

PRESTON COUNTY BOARD OF EDUCATION

FILE: 8 – PERSONNEL MANAGEMENT

File: 8-17 Transfer of Personnel

Last Reviewed: 6-28-10

Next Review: 7-01-12

Assignments and transfers of all personnel are made upon the recommendation of the Superintendent and the approval of the Board. Transfers may be made when the employee so requests or when, in the opinion of the Superintendent and the Board of Education, the best interests of the educational program demand such a change. Reasons for transfer of personnel may include the following: employee request, changes in enrollment patterns, reorganizations, vacancies in a teacher's field, promotion as a stimulus to professional growth, or to correct a maladjustment arising out of difficulties in a particular school or community.

(WVC §18A-2-7a)

[Home](#)

R 8-17-1 Notification/Employee Rights

An employee shall be notified in writing by the Superintendent on or before *February 1* if s/he is being considered for transfer or to be transferred. Any employee who desires to protest such transfer may request in writing a statement of the reasons for the proposed transfer. Such statement of reasons shall be delivered to the employee within 10 days of the receipt of the request. Within 10 days of the receipt of the statement of the reasons, the employee may make written demand upon the Superintendent for a hearing on the proposed transfer before the Board of Education. The hearing on the proposed transfer shall be held on or before *March 15*. At the hearing the reasons for the proposed transfer must be shown. If the reasons for the transfer are enclosed in the letter which notified the employee of the proposed transfer, the employee has 10 days within receipt of the letter to make written demand upon the Superintendent for a hearing before the Board.

(WVC §18A-2-7a)

[Home](#)

R 8-17-2 Limitations on Transfers

- ❖ Only those employees whose consideration for transfer or intended transfer is based upon known or expected circumstances that will require the transfer may be notified of an impending transfer.
- ❖ At a meeting on or before *March 15*, the Superintendent must provide the Board with a list of employees to be considered for transfer for the ensuing year. The list shall be included in the minutes of the meeting and all persons included in the list must be notified in writing by certified mail, return receipt requested, within 10 days of their having been recommended for transfer and reassignment and the reasons for the action.
- ❖ All other teachers and employees not so listed shall be considered as reassigned to the positions or jobs held at the time of this meeting.

- ❖ If prior to August 1 the reason for a particular transfer no longer exists as determined by the Board, the Board shall rescind the transfer and shall notify the affected employee in writing of his/her right to be restored to his/her position of employment.
- ❖ After the fifth day prior to the beginning of the instructional term, no person employed and assigned to a professional position may transfer to another professional position in the county during that instructional term unless the person holding the position does not have valid certification. Exceptions are as follows:
 - Such person may apply for any posted vacancies, and if successful, may assume the position at the beginning of the next instructional term.
 - Persons on an approved leave of absence may fill these positions upon their return from that leave.
 - The Superintendent may fill a position before the next instructional term if it is in the best interest of students. The Superintendent must notify the state board of such action.
- ❖ The code permits the principal of an elementary school to reorganize teaching assignments within a school without posting any positions under the following conditions:
 - Instructional need require the realignment of the number of teachers in one or more grade levels;
 - The total number of teaching positions in the school does not change from one year to the next; and
 - The Board and the employee mutually agree to the reassignment.
- ❖ An aide may transfer to another position of employment one time only during any one-half of a school term unless the employee and the Board mutually agree upon the transfer. During the first year of employment, an aide may not transfer to another position during the first one-half of the school term unless the employee and the Board reach a mutual agreement.
- ❖ After the fifth day prior to the beginning of the instructional term, no autism mentor or aide who works with autistic students may transfer to another position in the county during the instructional term unless the service person holding the position does not have valid certification. Exceptions are as follows:
 - The aide or autism mentor may apply for any posted vacant position and, if successful, assume the position at the beginning of the next instructional term.
 - With the Superintendent's recommendation, the Board may allow the successful applicant to fill the position before the end of the instructional term, but only if it is determined to be in the best interest of the students. The Superintendent must notify the State Board of Education when such an exception is made.

It is understood that in the interest of school organization and student benefit, the principal may recommend a change in a teaching assignment so long as such change does not remove a teacher from his/her certification fields. Changes in teacher subject and/or grade level assignments shall be made only after conferring with the affected personnel in a timely manner. Employees who object to the change may be placed on the transfer list for the ensuing school term.

