1	Senate Bill No. 576
2	(By Senators Beach, Edgell and Williams)
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4	[Introduced February 13, 2012; referred to the Committee on
5	Education.]
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LO	A BILL to amend and reenact $\$18A-2-7$ of the Code of West Virginia,
L1	1931, as amended, relating to date changes for notice of
L2	transfer or dismissal of school personnel.
L3	Be it enacted by the Legislature of West Virginia:
L 4	That §18A-2-7 of the Code of West Virginia, 1931, as amended,
L 5	be amended and reenacted to read as follows:
L 6	ARTICLE 2. SCHOOL PERSONNEL.
L 7	§18A-2-7. Assignment, transfer, promotion, demotion, suspension
L 8	and recommendation of dismissal of school personnel
L 9	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

1 chapter. However, an employee shall be notified in writing by the 2 superintendent on or before February 1 the first Monday in April if 3 he or she is being considered for transfer or to be transferred. 4 Only those employees whose consideration for transfer or intended 5 transfer is based upon known or expected circumstances which will 6 require the transfer of employees shall be considered for transfer 7 or intended for transfer and the notification shall be limited to 8 only those employees. Any teacher or employee who desires to 9 protest the proposed transfer may request in writing a statement of 10 the reasons for the proposed transfer. The statement of reasons 11 shall be delivered to the teacher or employee within ten days of 12 the receipt of the request. Within ten days of the receipt of the 13 statement of the reasons, the teacher or employee may make written 14 demand upon the superintendent for a hearing on the proposed 15 transfer before the county board of education. The hearing on the 16 proposed transfer shall be held on or before March 15 the first 17 Monday in May. At the hearing, the reasons for the proposed 18 transfer must be shown.

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

1 included on the list. All other teachers and employees not so
2 listed shall be considered as reassigned to the positions or jobs
3 held at the time of this meeting. The list of those recommended
4 for transfer shall be included in the minute record of the meeting
5 and all those so listed shall be notified in writing, which notice
6 shall be delivered in writing, by certified mail, return receipt
7 requested, to the persons' last known addresses within ten days
8 following the board meeting, of their having been so recommended
9 for transfer and subsequent assignment and the reasons therefor.

- (c) The superintendent's authority to suspend school personnel shall be temporary only pending a hearing upon charges filed by the superintendent with the board of education and the period of suspension may not exceed thirty days unless extended by order of the board.
- (d) The provisions of this section respecting hearing upon notice of transfer is not applicable in emergency situations where the school building becomes damaged or destroyed through an unforeseeable act and which act necessitates a transfer of the school personnel because of the aforementioned condition of the 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.