

REVISED POLICY - VOL. 9, NO. 2

EMPLOYMENT OF SERVICE PERSONNEL

The Board of Education recognizes that it is vital to the successful operation of the ~~School~~-District that positions created by the Board be filled with qualified and competent personnel.

[X] All applications for employment shall be referred to the Human Resources Department.

The employment of service personnel shall be made by the Board only upon nomination and recommendation of the Superintendent. **(X)** When any recommended candidate has been rejected by the Board, the Superintendent shall make a substitute recommendation at such time as an appropriate notice and agenda item is provided.

~~A faculty senate at each school may establish a process for faculty members to interview new prospective paraprofessional employees at the school and submit recommendations regarding employment to the Principal, who may also make independent recommendations, for submission to the Superintendent. The process shall be chaired by the school Principal and must permit the timely employment of persons to perform necessary duties.~~

~~The Principal may not recommend for employment an individual for a paraprofessional position who is related to him/her as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father in law, mother in law, son in law, daughter in law, brother in law, sister in law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister. The Principal shall submit recommendations to the Superintendent regarding the appointment, assignment, promotion, transfer and dismissal of all personnel assigned to the school or schools under said Principal's control. Such recommendation shall be submitted in writing as prescribed by the Superintendent.~~

~~Additionally, the Principal shall receive hiring recommendations from the faculty senate at his/her school as provided in this policy and shall submit those recommendations in writing as prescribed by the Superintendent. In the event that a Principal is unable to submit hiring recommendations or receive hiring recommendations from the faculty senate as set forth in this policy due to illness or absence, the assistant principal shall submit hiring recommendations. If there is no assistant principal, the Superintendent shall assign a designee to carry out the role of the Principal.~~

A ~~district board~~**Board** shall make decisions affecting promotions and the filling of any service personnel positions of employment or jobs occurring throughout the school year that are to be performed by service personnel on the basis of seniority, qualifications and evaluation of past service.

- A. Seniority begins on the date that s/he enters into his/her assigned duties. For the purpose of filling vacancies, seniority is accumulated within particular classification categories of employment as those classification categories are referred to in WV Code 18A-4-8. If requested by the employee, the Board must show valid cause why an employee with the most seniority is not promoted or employed in the position for which s/he applies.
- B. Qualifications means that the applicant holds a classification title in his/her category of employment and must be given first opportunity for promotion and filling vacancies. Other employees then must be considered and shall qualify by meeting the definition of the job title that relates to the promotion or vacancy as defined in WV Code 18A-4-8. Achieving a passing score on the State competency test shall conclusively demonstrate the qualification of an applicant for a classification title. Once an employee passes the competency test of a classification title, the applicant shall be fully qualified to fill vacancies in that classification category of employment (see Competency Testing for Service Personnel, Policy 4125). Qualified applicants shall be considered in the following order:
 1. regularly employed service personnel who hold a classification title within the classification category of the vacancy;

2. service personnel who have held a classification title within the classification category of the vacancy whose employment has been discontinued due to a reduction-in-force;
3. regularly employed service personnel who do not hold a classification title within classification category of the vacancy;
4. service personnel who have not held a classification title within the classification category of the vacancy and whose employment has been discontinued due to a reduction-in-force;
5. substitute service personnel who hold a classification title within the classification category of the vacancy;
6. substitute service personnel who do not hold a classification title within the classification category of the vacancy; and
7. new service personnel.

The assignment of an aide to a particular position within a school is based on seniority within the aide classification category if the aide is qualified for the position.

The assignment of a custodian to work shifts in a school or work site is based on seniority within the custodian classification category.

~~After July 1, 2010, all~~ All persons employed for the first time in a position as Supervisor of Transportation or in a multi-classification position that includes this title shall have five (5) years of experience working in the transportation department of a district board. Experience working in the transportation department shall consist of serving as a bus operator, bus aide, assistant mechanic, mechanic, chief mechanic or in a clerical position within the transportation department.

A service employee with the class title of "school bus supervisor" must either currently be certified to operate a bus or have previously been certified to operate a bus.

A spouse of the Superintendent or a Board member may be employed by the Board as a service employee, provided that the Board member whose spouse is being considered for such employment must not participate in any way in the discussion or vote and must leave the Board meeting during such discussion and vote. In the case of the Superintendent's spouse who is considered for such employment, the Superintendent must not participate in any way in the discussion.

