

NON-RENEWAL OF PROBATIONARY TEACHER CONTRACT

The Superintendent, at a meeting of the Board of Education on or before May 1st of each year, shall provide in writing to the Board a list of all probationary teachers that s/he recommends to be rehired for the next ensuing school year. The Board shall act upon the Superintendent's recommendation at that meeting. Any probationary teacher who is not rehired by the Board at that meeting shall be notified in writing, by certified mail, return receipt requested, to such person's last known addresses 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 teacher 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.

Any probationary teacher who receives notice that he or she has not been recommended for rehiring who has not been reemployed may within ten (10) 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. Such hearing shall be held at the next regularly scheduled Board meeting or a special meeting of the Board called within thirty (30) days of the request for hearing. At the hearing, the reasons for the non-rehiring must be shown.

Any hearing conducted shall be conducted by a majority of the members of the Board. The hearing shall be held in executive session of the Board unless the teacher requests the hearing in public. The hearing shall be recorded mechanically. The Board may be represented by counsel and the teacher may be represented by counsel or a designee. The hearing shall include the opportunity for presentation of evidence, confrontation and examination of witnesses, and the review of arguments of both the teacher and the Board. A record of the hearing may be taken by either party at the expense of the party taking the record. Within ten (10) days of the conclusion of the hearing, the Board shall issue to the teacher a written decision containing an order affirming the intention of the Board not to reemploy the teacher or an order vacating the intention not to reemploy and expunging any record of the intention, notice of the intention, and the hearing.

If the sole reason for non-renewal is lack of need, the teacher shall be placed on the preferred recall list.

A teacher may appeal an order affirming the intention of the Board not to reemploy the teacher to the West Virginia Public Employees Grievance Board.

WV Code 18A-2-8a