Based Upon a Review of the 2019 Regular and Special Session Legislation Affecting West Virginia's Public Schools:

July 29, 2019

County boards of education are required to adopt these policies that, until now they have not been required to have:

1. RIF “qualifications” policies. Every county board must adopt a policy defining “qualifications” for purposes of the revised rules under House Bill 206 governing the reduction in force of professional employees and the recall of professionals from the preferred recall list. Counties are supposed to apply the policies right now in making some decisions about recalling professionals from the preferred list.

2. Public charter schools. County boards are required by House Bill 206 to have policies governing their duties as authorizers of public charter schools, including, among other issues, the processes by which they will, as authorizers, review and act on applications to establish public charter schools; conduct ongoing oversight and evaluation of public charter schools; and determine whether to renew public charter school contracts. The policies may be impacted by public charter school rules the State Board of Education is required to adopt on or before January 1, 2020, and rules that the State Board may adopt after that date. Because the deadline for the first public charter school applications is August of 2020, and because county boards are given only 90 days to approve or reject applications after they are filed, county boards are advised to place a priority on developing these policies.

3. Open enrollment policies. Every county board must adopt an open enrollment policy governing inter-county student transfers, to take effect July 1, 2020, that meets the requirements of House Bill 206.

4. Alternatives that LSICs propose to the operation of a school. House Bill 206 requires each county board of education to establish a process to evaluate the operation of an approved LSIC alternative to the operation of a school.

County boards of education must revise these policies that they were already required, by law, to have:

1. Salary schedules. County salary schedules should be revised to reflect the across-the-board salary increases under House Bill 206 in the minimum state salaries of professional and service employees, as well required increases in minimum state salaries for certain math and special education teachers.
2. **Reduction in force policies.** To the extent not covered in a separate RIF “qualifications” policy (above), a county’s reduction in force policy should be modified to reflect the various changes under House Bill 206 for determining which professional employees will lose their jobs and be released or transferred in a reduction in force, which of them will be placed on the preferred recall list, and what rights persons on the preferred list have when applying for openings.

County boards may wish to modify these policies that they were already required, by law, to have, and which the new legislation allows, but does not require, them to modify:

1. **Laterality policies.** Laterality policies could conceivably be modified now that House Bill 206 does not mandate that, in considering the rank of each professional position, a county board must consider each job’s title; nature of responsibilities; salary level; certification, licensure, or both; and days in the period of employment.

2. **Promoting school board effectiveness.** House Bill 206 reiterates the duty to have policies to promote school board effectiveness and sets a new deadline of January 2020 for each board to have such policies.

Although not required by law, county boards sometimes have these policies, not listed above, that should be examined for changes necessitated or expressly allowed by new legislation:

1. **Employee discipline policies.** Employee discipline policies should be reviewed to be sure they do not unnecessarily restrict the county board’s authority under Senate Bill 632 to suspend and dismiss school employees on new grounds.

2. **Local school improvement council policies.** House Bill 206 makes significant changes to the membership and operations of LSICs, including a repeal of the requirement that each LSIC hold an annual stakeholders meeting on effective discipline policies, a new requirement that each LSIC hold an annual stakeholders meeting for positive and interactive dialogue about the school’s academic performance and standing, and a change in the requirement that all LSICs meet annually with the county board.

3. **Professional seniority policies.** Professional seniority policies that include provisions for breaking seniority ties should be modified to reflect the new rule of House Bill 206 for breaking seniority ties when two or more teachers initially employed on or after July 1, 2019, have the same certification and the same seniority date.

4. **Personal leave policies.** As per House Bill 206, personal leave policies addressing “leave without cause” should now reflect that professional and service employees may, each school year, use four days of paid personal leave without regard to the cause of the absence, instead of only three.
5. Posting policies. Existing county policies that address the posting and re-posting of classroom teacher vacancies should be reviewed to be sure that the policies do not misstate the rule, liberalized by House Bill 206, for re-posting classroom teacher vacancies.

6. Transportation policies. Under House Bill 206, the open enrollment policy that each county must adopt to regulate inter-county student transfers beginning July 1, 2020 (above) may implicate student transportation issues that a board will want to address in any existing student transportation policy, particularly as to IEP-mandated transportation of students with disabilities.

7. Attendance policies. County attendance policies may have to be revised to reflect the steps that House Bill 206 requires attendance directors, assistant attendance directors, or principals to take when students, in one school year, accumulate three unexcused absences, and when students, in one school year, accumulate five unexcused absences.

Although not required to do so, county boards might want to take advantage of new opportunities by adopting policies that are discretionary under the legislation:

1. Exceptional needs expense fund policies. House Bill 206 allows county boards to establish, from surplus funds, Exceptional Needs Expense funds for the benefit of student who are likely to perform better outside the public school setting.

2. Additional teacher compensation policies. Under House Bill 206, county boards may provide additional compensation to teachers assigned and certified to teach in subject areas in which the county has a critical need and shortage of fully certified teachers, and/or who are assigned in geographical areas or schools of the county with high rates of turnover in experienced teachers, and/or who, in addition to regular teaching duties, are assigned to provide certain support and supervision to other teachers and licensure candidates.

These new action steps should be assigned a high priority as we head into the new school year:

1. School safety program. By September 1, each county board must implement a school safety program and plan as required by House Bill 2541, to include, at least, room numbers on exterior walls of schools, providing school floor plans to first responders and law enforcement by September 1, active shooter training for all school personnel and students at the beginning of the school year, and arranging first aid training for all school personnel and students during the school year.

2. Preferred recall priorities. In choosing between or among qualified professionals on the preferred recall list who apply for posted vacancies, a county board must follow the new "qualifications" policy it is required to adopt (above) to govern that choice. Personnel office should be advised that this rule is in effect right now.
3. **Personal leave.** Be sure that principals, the payroll office, and other responsible school employees are aware that beginning with the current school year, employees may now use four, rather than three, days of paid personal leave without cause during each school year.

4. **Faculty senate funds.** Make faculty senates aware of the increase under House Bill 206 in the sum allotted to each classroom teacher and librarian for expenditure during the year on academic materials, supplies, or equipment.

5. **Student absences.** Alert the attendance director, any assistant attendance director, and principals to the requirements of House Bill 206 concerning the process to follow, during the current school year, when a student has three unexcused absences and when a student has five unexcused absences.

6. **Insurance notification.** As required by and detailed in House Bill 206, be sure to provide, during the 2019-2020 school year, the written notice of insurance coverage to each of your school district's insureds, including teachers, supervisors, administrators, service personnel, the county superintendent, and board members.