

REVISED POLICY - VOL. 9, NO. 2

ASSIGNMENT AND TRANSFER OF SERVICE PERSONNEL

Relocation of service personnel may become necessary to meet shifting student population, building or program requirements or for other good reasons.

- A. Service personnel employees shall be notified in writing by the Superintendent on or before ~~March~~ April 1st if being considered for transfer or to be transferred. Only those service employees whose consideration for transfer or intended transfer is based upon known or expected circumstances which will require the transfer of employees shall be considered for transfer or intended for transfer and the notification shall be limited to only those employees. Any service personnel employee who desires to protest such proposed transfer may request in writing a statement of the reasons for the proposed transfer. Such statement of reasons shall be delivered to the service employee within ten (10) days of the receipt of the request. Within ten (10) days of the receipt of the statement of the reasons, the service personnel employee may make written demand upon the Superintendent for a hearing on the proposed transfer before the ~~County~~ Board of Education. The hearing on the proposed transfer shall be held on or before ~~April 15th~~ May 1st. At the hearing, the reasons for the proposed transfer must be shown.

B. The Superintendent at a meeting of the Board on or before ~~April 15th~~May 1st shall furnish in writing to the Board a list of service personnel employees to be considered for transfer and subsequent assignment for the next ensuing school year. An employee who was not provided notice and an opportunity for a hearing pursuant to subsection (A) of this section may not be included on the list. All service personnel employees not so listed shall be considered as reassigned to the positions or jobs held at the time of this meeting. The list of those recommended for transfer shall be included in the minute record of such meeting and all those so listed shall be notified in writing, ~~which notice and~~ shall be delivered ~~in writing, by certified mail, return receipt requested, to such persons' last known addresses~~ within ten (10) days following said Board meeting, ~~of their having been so with written receipt notification documented by the Superintendent, and shall state that the person is being~~ recommended for transfer and subsequent assignment and the reasons therefor.

C. ~~[Alternative 1] – Service personnel employees who are assigned to schools that require a reduction in the number of employees within a classification shall be recommended for transfer on the basis of seniority. The least senior employee(s) within the classification area shall be recommended for transfer.~~

[Alternative 2] – Service personnel employees who are assigned to schools that require a reduction in the number of employees within a classification shall be recommended for transfer on the basis of the best interests of the schools, with consideration being given to achieving the least disruption to educational programming and the efficient operation of the schools. Provided, however, that if the identification of an employee within a classification to be recommended for transfer will have little or no effect upon educational programming or the efficient operation of the schools, the least senior employee within such classification area shall be recommended for transfer.

- D. When actual student enrollment in a grade level or program, unforeseen before ~~March~~May 1st of the preceding school year, permits the assignment of fewer service personnel to or within a school under any class size or caseload standard established in WV Code 18-5-18a or any policy of the West Virginia State Board of Education, the Superintendent, with Board approval, may reassign the surplus personnel to another school or to another grade level or program within the school if needed there to comply with any class size or caseload standard. Provided:
1. Before any reassignment may occur, notice shall be provided to the employee and the employee shall be provided an opportunity to appear before the Board to state the reasons for his/her objections, if any, prior to the Board voting on the reassignment. The opportunity to be heard shall not be a hearing with the right to present witnesses, rather, it is an opportunity for the employee to concisely state his/her objections to the Board.
 2. Except as otherwise provided in (1) above, the reassignment may be made without following the notice and hearing provisions of WV Code 18A-2-7 and at any time during the school year when the student enrollment conditions above exist; however, the reassignment may not occur after the last day of the second school month.
 3. A service employee reassigned shall be the least senior of the surplus personnel who holds the same classification or multiclassification needed to perform the duties at the other school or at the grade level or program within the same school. In considering whether an aide is a surplus employee, the Board shall consider each classification and/or multi-classification held by him/her and shall not be limited only to the current program or assignment held by the surplus aide.
 4. No school employee's annual contract term, compensation or benefits shall be changed as a result of a reassignment.

The Superintendent shall provide documentation of the staffing needs as of ~~March~~ May 1st.

- E. ~~An aide may transfer to another position of employment one (1) time only during any one-half (1/2) of a school term, unless otherwise mutually agreed upon by the aide and the County Superintendent, or the Superintendent's designee, subject to Board approval; provided, that during the first year of employment as an aide, an aide may not transfer to another position of employment during the first one-half (1/2) school term of employment unless mutually agreed upon by the aide and County Superintendent, subject to Board approval. It is not in the best interest of students with autism or with an exceptionality whose IEP requires one-on-one services, or students in the early childhood years, to have multiple teachers, mentors, aides, paraprofessionals, interpreters or any combination thereof during the instructional term. Therefore, after the twentieth day, prior to the beginning of the instructional term, filling positions through transfers of personnel from one position to another be kept to a minimum for autism mentors and aides who work with students with autism and for paraprofessionals, interpreters, early childhood classroom assistant teachers and aides who work with students with exceptionalities whose IEPs require one-on-one services, in accordance with the following:~~
1. ~~After the twentieth day prior to the beginning of the instructional term, a service person may not transfer to another position in the District during that instructional term, unless s/he does not have valid certification, if the service person is employed and assigned as an autism mentor or aide who works with students with autism, or as a paraprofessional, interpreter, early childhood classroom assistant teacher, or aide who works with a student with an exceptionality whose IEP requires one-on-one services;~~

