



## Education Law Monthly (November 2009)

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"Personnel Season" this school year is just around the corner, with deadline dates different than past years. "March Madness" as we once all knew personnel season to be comes earlier this year as a result of legislative changes. The NEW personnel season deadline requirements for the 2009-2010 school year are as follows:

**Retirement for Bonus:** Classroom Teachers' Early Notice of Year-End Retirement to qualify for \$500 bonus, the teacher must give notice to the Board on or before December 1, 2009.

**Reduction-in-Force of professional employees:** Board approval by February 1, 2010. Keep in mind that notice and hearing must occur prior to the February 1 deadline per W. Va. Code § 18A-2-2(c).

**Reduction-in-Force of service personnel employees:** Board approval by February 1, 2010. Keep in mind that notice and hearing must occur prior to the February 1 deadline per W. Va. Code § 18A-2-6.

**Transfer of professional employees:** Notified in writing by the superintendent on or before February 1, 2010. If a hearing is required, the hearing on the proposed transfer shall be held on or before March 15, 2010. The superintendent at a meeting of the board on or before March 15, 2010, shall furnish in writing to the board a list of teachers and other employees to be considered for transfer and subsequent assignment for the 2010-2011 school year.

**Transfer of professional employees:** Notified in writing by the superintendent on or before February 1, 2010. If a hearing is required, the hearing on the proposed transfer shall be held on or before March 15, 2010. The superintendent at a meeting of the board on or before March 15, 2010, shall furnish in writing to the board a list of teachers and other employees to be considered for transfer and subsequent assignment for the 2010-2011 school year.

**Probationary personnel employees:** The superintendent at a meeting of the board on or before March 15, 2010, shall provide in writing to the board a list of all probationary teachers and probationary service personnel that s/he recommends to be rehired for the next ensuing school year.

**Hearings for probationary personnel:** Any probationary teacher or probationary service personnel who receives notice that s/he has not been recommended for rehiring may, within ten days after receiving the written notice, request a statement of the reasons for not having been rehired and may request a hearing before the board. The hearing shall be held at the next regularly scheduled board of education meeting or a special meeting of the board called within thirty days of the request for hearing.

**Rescission:** If before August 1, 2010, the reason for the particular employee's reduction-in-force or transfer no longer exists, the board must rescind the action.

Should you have any questions or need any assistance with personnel season please feel free to contact a member of Dinsmore & Shohl's [Education Law Practice Group](#).