(WVC §18A-2-7; §18A-4-7a and §18A-5-8)

Removal of Principal in a Low-Performing School:

Whenever a school is determined to be low performing and fails to improve its status within one year following state intervention in the operation of the school to correct the low performance, the principal may be removed by the State Board of Education. If the principal who was removed elects not to remain an employee of the Board, then the principal assigned by the West Virginia Board of Education shall be paid by the Board. If the principal who was removed elects to remain an employee of the county then the following procedure applies:

- ❖ The principal assigned by the West Virginia Board of Education shall be paid by the West Virginia Board of Education until the next school term, at which time the principal assigned by the West Virginia Board of Education shall be paid by the county board;
- ❖ The principal who was removed shall be eligible for all positions in the county including teaching positions, for which the principal is certified, by either being placed on the transfer list in accordance with WVC §18A-2-7 or by being placed on the preferred recall list in accordance with WVC §18A-4-7a; and
- ❖ The principal who was removed shall be paid by the Board and may be assigned to administrative duties, without the Board being required to post that position until the end of the school term.

The Board shall take no action nor refuse any action if the effect would be to impair further the school in which the West Virginia Board of Education has intervened.
(WVC §18-2E-5; SBP 2320)

[Home](#)

R 8-17-3 Action by the Board

The Superintendent at a meeting of the Board, on or before *March 15*, shall furnish in writing to the Board a list of teachers and other employees to be considered for transfer and subsequent assignment for the ensuing school year. All other employees not so listed shall be considered as reassigned to their positions or jobs held at the time of the meeting. Persons approved on the transfer list will be notified by certified mail within ten days of their having been so recommended for transfer and subsequent reassignment and the reasons for the action.

Regular teaching contracts for teachers whose licensure is by permit shall not be executed before July 1. Applications for licensure of permit personnel will not be accepted by the West Virginia Board of Education prior to that date.
(WVC §18A-2-7a)

[Home](#)

R 8-17-4 Intent Forms

The intent form which is to direct the Board during its March employment for the following school year shall be distributed to all employees no later than the second pay date in January. The goal of this form is to permit employees to express interest in changing their assignment for the following year if they so desire. Only those employees who are interested in assignment changes need return the intent form. The Board will interpret non-returned forms to mean the employee wants to be reassigned. The intent forms shall be signed and returned to the Director of Personnel by February 1. The Director of Personnel or his representative shall sign the forms and return a copy to the employee with the next check or through the school mail. Requests for assignment changes on intent forms will be kept until the beginning of the next school term.

[Home](#)

R 8-17-5 Transfers Owing to a Reduction of Staff in a School

Whenever the Board is required to reduce the number of professional personnel in a specific subject area in a particular school the employee with the least amount of seniority in the affected subject area shall be properly notified and placed on transfer pursuant to the provision of WVC §18A-2-7. Provided that such employee shall be transferred to any other professional position in that school in which he/she is certified and/or licensed if his/her seniority is greater than the seniority of any other employee in that area of certification and/or licensure. In which case the person with the least amount of seniority in that subject area shall be notified and placed on the transfer list pursuant to the provision of §18A-2-7.

R 8-17-6 Transfers Owing to a Reduction in the Number of Bus Operators in a Specific Attendance Area of the

Whenever the number of bus operators assigned to drive in a specific attendance area of the county is going to be reduced and bus runs within that area reorganized, the bus operator(s) in that specific area with the least amount of seniority shall be properly notified and placed on transfer pursuant to WVC §18A-2-7.

Notwithstanding any other provision of the code to the contrary, any remaining bus operators in the attendance area may be reassigned to recognizable runs without the position(s) being posted: Provided, that the bus operator(s) and the Preston County Board of Education mutually agree to the reassignment. A run shall be defined as recognizable if after reorganization it includes 50% or more of the bus operator's current run.

Provided further that, if the run is not recognizable or if the bus operator does not agree to the reassignment, s/he shall be properly notified and placed on transfer pursuant to WVC §18A-2-7 and the run(s) shall be posted in accordance with WVC §18A-4-8.

[Home](#)

Adopted: January 28, 1997
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