, except that dismissal for the conviction of a felony or guilty plea or plea of nolo contendere to a felony charge is not by itself a grievable dismissal. An employee charged with the commission of a felony may be reassigned to duties which do not involve direct interaction with pupils pending final disposition of the charges.

Employees may be required to satisfactorily participate in drug abuse assistance or rehabilitation programs. Rehabilitation will be provided according to the guidelines of the Public Employees Insurance Agency.

The employee shall abide by the terms of this policy statement. The employee shall notify his/her supervisor of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

Illegal drugs are defined as meaning "controlled substance" in Schedules I-V of the United States Controlled Substances Act 202 (21 U.S. Code 812) and pertinent federal regulations.

3.1.11.8 Professional Staff Development Opportunities (Adopted 01/07/92)

The Board recognizes its particular responsibility to provide opportunity for the continual professional growth of its professional staff. Such opportunities shall include job-related activities such as special courses and workshops, assistance from supervisors and consultants, and - - within budgetary limitations - - attendance at professional conferences and meetings.

It is the policy of the Board that a program of staff development training be established to provide an opportunity for the continuous professional and technical growth of teachers.

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

A professional staff development council shall be established, comprised of proportional representation from the major school levels and from vocational, special education, and other specialties in proportion to their employment numbers. Nominations of instructional personnel to serve on the county staff development council may be submitted by the faculty senates to the county superintendent who shall cause ballots to be prepared and distributed, and the votes tabulated of the instructional personnel voting on persons nominated. The superintendent shall establish the size and proportional representation on the council between nine and fifteen

members, inclusive. The council shall have final authority to propose staff development programs within rules established by status, state board policy or rules, and the council on professional education.

The superintendent (or designee) shall enjoy an advisory, non-voting role on the council. The Board will make available funds for the purpose of staff development in conformity with state law, but shall reserve the right of final approval of all proposed disbursements.

Reference: West Virginia Code 18A-3-8 West Virginia Board of Education Policy #5500