

**DR. LOUIS HLAD
DIRECTOR**

**13 South High Street
Morgantown, WV 26501**

MEMORANDUM

TO: All interest parties
FROM: Dr. Louis Hlad, Director
RE: Policies (7- 27)
DATE: **March 17, 2017**

The attached policy (7-27) (Reduction in Force of Lateral Professional Positions) is out for comment until April 17, 2017.

MONONGALIA COUNTY FILE: 7- 27

REDUCTION IN FORCE OF LATERAL PROFESSIONAL POSITIONS

PURPOSE

W. Va. Code § 18A-4-71(k) requires that county boards of education adopt a policy, subject to being amended, to determine the reduction in force of lateral professional positions. From time-to-time, certain positions are eliminated due to declining enrollment, consolidation of attendance areas, new school construction and other program and facility realignments to serve the students of Monongalia County.

RESPONSIBILITY

It will continue to be the policy of the Monongalia County Board of Education to comply with the requirements of W.Va. Code §18A-4-7a(k) and to define the term “lateral” as it relates to reduction in force of professional personnel other than classroom teachers.

In accordance with the statute, positions which meet the definition of classroom teacher as defined in W.Va. Code §18A-1-1, including counselors and librarians, will be deemed as lateral positions to each other subject appropriate certification and/or licensure and seniority.

AUTHORITY

Source: Board of Education Minutes
Legal Reference: W.Va. Code §18A-4-7a(k)

ADOPTED: 11/09/93; Revised 3/11/97; 1/09/07; Date of Board Adoption

MONONGALIA COUNTY PROCEDURE FILE: 7- 27

REDUCTION IN FORCE OF LATERAL PROFESSIONAL POSITIONS

For all non-classroom professional personnel employed by the Monongalia County Board of Education, including *Deputy*/Assistant Superintendents, who serve at the will and pleasure of the Superintendent, subject to Board approval, and the Treasurer/Chief Financial Officer, who has unique training and skills, the following apply:

1 Definitions

(A) Lateral area – For the purposes of complying with the requirements of W.Va. Code §18A-4-7a the term “lateral” shall be defined as follows:

- (1) In the event there is a reduction of *Deputy and/or* assistant superintendents is released and not for cause from his or her duties, then he or she will be entitled to retain an administrative position subject to certification and licensure and appropriate training and skill level and administrative seniority to perform the duties. When an assistant superintendent is subject to release such assistant shall displace less senior administrators in the following order: *Administrative Assistants to the Superintendent*, Directors, principals, assistant principals, coordinators, attendance director, managers.

- (2) *The employment as an Administrative Assistant to the Superintendent shall be deemed an area of lateral employment to other Administrative Assistants to the Superintendent. In the event a reduction in the number of Administrative Assistants to the Superintendent, any Administrative Assistant subject to release shall be entitled to displace an Administrative Assistant with less Administrative Seniority in inverse order of seniority subject to holding appropriate certification and/or license and the requisite training and skills necessary to perform the duties. When an Administrative Assistant is subject to release from the Administrative Assistant level, such Administrative Assistant shall displace less senior administrators in the following order; Director, Principal, Assistant Principals, and Coordinators.*
- ~~(3) In the event the Treasurer/Chief Financial Officer is released and not for cause from his or her duties, then he or she will be entitled to retain the highest administrative position beginning with the Director level subject to certification and licensure and appropriate training and skill level and administrative seniority.~~
- (4) The employment as a Director shall be deemed an area of lateral employment to other Directors. In the event a reduction in the number of Directors, any Director subject to release shall be entitled to displace a Director with less administrative seniority in inverse order of seniority subject to holding appropriate certification and/or license and the requisite training and skills necessary to perform the duties. When a Director is subject to release from the Director level, such Director shall displace less senior ADMINISTRATIVE SENIORITY in the following order: principal, assistant principals, coordinators, attendance directors, managers.
- (5) Employment as a high school principal or vocational, technical or adult school principal shall be deemed an area of lateral employment to principals of high schools and vocational, technical and adult schools, and middle/junior-high schools. In the event of a reduction in the number of high school, vocational, technical or adult school principals, any principal subject to release shall be entitled to displace a less senior high school principal, vocational, technical or adult school principal,

middle/~~junior-high~~ school principal or an assistant high school principal and assistant vocational, technical or adult school's principal, with less ADMINISTRATIVE SENIORITY in inverse order of seniority.

