

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1977



ENROLLED

Committee Substitute for
SENATE BILL NO. 356

(By Mr. *Hulligan*)



PASSED *April 5,* 1977

In Effect *ninty days from* Passage

110. 226

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 356
(By MR. GILLIGAN)

[Passed April 8, 1977; in effect ninety days from passage.]

AN ACT to amend and reenact section seven, article two, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the assignment, transfer, promotion, demotion, suspension and recommendation and dismissal of school personnel by school superintendent; preliminary notice required; reasons required for transfer; notice; hearing and proof required.

Be it enacted by the Legislature of West Virginia:

That section seven, article two, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

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 The superintendent, subject only to approval of the
2 board, shall have authority to assign, transfer, promote,
3 demote or suspend school personnel and to recommend
4 their dismissal pursuant to provisions of this chapter.
5 However, an employee shall be notified in writing by
6 the superintendent on or before the first Monday in April
7 if he is being considered for transfer or to be transferred.

8 Any teacher or employee who desires to protest such
9 proposed transfer may request in writing a statement of
10 the reasons for the proposed transfer. Such statement of
11 reasons shall be delivered to the teacher or employee
12 within ten days of the receipt of the request. Within ten
13 days of the receipt of the statement of the reasons, the
14 teacher or employee may make written demand upon the
15 superintendent for a hearing on the proposed transfer
16 before the county board of education. The hearing on the
17 proposed transfer shall be held on or before the first
18 Monday in May. At the hearing, the reasons for the pro-
19 posed transfer must be shown.

20 The superintendent at a meeting of the board on or
21 before the first Monday in May, shall furnish in writing
22 to the board a list of teachers and other employees to
23 be considered for transfer and subsequent assignment
24 for the next ensuing school year. All other teachers and
25 employees not so listed shall be considered as reassigned
26 to the positions or jobs held at the time of this meeting.
27 The list of those recommended for transfer shall be in-
28 cluded in the minute record of such meeting and all
29 those so listed shall be notified in writing, which notice
30 shall be delivered in writing, by certified mail, return
31 receipt requested, to such persons' last known addresses
32 within ten days following said board meeting, of their
33 having been so recommended for transfer and subsequent
34 assignment and the reasons therefor. The superinten-
35 dent's authority to suspend school personnel shall be
36 temporary only pending a hearing upon charges filed by
37 the superintendent with the board of education and such
38 period of suspension shall not exceed thirty days unless
39 extended by order of the board.

40 The provisions of this section respecting hearings upon
41 notice of transfer shall not be applicable in emergency
42 situations where the school building becomes damaged or
43 destroyed through an unforeseeable act and which act
44 necessitates a transfer of such school personnel because
45 of the aforementioned condition of the building.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Lawrence L. Chestnut
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

J. Willard J.
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

W. B. Brantley Jr.
President of the Senate

Donald L. Kopp
Speaker House of Delegates

The within is approved this the 26
day of April 1977.

Paul R. Taylor
Governor

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OFFICE OF THE GOVERNOR

APPROVED AND SIGNED BY THE GOVERNOR

Date April 26, 1977

Time 3:15 p.m.

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OFFICE
LEGY. OF STATE