2. The aide, autism mentor, paraprofessional, interpreter, or early childhood classroom assistant teacher may apply for any posted, vacant position with the successful applicant assuming the position at the beginning of the next instructional term; and
3. The Board, upon recommendation of the Superintendent, may fill a position before the beginning of the next instructional term when it is determined to be in the best interest of the students.

F. Except as provided in Section E above, after the twentieth day prior to the beginning of the instructional term, a service person may transfer to another position of employment one time only during any one-half (1/2) of the instructional term, unless otherwise mutually agreed upon by the service persona and the District Superintendent, subject to School Board approval. During the first year of employment as a service person, a service person may not transfer to another position of employment during the first one-half (1/2) of the instructional term unless mutually agreed upon by the service person and District Superintendent, subject to Board approval, except as follows:

1. upon return from an approved leave of absence, a service person may fill a vacant position for which s/he is qualified or holds valid certification;
2. a service person may apply for a posted, vacant position at any time. The successful applicant for the position may not assume the position until the beginning of the next one-half (1/2) of the instructional term; and
3. extra-curricular assignments for school bus operators pursuant to WV Code 18A-4-16 are exempt from the requirements of this policy.

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- F. ~~After the fifth day prior to the beginning of the instructional term, no service person employed and assigned as an autism mentor or aide who works with autistic students or as a paraprofessional interpreter or aide who works with a student with an exceptionality whose IEP requires one-on-one service may transfer to another position in the County during that instructional term unless the service person holding that position does not have valid certification. The aide, autism mentor, paraprofessional or interpreter may apply for any posted, vacant position with the successful applicant assuming the position at the beginning of the next instructional term. The County Board, upon recommendation of the Superintendent, may fill a position before the beginning of the next instructional term when it is determined to be in the best interest of the students. The County Superintendent shall notify the West Virginia State Board of Education when a service person employed in a position as autism mentor or aide working with autistic students, or as a paraprofessional, interpreter or aide who works with a student with an exceptionality whose IEP requires one-on-one services, is transferred to another position after the fifth day prior to the beginning of the instructional term.~~

G. Itinerant status means a service person who does not have a fixed work site and may be involuntarily reassigned to another work site. A service person is considered to hold itinerant status if s/he has bid upon a position posted as itinerant or has agreed to accept this status. The Board may establish positions with itinerant status only within the aide and autism mentor classification categories and only when the job duties involve exceptional students. A service person with itinerant status may be assigned to a different work site upon written notice (10) days prior to the reassignment without the consent of the employee and without posting the vacancy. A service person with itinerant status may be involuntarily reassigned no more than twice during the school year. At the conclusion of each school year, the ~~County~~ Board shall post and fill, pursuant to WV Code 18A-4-8b, all positions that have been filled without posting by a service person with itinerant status. A service person who is assigned to a beginning and ending work site and travels at the expense of the ~~County~~ Board to other work sites during the daily schedule, shall not be considered to hold itinerant status.

H. Surplus Personnel

Notwithstanding any other provision of State law, when actual student enrollment in a grade level or program, unforeseen on or before ~~March-May~~ 1st of the preceding school year, permits the assignment of fewer service personnel to or within a school under any class size or caseload standard established in section eighteen a, article five, chapter eighteen of this code or any policy of the West Virginia State Board of Education, the Superintendent, with Board approval, may reassign the surplus personnel to another school or to another grade level or program within the school if needed there to comply with any such class size or caseload standard.

1. Before any reassignment may occur pursuant to this subsection, notice shall be provided to the employee and the employee shall be provided an opportunity to appear before the ~~County~~ Board to state the reasons for his/her objections, if any, prior to the Board voting on the reassignment.

2. Except as otherwise provided in subdivision 1. Of this subsection, the reassignment may be made without following the notice and hearing provisions of this section, and at any time during the school year when the conditions of this subsection are met: provided, that the reassignment may not occur after the last day of the second school month.
3. A service employee reassigned under this subsection shall be the least senior of the surplus personnel who holds the same classification or multi-classification needed to perform the duties at the other school or at the grade level or program within the same school.
4. No school employee's annual contract term, compensation, or benefits shall be changed as a result of a reassignment under this subsection.

WV Code 18A-4-8b, 18A-5-8g, 18A-4-8(r), 18A-2-7(e)

[Revised 3/17/11](#)
[Revised 3/21/13](#)
[Revised 8/20/13](#)
[Revised 7/15/14](#)