WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2000

ENROLLED

House Bill No. 4414
(By Delegates Mezzatesta, Williams, Paxton, Susman and Willis)

Passed March 11, 2000
In Effect from Passage
AN ACT to amend and reenact section one, article one, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section three, article two of said chapter, all relating to county boards of education; defined terms; employment of substitute teachers; and allowing the county superintendents to hire prospective employable professional personnel.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1. GENERAL PROVISIONS.

§18A-1-1. Definitions.

The definitions contained in section one, article one, chapter eighteen of this code apply to this chapter. In addition,
the following words used in this chapter and in any proceedings pursuant thereto shall, unless the context clearly indicates a different meaning, be construed as follows:

(a) “School personnel” means all personnel employed by a county board of education whether employed on a regular full-time basis, an hourly basis or otherwise. School personnel shall be comprised of two categories: Professional personnel and service personnel.

(b) “Professional personnel” means persons who meet the certification and/or licensing requirements of the state, and includes the professional educator and other professional employees.

(c) “Professional educator” is synonymous with and has the same meaning as “teacher” as defined in section one, article one, chapter eighteen of this code. Professional educators shall be classified as:

(1) “Classroom teacher” — The professional educator who has direct instructional or counseling relationship with pupils, spending the majority of his or her time in this capacity.

(2) “Principal” — The professional educator who as agent of the board has responsibility for the supervision, management and control of a school or schools within the guidelines established by said board. The major area of such responsibility shall be the general supervision of all the schools and all school activities involving pupils, teachers and other school personnel.

(3) “Supervisor” — The professional educator who, whether by this or other appropriate title, is responsible for working primarily in the field with professional and/or other personnel in instructional and other school improvement.

(4) “Central office administrator” — The superintendent, associate superintendent, assistant superintendent and other
professional educators, whether by these or other appropriate
titles, who are charged with the administering and supervising
of the whole or some assigned part of the total program of the
county-wide school system.

(d) "Other professional employee" means that person from
another profession who is properly licensed and is employed to
serve the public schools and includes a registered professional
nurse, licensed by the West Virginia board of examiners for
registered professional nurses and employed by a county board
of education, who has completed either a two-year (sixty-four
semester hours) or a three-year (ninety-six semester hours)
nursing program.

(e) "Service personnel" means those who serve the school
or schools as a whole, in a nonprofessional capacity, including
such areas as secretarial, custodial, maintenance, transportation,
school lunch and as aides.

(f) "Principals academy" or "academy" means the academy
created pursuant to section two-b, article three-a of this chapter.

(g) "Center for professional development" means the center
created pursuant to section one, article three-a of this chapter.

(h) "Job-sharing arrangement" means a formal, written
agreement voluntarily entered into by a county board with two
or more of its professional employees who wish to divide
between them the duties and responsibilities of one authorized
full-time position.

(i) "Prospective employable professional personnel" means
certified professional educators who:

(1) Have been recruited on a reserve list of a county board;

(2) Have been recruited at a job fair or as a result of contact
made at a job fair;
(3) Have not obtained regular employee status through the job posting process provided for in section seven-a, article four of this chapter; and

(4) Have obtained a baccalaureate degree from an accredited institution of higher education within the past year.

ARTICLE 2. SCHOOL PERSONNEL.


(a) The county superintendent, subject to approval of the county board, may employ and assign substitute teachers to any of the following duties: (a) To fill the temporary absence of any teacher or an unexpired school term made vacant by resignation, death, suspension or dismissal; (b) to fill a teaching position of a regular teacher on leave of absence; and (c) to perform the instructional services of any teacher who is authorized by law to be absent from class without loss of pay, providing the absence is approved by the board of education in accordance with the law. The substitute shall be a duly certified teacher.

(b) Prospective employable professional personnel may be employed in accordance with this subsection.

(1) As an aid in recruiting teachers in the state, and notwithstanding any other provision of this code to the contrary, a superintendent of a county that meets the requirements in subdivision (3) of this subsection or obtains approval from the state board in accordance with subdivision (4) of this subsection may employ up to twenty-five full-time prospective employable professional personnel each year on a reserve list at the county level. Regular employment status for such personnel may be obtained only in accordance with the provision of section seven-a, article four of this chapter.
Prior to the employment of the full-time prospective employable professional personnel on a reserve list, the superintendent shall obtain from the county board:

(A) General approval to employ the personnel on the reserve list;

(B) General approval as to the form of the contract to be used in employing the personnel; and

(C) Approval of the number of personnel to be employed from the reserve list.

Unless a county is eligible under subdivision (4) of this subsection, a county is eligible to hire professional personnel in accordance with this subsection only if the county’s net enrollment during the year is more than one hundred students greater than the fourth year prior to the current year.

Unless a county is eligible under subdivision (3) of this subsection, a county is eligible to hire professional personnel in accordance with this subsection only if the county requests and receives approval from the state board. The state board shall determine the criteria for granting approval including, but not limited to, vacancies in professional personnel positions and the need to recruit teachers in specific subject matter areas. The state board annually shall determine the number of prospective employable professional personnel to be hired: Provided, That the number may not exceed twenty-five.

The state board annually shall review the status of employing personnel under the provisions of this subsection, and annually shall report to the legislative oversight commission on education accountability on or before the first day of November of each year. The report shall include, but not be limited to, the following:
(A) The counties that participated in the program;

(B) The number of personnel hired;

(C) The teaching fields in which personnel were hired;

(D) The venue from which personnel were employed;

(E) The place of residency of the individual hired; and

(F) The state board’s recommendations on the prospective employable professional personnel program.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within approved this the 23rd day of March, 2000.

Governor