

IMPORTANT NOTICE

May 25, 2012

Professional In-County Applicants Please Note Changes in the “Stay Put” Rule

During the regular 2012 session, the West Virginia Legislature amended West Virginia Code §18A-4-7a. House Bill 4583 contained several revisions, including lengthening the “stay put” period for professional employees. The statute now provides that, “After the **twentieth** day prior to the instructional term, no person employed and assigned to a position in the county may transfer to another professional position in the county during the instructional term....”

Previously, the “stay put” period was five days.

For the 2012-13 school year, the 20th day prior to the instructional term is Saturday, July 28, 2012. (Because the statute does not say “work days” or “school days,” we have been advised to use “calendar days.”)

The amendment to this section of State Code also states that the “stay put” provision “...does not apply to the filling of a position vacated because of resignation or retirement that became effective on or before the twentieth day prior to the beginning of the instructional term, but not posted until after that date....”

This statute still contains the following provisions:

- The “stay put” rule does not apply if the person holding the position does not have valid certification.
- The county board may, upon recommendation of the superintendent, fill a position falling under the “stay put” rule before the next instructional when it is determined to be in the best interest of the students. Such transfers must be reported to the state board.
- Professional personnel may still apply for any posted position with the successful applicant assuming the position at the beginning of the next instructional term.
- Professional personnel who have been on an approved leave of absence may fill such vacancies upon their return from the approved leave of absence.

If you have questions, please feel free to contact the Personnel Department.