

1 **H. B. 4545**

2
3 (By Delegates Hartman, Iaquina, Crosier, Evans,
4 Williams, Romine, Shaver and Sumner)

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6 [Introduced February 15, 2012; referred to the
7 Committee on Education then Finance.]

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10 A BILL to amend and reenact §18A-2-7 of the Code of West Virginia,
11 1931, as amended, relating to date changes for notice of
12 transfer or dismissal of school personnel.

13 *Be it enacted by the Legislature of West Virginia:*

14 That §18A-2-7 of the Code of West Virginia, 1931, as amended,
15 be amended and reenacted to read as follows:

16 **ARTICLE 2. SCHOOL PERSONNEL.**

17 **§18A-2-7. Assignment, transfer, promotion, demotion, suspension**
18 **and recommendation of dismissal of school personnel**
19 **by superintendent; preliminary notice of transfer;**
20 **hearing on the transfer; proof required.**

21 (a) The superintendent, subject only to approval of the board,
22 may assign, transfer, promote, demote or suspend school personnel
23 and recommend their dismissal pursuant to provisions of this
24 chapter. However, an employee shall be notified in writing by the
25 superintendent on or before ~~February 1~~ the first Monday in April if

1 he or she is being considered for transfer or to be transferred.
2 Only those employees whose consideration for transfer or intended
3 transfer is based upon known or expected circumstances which will
4 require the transfer of employees shall be considered for transfer
5 or intended for transfer and the notification shall be limited to
6 only those employees. Any teacher or employee who desires to
7 protest the proposed transfer may request in writing a statement of
8 the reasons for the proposed transfer. The statement of reasons
9 shall be delivered to the teacher or employee within ten days of
10 the receipt of the request. Within ten days of the receipt of the
11 statement of the reasons, the teacher or employee may make written
12 demand upon the superintendent for a hearing on the proposed
13 transfer before the county board of education. The hearing on the
14 proposed transfer shall be held on or before ~~March 15~~ the first
15 Monday in May. At the hearing, the reasons for the proposed
16 transfer must be shown.

17 (b) The superintendent at a meeting of the board on or before
18 ~~March 15~~ the first Monday in May shall furnish in writing to the
19 board a list of teachers and other employees to be considered for
20 transfer and subsequent assignment for the next ensuing school
21 year. An employee who was not provided notice and an opportunity
22 for a hearing pursuant to subsection (a) of this section may not be
23 included on the list. All other teachers and employees not so
24 listed shall be considered as reassigned to the positions or jobs

1 held at the time of this meeting. The list of those recommended
2 for transfer shall be included in the minute record of the meeting
3 and all those so listed shall be notified in writing, which notice
4 shall be delivered in writing, by certified mail, return receipt
5 requested, to the persons' last known addresses within ten days
6 following the board meeting, of their having been so recommended
7 for transfer and subsequent assignment and the reasons therefor.

8 (c) The superintendent's authority to suspend school personnel
9 shall be temporary only pending a hearing upon charges filed by the
10 superintendent with the board of education and the period of
11 suspension may not exceed thirty days unless extended by order of
12 the board.

13 (d) The provisions of this section respecting hearing upon
14 notice of transfer is not applicable in emergency situations where
15 the school building becomes damaged or destroyed through an
16 unforeseeable act and which act necessitates a transfer of the
17 school personnel because of the aforementioned condition of the
18 building.

NOTE: The purpose of this bill is to push back the day that teachers are informed of their transfer, dismissal, etc. from February back to April, and to move the hearing on such decisions from March to May.

Strike-throughs indicate language that would be stricken from

the present law, and underscoring indicates new language that would be added.