

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Transfer of Professional Personnel; K-5 Classroom Teachers

Series: G43A

Reference: W.Va. Code §§18A-4-7a, 18A-2-7

Issued: 01.14.1991

Revised: 01.14.2000; 01.28.2003; 11.23.2009

Revision Number: 4

43.01 Definitions.

- (a) Realign – A change in the number of classroom teachers assigned to teach in particular grade levels so as to adjust to shifting enrollment.
- (b) Change in assignment – A change in assignment shall occur if a classroom teacher either agrees or is required to teach in a new grade level or new split grade assignment.
- (c) Seniority – Shall mean total county service.

43.02 Realignment/No Increase or Reduction. If a principal determines that it will be necessary to realign the assignments of classroom teachers in one or more grade levels for the next ensuing school year and the total number of classroom teachers assigned to the school is not scheduled to increase or be reduced, teachers at the school may be reassigned to grade levels for which they are certified without the position being posted, provided the employee agrees to the reassignment. If the teacher does not agree to the reassignment, the teacher shall be recommended for transfer by the Superintendent. If such recommended transfers are approved by the Board, all newly created assignments shall be promptly posted.

43.03 Realignment/Increase. If a principal determines that it will be necessary to realign the assignment of classroom teachers for the next ensuing year and the total number of classroom teachers assigned to the school is scheduled to increase, the additional position[s] shall be posted to meet anticipated needs. If after posting such additional positions it is determined that further realignment is necessary, a request shall be made of the affected classroom teachers to agree to reassignment. Any teacher who withholds agreement shall be recommended for transfer by the Superintendent. If such recommended transfers are approved by the board, all newly created assignments shall be promptly posted.

43.04 Realignment/Reduction. If a principal determines that it will be necessary to realign the assignments of classroom teachers for the next ensuing school year and the total number of classroom teachers assigned to the school is scheduled to be reduced, the least senior classroom teacher assigned to the school (excluding special program teachers, See

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Section 43.05) shall be recommended for transfer by the Superintendent. If the least senior classroom teacher is not assigned to a grade level scheduled to be reduced, the classroom teachers in the grade level scheduled to be reduced, in order of seniority starting with the most senior classroom teacher, shall be requested to agree to reassignment to the position to be vacated by the least senior classroom teacher. Notwithstanding the foregoing, if the school's least senior teacher is assigned to a kindergarten position, and the least senior teacher in the grade level to be reduced is not certified to teach kindergarten, then the least senior teacher in the grade level to be reduced shall be recommended for transfer instead of the kindergarten teacher, if no more senior teacher in the grade level to be reduced is certified and agrees to teach kindergarten. If no agreement is forthcoming, the least senior classroom teacher who withheld agreement shall be recommended for transfer by the Superintendent. If such recommended transfers are approved by the Board, all newly created assignments shall be promptly posted. Note: Half-time (.5) classroom teachers are not subject to transfer or reassignment unless a half-time (.5) reduction is required.

43.05 Program Reduction. If a determination is made to reduce any special program (e.g. IMC, Elementary Physical Education, Head Start, Special Education, Title 1, positions funded through a particular federal program and multi-school itinerant positions) the professional personnel assigned to such special program shall be recommended for transfer by the Superintendent.

43.06 Agreed Reassignments. Subject to the approval of a principal, two classroom teachers may agree to exchange assignments beginning the next ensuing school year. If a reduction in staffing occurs through either loss of student population or loss of program and no realignment is necessary as provided in Section 43.04 of this regulation, the classroom teacher identified for recommended transfer may agree to reassignment into an existing vacancy within the school.

43.07 Reconfiguration from K-5 to K-4. If a school is reconfigured from a K-5 to a K-4, the fifth grade teacher(s) in the school may elect to apply for fifth grade positions created at the middle school. In the event a fifth grade teacher is not selected or does not apply for the middle school

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position, such teacher shall retain the rights under West Virginia Code §18A-4-7a to displace a less senior teacher in the school. For purposes of this section a fifth grade teacher shall be determined based upon the description of the position as set out in the notice of vacancy for such position.

- 43.07.1** In the event professional educators vote, pursuant to W. Va. Code §18A-4-8f, to give priority to fifth grade teachers in filling fifth grade position in schools where the fifth grade is being removed to a middle school, the following provisions shall apply:
- 43.07.1.1** Fifth grade teachers will have priority only in the middle school to which their schools fifth graders will attend. If the elementary school feeds into two middle schools, priority shall be given at either school.
- 43.07.1.2** Middle school fifth grade positions will be determined and posted and priority given to qualified fifth grade teachers in the feeder elementary schools on a seniority basis.
- 43.07.1.3** Teachers in the school or schools to be closed or in which one or more grade levels are being removed to another school shall have priority in filling new positions in the new or merged schools for which the teacher is qualified and meet the standards set forth in the job posting. The teacher shall have priority for filling a position at a school affected by a merger or consolidation only for the position(s) being created by the influx of students from a consolidated or merged school into the school receiving students from their closed school or grade level.
- 43.07.1.4** In the event a fifth grade teacher is not selected or does not apply for a middle school position, such teacher may displace a less senior teacher in the elementary school in accordance with W. Va. Code §18A-4-7a. Fifth grade teachers are not eligible to displace a special programs teacher, such as Title 1, Special Education, Librarian, and Interventionist.
- 43.07.1.5** 4/5 Split. A teacher who is teaching a 4/5 split grade shall be deemed to be a fifth grade teacher, if, as of the second month enrollment of the school year immediately preceding the

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reconfiguration, such teacher's class contains 50% or more fifth graders.

43.07.1.6 Looping. If a teacher is looping, i.e., staying with 4th and 5th grade students for a two year period, such teacher's status shall be determined based upon the position for which such teacher was originally hired for the position. If a position has been posted as a 4/5 looping position, then the person who actually holds the fifth grade position in the school year immediately preceding the reconfiguration shall be deemed to be the fifth grade teacher.