

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4829

By Delegates Toney, Statler, Ferrell, Campbell,

Holstein, W. Clark and Ellington

[Introduced January 17, 2024; 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 employment of service personnel and removing the requirement for a high school
 3 diploma or general education development certificate.

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 is
 2 deemed necessary for meeting the needs of the county school system: *Provided*, That the board
 3 may not employ a number of such personnel whose minimum monthly salary under §18A-4-8a of
 4 this code is specified as pay grade "H", which number exceeds the number employed by the board
 5 on March 1, 1988.

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

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

13 "COUNTY BOARD OF EDUCATION

14 SERVICE PERSONNEL CONTRACT OF EMPLOYMENT

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

20 WITNESSETH, that whereas, at a lawful meeting of the Board of Education of the County
 21 of _____ held at the offices of said Board, in the City of _____,
 22 _____ County, West Virginia, on the _____ day of _____,
 23 19____, the Employee was duly hired and appointed for employment as a (Job Classification) at
 24 (Place of Assignment) for the school year commencing _____ for the employment term and
 25 at the salary and upon the terms hereinafter set out.

26 NOW, THEREFORE, pursuant to said employment, Board and Employee mutually agree
 27 as follows:

28 (1) The Employee is employed by the Board as a (Job Classification) at (Place of
 29 Assignment) for the school year or remaining part thereof commencing _____,
 30 19____. The period of employment is _____ days at an annual salary of \$_____ at the rate
 31 of \$_____ per month.

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

34 (3) The services to be performed by the Employee shall be such services as are prescribed
 35 for the job classification set out above in paragraph (1) and as defined in §18A-4-8 this code.

36 (4) The Employee may be dismissed at any time for immorality, incompetency, cruelty,
 37 insubordination, intemperance or willful neglect of duty pursuant to ~~the provisions of~~ §18A-2-8 of
 38 this code.

39 (5) The Superintendent of the _____ County Board of Education, subject to the
 40 approval of the Board, may transfer and assign the Employee in the manner provided by §18A-7-2
 41 of this code.

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

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

46 (8) This contract shall be automatically terminated if the Employee is convicted under §61-
 47 8D-3 or §61-8D-5 of this code or comparable statute in any other state, of any criminal offense that
 48 requires the Employee to register as a sex offender, or of any criminal offense which has as an
 49 element delivery or distribution of a controlled substance: *Provided*, That ~~should~~ if the conviction
 50 resulting in automatic revocation pursuant to this section ~~be~~ is overturned by any Court of this state
 51 or the United States, the Employee's contract shall be reinstated unless otherwise prohibited by
 52 law.

53 (9) This contract ~~must~~ shall be signed and returned to the Board at its address of
 54 _____ within 30 days after being received by the Employee.

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

57 WITNESS the following signatures as of the day, month and year first above written:

58 _____, (President, _____ County Board of Education) _____,
 59 (Secretary, _____ County Board of Education) _____, (Employee)"

60 The use of this form ~~shall~~ may not be interpreted to authorize boards to discontinue any
 61 employee's contract status with the board or rescind any rights, privileges or benefits held under
 62 contract or otherwise by any employee prior to the effective date of this section.

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

67 Under such regulation and policy as may be established by the county board, service
 68 personnel selected and trained for teacher-aide classifications, such as monitor aide, clerical aide,
 69 classroom aide and general aide, shall work under the direction of the principal and teachers to
 70 whom assigned.

NOTE: The purpose of this bill is to remove the requirement that service personnel have a high school diploma or its equivalent.

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