WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1992

ENROLLED
Committee Substitute for
SENATE BILL NO. 299

(By Senator _____ Luchт, et al_____)
AN ACT to amend article four, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section eight-f, relating to the seniority rights of classroom teachers in consolidated schools.

Be it enacted by the Legislature of West Virginia:

That article four, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section eight-f, to read as follows:

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.

§18A-4-8f. Seniority rights, school consolidation.

1 Notwithstanding any provision of this article to the contrary, when a majority of the classroom teachers, as defined in section one, article one of this chapter, who vote to do so, in accordance with procedures
established herein, and who are employed by a county board of education, the board shall give priority to classroom teachers in any school or schools to be closed as a result of a consolidation or merger when filling positions in the new school created by consolidation or newly created positions in existing schools as a result of the merger. Each year a consolidation or merger is proposed, prior to the implementation of that plan, the superintendent shall cause to be prepared and distributed to all faculty senates a ballot on which teachers may indicate whether or not they desire those affected by school closings to be given priority status in filling new positions. A secret ballot election shall be conducted in each faculty senate and the faculty senate chair shall convey the results of such election to the superintendent. The superintendent shall tabulate and post all results prior to the notice requirements for reduction in force and transfer as outlined in sections two and seven, article two of this chapter. The total number of votes shall be tabulated and the provisions of this section shall be implemented only if a majority of the total number of teachers who cast a ballot vote to do so. The teachers in the school or schools to be closed shall have priority in filling new positions in the new or merged schools for which the teachers are certified and meet the standards set forth in the job posting on the basis of seniority within the county: Provided, That a teacher shall only receive priority for filling a position at a school impacted by a merger, or consolidation with the position being created by the influx of students from a consolidated or merged school into the school receiving students from their closed school or grade level. The most senior teacher in the closed school or schools shall be placed first, the second most senior shall be placed next and so on until all the newly created positions are filled, or until all the teachers in the closed school or schools who wish to transfer into the newly created positions are placed: Provided, however, That if there are fewer new positions in the newly created school or merged school than there are classroom teachers in the school or schools to be
closed, the teachers who were not placed in the new
positions shall retain the same rights as all other
teachers with regard to seniority, transfer and reduc-
tion in force: Provided further, That nothing herein
shall be construed to grant any employee additional
rights or protections with regard to reduction in force.

For the purposes of this section only, a consolidation
shall mean when one or more schools are closed, or
one or more grade levels are removed from one or
more schools and the students who previously
attended the closed schools or grade levels are assigned
to a new school. For purposes of this section only, a
merger shall mean when one or more schools are
closed or one or more grade levels are removed from
one or more schools and the students who previously
attended the closed schools or grade levels are assigned
to another existing school.

The provisions of this section shall not apply to
positions which are filled by a county board prior to
the effective date of this section.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Homer Hech
Chairman Senate Committee

B. Moore
Chairman House Committee

Originated in the Senate.

In effect from passage.

Robert Nelms
Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 17th day of 1992.

Yoston Caperton
Governor
PRESENTED TO THE
GOVERNOR
Date 3/12/92
Time 4:15 pm