The Board will not employ as service personnel the unemancipated children or, except for a spouse, a dependent (IRS criteria) of the Superintendent or any member of the Board. Otherwise, the Board may employ the Superintendent's or a Board member's relatives, including his/her parent or parent-in-law, brother or sister, brother-in-law or sister-in-law, child, son-in-law or daughter-in-law, grandparent, or grandchild. When any such relative of a Board member is employed as a service employee, the related Board member shall not participate in any way in the discussion or vote on the employment, and the Board member shall leave the Board meeting during the discussion and vote. In the case of the Superintendent's relative, the Superintendent shall not participate in the discussion. Thereafter, the Board member may not vote on a personnel matter involving his/her relative unless the matter affects the relative as a member of a profession or occupation, or as a member of a class of at least five (5) persons.

[X] No individual shall be appointed to a service personnel position in which s/he would be responsible for supervising his/her spouse, or in which s/he would be supervised by his/her spouse.

[X] No individual shall be appointed to a service personnel position in which s/he would be responsible for supervising a member of his/her immediate family, or in which s/he would be supervised by a member of his/her spouse. A service personnel employee's immediate family members are his/her spouse, parent or parent-in-law, brother or sister, brother-in-law or sister-in-law, child, son-in-law or daughter-in-law, grandparent, or grandchild.

[X] Any person who intentionally misstates facts material to his/her qualifications for employment or the determination of salary shall be subject to dismissal by the Board.

- [X]** Prior to recommending a candidate to the Board, the Superintendent shall ascertain that the applicant for employment for a service personnel position is qualified in that s/he holds or has held a classification title in the required category of employment or has achieved a passing score on the West Virginia State Board of Education's competency test for the classification title of the vacancy.

Beginning July 1, 2014, any person previously employed as an aide in a pre-kindergarten or kindergarten program (refer to WV Code 18-5-18) and who is employed in the same capacity on and after that date and any new person employed in that capacity in a pre-kindergarten or kindergarten program on and after that date shall hold the position of either Early Childhood Classroom Assistant Teacher I, Early Childhood Classroom Assistant Teacher II or Early Childhood Classroom Assistant Teacher III. Any person employed as an aide in a pre-kindergarten or kindergarten program that is eligible for full retirement benefits before July 1, 2020, may remain employed as an aide in that position and upon application, shall be granted an Early Childhood Classroom Assistant Teacher II, permanent authorization by the State Superintendent.

Paraprofessional in Federally-Funded Programs

Effective with the 2017-18 school year, all paraprofessionals in Federally-funded programs must meet applicable West Virginia State certification and licensure requirements.

Requirements for Qualified Paraprofessionals

~~All Aides I, II, III, IV and paraprofessionals working in a Title I schoolwide program must be qualified, as defined in the NCLB, regardless of the funding source for his/her position.~~

~~All Aides I, II, III, IV and paraprofessionals, whose positions are funded by Title I funds, working in a Title I targeted assistance school must meet the definition of qualified paraprofessional found in NCLB.~~

~~"Qualified Paraprofessionals" includes persons classified as Aides I, II, III, and IV and certified paraprofessional. The NCLB requires all paraprofessionals (excluding those with sole duties as translators and parental involvement assistants) providing instructional support in a program or school receiving Title I funds to be qualified. NCLB criteria for being considered a highly qualified paraprofessional require the completion of at least one (1) of the following:~~

- ~~A. College Coursework — The applicant must have completed at least two (2) years (forty eight (48) semester hours) of study at an accredited institution of higher education; or~~
- ~~B. College Degree — The applicant must have obtained an associate degree or higher from an accredited institution of higher education; or~~
- ~~C. WVBE Program — The applicant must have completed the thirty six (36) semester hour program as a paraprofessional identified in West Virginia State Board of Education policy 5202 and passed the current state competency exam for classroom aides.~~
- ~~D. Academic Assessment — The applicant must have met a rigorous standard of quality and can demonstrate, through a formal State approved academic assessment which includes a measurement of:
 - ~~1. knowledge of, and the ability to assist in instructing, reading, writing and mathematics; and~~
 - ~~2. knowledge of, and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate. Paraprofessionals who have taken and passed the current State competency exam for paraprofessionals have satisfied this requirement.~~~~

The Superintendent shall prepare procedures for the recruitment and selection of all service personnel.

West Virginia State Board of Education policy 5000

West Virginia State Board of Education policy 5202

WV Code 5-11-9a, 15-1F-8. 18A-2-1, 18A-4-8, 18A-4-8b, 18A-4-8e, 18A-4-8g

WV Code 18-5-18

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