

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 1061

By Senator Grady

[Introduced February 21, 2026; referred
to the Committee on Education]

1 A BILL to amend and reenact §18A-2-7 of the Code of West Virginia, 1931, as amended, relating
 2 to removing prohibition against reassigning school personnel in certain instances after the
 3 last day of the second school month.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. SCHOOL PERSONNEL.

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

1 (a) The superintendent, subject only to approval of the board, may assign, transfer,
 2 promote, demote or suspend school personnel and recommend their dismissal pursuant to
 3 provisions of this chapter. However, an employee shall be notified in writing by the superintendent
 4 on or before April 1 if he or she is being considered for transfer or to be transferred. Only those
 5 employees whose consideration for transfer or intended transfer is based upon known or expected
 6 circumstances which will require the transfer of employees shall be considered for transfer or
 7 intended for transfer and the notification shall be limited to only those employees. Any teacher or
 8 employee who desires to protest the proposed transfer may request in writing a statement of the
 9 reasons for the proposed transfer. The statement of reasons shall be delivered to the teacher or
 10 employee within ten days of 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 demand upon the
 12 superintendent for a hearing on the proposed transfer before the county board. The hearing on the
 13 proposed transfer shall be held on or before May 1. At the hearing, the reasons for the proposed
 14 transfer must be shown.

15 (b) The superintendent at a meeting of the board on or before May 1 shall furnish in writing
 16 to the board a list of teachers and other employees to be considered for transfer and subsequent
 17 assignment for the next ensuing school year. An employee who was not provided notice and an
 18 opportunity for a hearing pursuant to subsection (a) of this section may not be included on the list.

19 All other teachers and employees not so listed shall be considered as reassigned to the positions
20 or jobs held at the time of this meeting. The list of those recommended for transfer shall be
21 included in the minute record of the meeting and all those so listed shall be notified in writing and
22 shall be delivered within ten days following the board meeting, with written receipt notification
23 documented by the superintendent, and shall state that the person is being recommended for
24 transfer and subsequent assignment and the reasons therefor.

25 (c) The superintendent's authority to suspend school personnel shall be temporary only
26 pending a hearing upon charges filed by the superintendent with the county board and the period
27 of suspension may not exceed thirty days unless extended by order of the board.

28 (d) The provisions of this section respecting hearing upon notice of transfer are not
29 applicable in emergency situations where a school building becomes damaged or destroyed
30 through an unforeseeable act and which act necessitates a transfer of the school personnel
31 because of the aforementioned condition of the building.

32 (e) Notwithstanding this section or any provision of this code, when actual student
33 enrollment in a grade level or program, unforeseen on or before May 1 of the preceding school
34 year, permits the assignment of fewer teachers or service personnel to or within a school under
35 any pupil-teacher ratio, class size or caseload standard established in section eighteen-a, article
36 five, chapter eighteen of this code or any policy of the state board, the superintendent, with board
37 approval, may reassign the surplus personnel to another school or to another grade level or
38 program within the school if needed there to comply with any such pupil-teacher ratio, class size or
39 caseload standard.

40 (1) Before any reassignment may occur pursuant to this subsection, notice shall be
41 provided to the employee and the employee shall be provided an opportunity to appear before the
42 county board to state the reasons for his or her objections, if any, prior to the board voting on the
43 reassignment.

44 (2) Except as otherwise provided in subdivision (1) of this subsection, the reassignment

45 may be made without following the notice and hearing provisions of this section, and at any time
46 during the school year when the conditions of this subsection are met. ~~Provided, That the~~
47 ~~reassignment may not occur after the last day of the second school month.~~

48 (3) A professional employee reassigned under this subsection shall be the least senior of
49 the surplus professional personnel who holds certification or licensure to perform the duties at the
50 other school or at the grade level or program within the school.

51 (4) A service employee reassigned under this subsection shall be the least senior of the
52 surplus personnel who holds the same classification or multiclassification needed to perform the
53 duties at the other school or at the grade level or program within the same school.

54 (5) No school employee's annual contract term, compensation or benefits shall be
55 changed as a result of a reassignment under this subsection.

NOTE: The purpose of this bill is to remove the prohibition against reassigning school personnel in certain instances after the last day of the second school month.

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