

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 4829**

By Delegates Toney, Statler, Ferrell, Campbell,

Holstein, W. Clark, Ellington, and Adkins

[Originating in the Committee on Education; Reported

on February 21, 2024]



1 A BILL to amend and reenact §18A-2-5 of the Code of West Virginia, 1931, as amended, relating  
2 to employment of service personnel and removing the requirement for a high school  
3 diploma or general education development certificate for school bus drivers and  
4 custodians who are 21 years of age or older.

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

**ARTICLE 2. SCHOOL PERSONNEL.**

**§18A-2-5. Employment of service personnel; limitation.**

1 The board ~~is authorized to~~ may employ such service personnel, including substitutes, as is  
2 deemed necessary for meeting the needs of the county school system: *Provided*, That the board  
3 may not employ a number of such personnel whose minimum monthly salary under §18A-4-8a of  
4 this code is specified as pay grade "H", which number exceeds the number employed by the board  
5 on March 1, 1988.

6 Effective July 1, 1988, a county board shall not employ for the first time any person who  
7 has not obtained a high school diploma or general educational development certificate (GED) or  
8 who is not enrolled in an approved adult education course by the date of employment in  
9 preparation for obtaining a GED: *Provided*, That such employment is contingent upon continued  
10 enrollment or successful completion of the GED program: *Provided further*, That this section shall  
11 not apply to school bus drivers and custodians who are 21 years of age or older.

12 Before entering upon their duties service personnel shall execute with the board a written  
13 contract which shall be in the following form:

14 "COUNTY BOARD OF EDUCATION  
15 SERVICE PERSONNEL CONTRACT OF EMPLOYMENT

16 THIS (Probationary or Continuing) CONTRACT OF EMPLOYMENT, made and entered  
17 into this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by and between THE BOARD OF  
18 EDUCATION OF THE COUNTY OF \_\_\_\_\_, a corporation, hereinafter called the

19 'Board,' and (Name and Social Security Number of Employee), of (Mailing Address), hereinafter  
20 called the 'Employee.'

21 WITNESSETH, that whereas, at a lawful meeting of the Board of Education of the County  
22 of \_\_\_\_\_ held at the offices of said Board, in the City of \_\_\_\_\_,  
23 \_\_\_\_\_ County, West Virginia, on the \_\_\_\_\_ day of \_\_\_\_\_,  
24 19\_\_\_\_, the Employee was duly hired and appointed for employment as a (Job Classification) at  
25 (Place of Assignment) for the school year commencing \_\_\_\_\_ for the employment term and  
26 at the salary and upon the terms hereinafter set out.

27 NOW, THEREFORE, pursuant to said employment, Board and Employee mutually agree  
28 as follows:

29 (1) The Employee is employed by the Board as a (Job Classification) at (Place of  
30 Assignment) for the school year or remaining part thereof commencing \_\_\_\_\_,  
31 19\_\_\_\_. The period of employment is \_\_\_\_\_ days at an annual salary of \$\_\_\_\_\_ at the rate  
32 of \$\_\_\_\_\_ per month.

33 (2) The Board hereby certifies that the Employee's employment has been duly approved  
34 by the Board and will be a matter of the Board's minute records.

35 (3) The services to be performed by the Employee shall be such services as are prescribed  
36 for the job classification set out above in paragraph (1) and as defined in §18A-4-8 this code.

37 (4) The Employee may be dismissed at any time for immorality, incompetency, cruelty,  
38 insubordination, intemperance or willful neglect of duty pursuant to ~~the provisions of~~ §18A-2-8 of  
39 this code.

40 (5) The Superintendent of the \_\_\_\_\_ County Board of Education, subject to the  
41 approval of the Board, may transfer and assign the Employee in the manner provided by §18A-7-2  
42 of this code.

43 (6) This contract shall at all times be subject to any and all existing laws, or such laws as  
44 may hereafter be lawfully enacted, and such laws shall be a part of this contract.

45 (7) This contract may be terminated or modified at any time by the mutual consent of the  
46 Board and the Employee.

47 (8) This contract shall be automatically terminated if the Employee is convicted under §61-  
48 8D-3 or §61-8D-5 of this code or comparable statute in any other state, of any criminal offense that  
49 requires the Employee to register as a sex offender, or of any criminal offense which has as an  
50 element delivery or distribution of a controlled substance: *Provided*, That ~~should~~ if the conviction  
51 resulting in automatic revocation pursuant to this section ~~be~~ is overturned by any Court of this state  
52 or the United States, the Employee's contract shall be reinstated unless otherwise prohibited by  
53 law.

54 (9) This contract ~~must~~ shall be signed and returned to the Board at its address of  
55 \_\_\_\_\_ within 30 days after being received by the Employee.

56 (10) By signing this contract the Employee accepts employment upon the terms herein  
57 set out.

58 WITNESS the following signatures as of the day, month and year first above written:

59 \_\_\_\_\_, (President, \_\_\_\_\_ County Board of Education) \_\_\_\_\_,  
60 (Secretary, \_\_\_\_\_ County Board of Education) \_\_\_\_\_, (Employee)"

61 The use of this form ~~shall~~ may not be interpreted to authorize boards to discontinue any  
62 employee's contract status with the board or rescind any rights, privileges or benefits held under  
63 contract or otherwise by any employee prior to the effective date of this section.

64 Each contract of employment shall be designated as a probationary or continuing contract.  
65 The employment of service personnel shall be made a matter of minute record. The employee  
66 shall return the contract of employment to the county board of education within 30 days after  
67 receipt or otherwise he or she shall forfeit his or her right to employment.

68 Under such regulation and policy as may be established by the county board, service  
69 personnel selected and trained for teacher-aide classifications, such as monitor aide, clerical aide,

70 classroom aide and general aide, shall work under the direction of the principal and teachers to  
71 whom assigned.

NOTE: The purpose of this bill is to remove the requirement that certain service personnel have a high school diploma or its equivalent.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.