

**REVISED POLICY - VOL. 9, NO. 2**

**NON-RENEWAL OF A SERVICE PERSONNEL PROBATIONARY CONTRACT**

The Superintendent, at a meeting of the Board of Education on or before ~~April~~ **15<sup>th</sup> May 1st** of each year, shall provide in writing to the Board a list of all probationary service personnel that s/he recommends to be rehired for the next ensuing school year. The Board shall act upon the Superintendent's recommendations at that meeting. Any probationary service personnel who is not rehired by The Board at that meeting shall be notified in writing, by certified mail, and return receipt requested, to such persons' last known address within ten (10) days following said Board meeting, of their not having been rehired or not having been recommended for rehiring.

If the reason for non-renewal is based solely on lack of need, the service personnel shall be eligible for placement on the preferred recall list and shall, upon reemployment, resume the employment status that would have existed in the ensuing year of employment had the contract not been non-renewed.

~~If the reason for non-renewal is for cause, the reasons assigned must be legitimate and material to performance expectations. However, if a service personnel's performance has been mediocre, as judged by the Superintendent, the reason may constitute an expectation that a better service personnel may be secured if the position is re-posted. It is not necessary that a service personnel's performance be deemed unsatisfactory as a requisite for non-renewal of contract.~~

Should a hearing be requested, the burden shall be on the Superintendent to show the reasons for non-rehiring. The hearing shall be held in executive session unless the employee requests the hearing to be conducted in public. The hearing shall be recorded by mechanical means. The Board and/or the Superintendent may be represented by counsel and the employee may be represented by counsel or a representative. The hearing shall include, for each party, the opportunity for presentation of evidence, confrontation and examination of witnesses. At the conclusion of the hearing the Board may deliberate and, following its deliberation, shall either affirm the decision of non-renewal or set aside the decision on non-renewal. The Superintendent shall provide the employee of written notice of the Board's decision within two (2) days of the hearing.

WV Code 18A-2-8a

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