- (6) Employment as a middle/~~junior-high~~ school principal shall be deemed an area of lateral employment to principals of middle/~~junior-high~~ schools, high schools, vocational, technical and adult schools, and elementary schools. In the event of a reduction in the number of middle/~~junior-high~~ school principals, any principal subject to release shall be entitled to displace a less senior middle/~~junior-high~~ school principal, high school principal, vocational, technical or adult school principal or elementary school principal or an assistant middle/~~junior-high~~ school principal, assistant high school principal, or assistant vocational, technical or adult school principal, with less ADMINISTRATIVE SENIORITY in inverse order of seniority.
- (7) Employment as an elementary principal shall be deemed an area of lateral employment to principals of elementary schools and middle/~~junior-high~~ schools. In the event of a reduction in the number of elementary principals, any principal subject to release shall be entitled to displace a less senior elementary principal, middle/~~junior-high~~ school principal, or an elementary or middle/~~junior-high~~ school assistant principal with less ADMINISTRATIVE SENIORITY in inverse order of seniority.
- (8) When a principal is subject to release from the principal level, such principal shall displace less senior administrators, subject to holding appropriate certification or licensure and requisite training and skills necessary to perform the duties, in the following order: principals at other lateral areas, (for example high school principal-high school principal, vocational, technical, or adult school principal and middle/~~junior-high~~ school principal), assistant principals at the principal's same level and assistant principals at other lateral areas as defined, coordinators, attendance directors, managers.
- (9) Employment as a high school assistant principal or vocational, technical or adult school assistant principal shall be deemed an area of lateral employment to high school, vocational, technical or adult school assistant principals or middle/~~junior-high~~ 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 less ~~senior~~ ADMINISTRATIVE SENIORITY in the following order: a high school assistant principal, vocational, technical or adult school assistant principal, a middle/~~junior-high~~ school assistant principal coordinator, attendance director, in inverse order of seniority.

- (10) Employment as a middle/~~junior-high~~ school assistant principal shall be deemed an area of lateral employment to assistant principals in middle/~~junior-high~~ schools, elementary schools, and vocational, technical and adult schools. In the event of a reduction in the number of middle/~~junior-high~~ school assistant principals, any assistant principal subject to release may displace less senior administrators in the following order: a middle/~~junior-high~~ school assistant principal, an elementary assistant principal, vocational, technical or adult school assistant principal with less ADMINISTRATIVE SENIORITY, attendance director in inverse order of seniority.
- (11) Employment as an elementary assistant principal shall be deemed an area of lateral employment to elementary and middle/~~junior-high~~ 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 less senior elementary assistant principal or middle/~~junior-high~~ school assistant principal with less administrative seniority in inverse order of seniority.
- (12) Employment as a professional coordinator shall be deemed an area of lateral employment to other professional coordinators. In the event of a reduction in the number of coordinators, any coordinator subject to release shall be entitled to displace a coordinator with less ADMINISTRATIVE SENIORITY in inverse order of seniority subject to holding appropriate certification and/or license and appropriate training and skill level in order to perform the duties. In the event that a coordinator is subject to release, such coordinator shall displace less senior professionals in the following order: attendance director.
- (13) Employment as a professional manager shall be deemed an area of lateral employment to other professional managers. In the event of a reduction in the number of managers, any manager subject to release shall be entitled to displace a manger with less ADMINISTRATIVE SENIORITY in inverse order of seniority subject to holding appropriate certification and/or license and appropriate training and skill level in order to perform the duties.
- (14) Subject to the provisions of law and this policy, in the event that an employee is not entitled to remain the administrative ranks, then they will be placed in a classroom position to which they are legally entitled based upon their certification and/or license and seniority consistent with state law.
- (15) 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.

- (16) 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.
 - (17) Lateral areas or positions do not include vertical movement (i.e., a “bump” up) in terms of the number of days of employment. For example, a 215-day administrator is not entitled to displace a 261-day administrator.
 - (18) “**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 and subject to holding administrative certification or license. Employment in an administrative position for the full 200-day employment term for teachers in a school year shall be deemed to be employed in such position for a full school year.
- (B) 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:
- (1) Each year the ~~Personnel~~ *Human Resource* Department, in conjunction with other administrators will determine the recommended staffing levels of each school.
 - (2) Each year the Superintendent shall determine any recommended reductions or additions of other professional personnel positions.
 - (3) Each year all persons who are recommended for transfer shall be identified.
 - (4) Each year all vacancies which are to be filled relative to the staffing needs of the next ensuring school year shall be identified and advertised, including all positions held by employees teaching on permit, who have not obtained certification within five years.
 - (5) In the event a sufficient number of vacancies are not available to accommodate those persons to be recommended for transfer, the ~~Personnel~~ *Human Resource* Department shall ascertain the seniority and areas of certification held by each employee to be recommended for transfer.

- (6) The ~~Personnel~~ *Human Resource* 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.
 - (7) Prior to ~~April~~ *May* 1 of each year all non-probationary 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.
 - (8) On or before the first Monday in ~~April~~ *May* 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 administrative positions, the Superintendent, after consultation with the affected administrator, shall identify the reduction in force vacancy to which each affected administrator is recommended for transfer.
- (C) Effect of Policy – Nothing within this policy shall be construed to confer any rights upon school employees beyond those right conferred by statue.

Comments may be made through the Internet using my e-mail address (lhald@access.k12.wv.us) or comments may be made on the attached form.

Policy 7- 27 (Reduction in Force of Lateral Professional Positions).

MONONGALIA COUNTY SCHOOLS

POLICY REVIEW/COMMENT FORM

Directions: Please use this form to comment on the attached policy:

NOTE: Return form to Dr. Louis Hlad, 13 South High Street, Morgantown, WV 26501.

Policy 7- 27

Individual/Organization _____

Address: _____

Phone: _____ Date: _____

COMMENTS/RECOMMENDATIONS: