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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

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SECRETARY OF STATE

ENROLLED

H. B. 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.

- 1 The definitions contained in section one, article one,
- 2 chapter eighteen of this code apply to this chapter. In addition,

3 the following words used in this chapter and in any proceedings
4 pursuant thereto shall, unless the context clearly indicates a
5 different meaning, be construed as follows:

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

11 (b) "Professional personnel" means persons who meet the
12 certification and/or licensing requirements of the state, and
13 includes the professional educator and other professional
14 employees.

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

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

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

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

32 (4) "Central office administrator" — The superintendent,
33 associate superintendent, assistant superintendent and other

34 professional educators, whether by these or other appropriate
35 titles, who are charged with the administering and supervising
36 of the whole or some assigned part of the total program of the
37 county-wide school system.

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

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

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

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

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

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

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

62 (2) Have been recruited at a job fair or as a result of contact
63 made at a job fair;

64 (3) Have not obtained regular employee status through the
65 job posting process provided for in section seven-a, article four
66 of this chapter; and

67 (4) Have obtained a baccalaureate degree from an accred-
68 ited institution of higher education within the past year.

ARTICLE 2. SCHOOL PERSONNEL.

§18A-2-3. Employment of substitute teachers and prospective employable professional personnel.

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

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

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

24 (2) Prior to the employment of the full-time prospective
25 employable professional personnel on a reserve list, the
26 superintendent shall obtain from the county board:

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

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

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

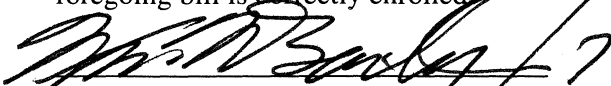
33 (3) Unless a county is eligible under subdivision (4) of this
34 subsection, a county is eligible to hire professional personnel in
35 accordance with this subsection only if the county's net
36 enrollment during the year is more than one hundred students
37 greater than the fourth year prior to the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


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

48 (5) The state board annually shall review the status of
49 employing personnel under the provisions of this subsection,
50 and annually shall report to the legislative oversight commis-
51 sion on education accountability on or before the first day of
52 November of each year. The report shall include, but not be
53 limited to, the following:

- 54 (A) The counties that participated in the program;
- 55 (B) The number of personnel hired;
- 56 (C) The teaching fields in which personnel were hired;
- 57 (D) The venue from which personnel were employed;
- 58 (E) The place of residency of the individual hired; and
- 59 (F) The state board's recommendations on the prospective
- 60 employable professional personnel program.

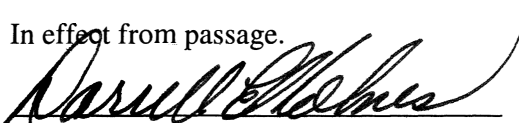
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled

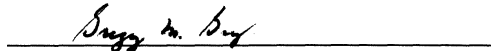

Chairman Senate Committee



Chairman House Committee

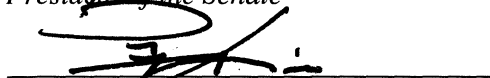
Originating in the House.

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 28th
day of March, 2000.


Governor

PRESENTED TO THE

GOVERNOR

Date 3/23/00

Time 3:45p