

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

## **House Bill 3102**

BY DELEGATES COOPER, TONEY, HAYNES AND BARNHART

[Introduced March 12, 2021; Referred to the  
Committee on Education]

1 A BILL to amend and reenact §18A-2-5 of the Code of West Virginia, 1931, as amended, relating  
 2 to requiring candidates for employment as director of transportation for a county school  
 3 district to have a minimum of two years' experience as a bus operator.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 2. SCHOOL PERSONNEL.**

**§18A-2-5. Employment of service personnel; limitation.**

1 The board ~~is authorized to~~ may employ such service personnel, including substitutes, as  
 2 is deemed necessary for meeting the needs of the county school system: *Provided*, That the  
 3 board may not employ a number of such personnel whose minimum monthly salary under §18A-  
 4 4-8a of this code is specified as pay grade "H", which number exceeds the number employed by  
 5 the board on March 1, 1988: *Provided, however, That in order to qualify for employment as*  
 6 *director of transportation for a county school district, the candidate shall have a minimum of two*  
 7 *years' experience as a bus operator.*

8 Effective July 1, 1988, a county board shall not employ for the first time any person who  
 9 has not obtained a high school diploma or general educational development certificate (GED) or  
 10 who is not enrolled in an approved adult education course by the date of employment in  
 11 preparation for obtaining a GED: *Provided*, That such employment is contingent upon continued  
 12 enrollment or successful completion of the GED program.

13 Before entering upon their duties service personnel shall execute with the board a written  
 14 contract which shall be in the following form:

15 "COUNTY BOARD OF EDUCATION  
 16 SERVICE PERSONNEL CONTRACT OF EMPLOYMENT

17 THIS (Probationary or Continuing) CONTRACT OF EMPLOYMENT, made and entered  
 18 into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between THE BOARD OF  
 19 EDUCATION OF THE COUNTY OF \_\_\_\_\_, a corporation, hereinafter called the  
 20 'Board,' and (Name and Social Security Number of Employee), of (Mailing Address), hereinafter

21 called the 'Employee.'

22 WITNESSETH, that whereas, at a lawful meeting of the Board of Education of the County  
23 of \_\_\_\_\_ held at the offices of said Board, in the City of \_\_\_\_\_,  
24 \_\_\_\_\_ County, West Virginia, on the \_\_\_\_\_ day of \_\_\_\_\_,  
25 20\_\_\_\_, the Employee was duly hired and appointed for employment as a (Job Classification) at  
26 (Place of Assignment) for the school year commencing \_\_\_\_\_ for the employment term and  
27 at the salary and upon the terms hereinafter set out.

28 NOW, THEREFORE, pursuant to said employment, Board and Employee mutually agree  
29 as follows:

30 (1) The Employee is employed by the Board as a (Job Classification) at (Place of  
31 Assignment) for the school year or remaining part thereof commencing \_\_\_\_\_,  
32 20\_\_\_\_. The period of employment is \_\_\_\_\_ days at an annual salary of \$\_\_\_\_\_ at the rate  
33 of \$\_\_\_\_\_ per month.

34 (2) The Board hereby certifies that the Employee's employment has been duly approved  
35 by the Board and will be a matter of the Board's minute records.

36 (3) The services to be performed by the Employee shall be such services as are prescribed  
37 for the job classification set out above in paragraph (1) and as defined in §18A-4-8 of the Code of  
38 West Virginia, as amended.

39 (4) The Employee may be dismissed at any time for immorality, incompetency, cruelty,  
40 insubordination, intemperance or willful neglect of duty pursuant to the provisions of §18A-2-8 of  
41 the Code of West Virginia, as amended.

42 (5) The Superintendent of the \_\_\_\_\_ County Board of Education, subject to the  
43 approval of the Board, may transfer and assign the Employee in the manner provided by §18A-  
44 2-7 of the Code of West Virginia, as amended.

45 (6) This contract shall at all times be subject to any and all existing laws, or such laws as  
46 may hereafter be lawfully enacted, and such laws shall be a part of this contract.

47 (7) This contract may be terminated or modified at any time by the mutual consent of the  
48 Board and the Employee.

49 (8) This contract shall be automatically terminated if the Employee is convicted under §61-  
50 8D-3 or §61-8D-5 of this code or comparable statute in any other state, of any criminal offense  
51 that requires the Employee to register as a sex offender, or of any criminal offense which has as  
52 an element delivery or distribution of a controlled substance: *Provided*, That should the conviction  
53 resulting in automatic revocation pursuant to this section be overturned by any Court of this state  
54 or the United States, the Employee’s contract shall be reinstated unless otherwise prohibited by  
55 law.

56 (9) This contract must be signed and returned to the Board at its address of  
57 \_\_\_\_\_ within thirty days after being received by the  
58 Employee.

59 (10) By signing this contract the Employee accepts employment upon the terms herein  
60 set out.

61 WITNESS the following signatures as of the day, month and year first above written:  
62 \_\_\_\_\_, (President, \_\_\_\_\_ County Board of Education) \_\_\_\_\_,  
63 (Secretary, \_\_\_\_\_ County Board of Education) \_\_\_\_\_, (Employee)”

64 The use of this form shall not be interpreted to authorize boards to discontinue any  
65 employee’s contract status with the board or rescind any rights, privileges or benefits held under  
66 contract or otherwise by any employee prior to the effective date of this section.

67 Each contract of employment shall be designated as a probationary or continuing contract.  
68 The employment of service personnel shall be made a matter of minute record. The employee  
69 shall return the contract of employment to the county board of education within 30 days after  
70 receipt or otherwise he or she shall forfeit his or her right to employment.

71 Under such regulation and policy as may be established by the county board, service  
72 personnel selected and trained for teacher-aide classifications, such as monitor aide, clerical aide,

73 classroom aide and general aide, shall work under the direction of the principal and teachers to  
74 whom assigned.

NOTE: The purpose of this bill is to require candidates for employment as director of transportation for a county school district to have a minimum of two years' experience as a bus operator.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.