

***Wayne County Board of Education
Policies Update: (Service Personnel) (1)***

- ***Policy 4139.01 (Service Personnel: Suspension)***

***Your comments concerning these policy should be sent
in writing (mail or email) to:***

***Mr. Todd Alexander
Superintendent
Wayne County Board of Education
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***These policies are out for public comment for 10 working days beginning
Tuesday, April 21, 2026 through Monday, May 4, 2026***

Book	Public Comment Period 4/17/26 thru 5/5/26
Section	Volume 18-1 Ready for TAA/Director
Title	Revised Policy - Volume 18, No. 1 - January 2026 - SUSPENSION
Code	po4139.01
Status	
Adopted	May 26, 2015
Last Revised	October 11, 2022

Revised Policy - Volume 18, No. 1 - January 2026

4139.01 - SUSPENSION

The Superintendent, subject only to approval of the Board of Education, shall have authority to suspend school personnel. The suspension may be with or without pay.

The Superintendent's authority to suspend school personnel shall be temporary only pending a hearing upon charges filed by the Superintendent with the Board of Education and such period of suspension shall not exceed thirty (30) days unless extended by order of the Board.

The Board may suspend or dismiss any person in its employment at any time for:

- A. immorality;
- B. incompetency;
- C. cruelty;
- D. insubordination;
- E. intemperance;
- F. willful neglect of duty;
- G. unsatisfactory performance;
- H. a finding of abuse by the Department of Health and Human Resources in Accordance with WV Code 49-1-1 et seq.;
- I. conviction of a misdemeanor or a guilty plea or a nolo contendere plea to a misdemeanor charge that has a rational nexus between the conduct and the performance of the employee's job;
- J. the conviction of a felony or a guilty plea or a plea of nolo contendere to a felony charge.

A charge of unsatisfactory performance shall not be made except as the result of an employee performance evaluation.

The charges shall be stated in writing served upon the employee within two (2) days of presentation of said charges to the Board. The employee so affected shall be given an opportunity, within five (5) days of receiving such written notice, to request, in writing, a level three (3) hearing and appeals pursuant to WV Code 6C-2-1 et seq. (Grievance Procedure), except that dismissal for a finding of abuse or conviction of a felony, a misdemeanor with a rational nexus between the conduct and performance of the employee's job, or child abuse or guilty plea or plea of nolo contendere to a felony charge is not by itself grounds for a grievance proceeding. An employee charged with the commission of a felony may be reassigned to duties that do not involve direct interaction with students pending final disposition of the charges.

The Board has the duty and authority to provide a safe and secure environment in which students may learn and prosper; therefore, it may take necessary steps to suspend or dismiss any person in its employment at any time should the health, safety, and welfare of students be jeopardized or the learning environment of other students has been impacted. The Board shall complete an investigation of an employee that involves evidence that the employee may have engaged in conduct that jeopardizes the health, safety, or welfare of students despite the employee's resignation from employment prior to completion of the investigation.

Further, upon allegations that a staff member jeopardized the health, safety, welfare, or learning environment of students, at the start of the investigation into the allegation, the staff member shall be suspended, placed on administrative leave, or reassigned to duties that do not involve direct interaction with students. The principal shall report any allegations to the Superintendent within twenty-four (24) hours. The principal's report to the superintendent is in conjunction with any other mandatory reports that must be made as a mandatory reporter of suspected child abuse or neglect.

If a staff member is charged with committing a felony, a misdemeanor with a rational nexus to the performance of the staff member's job, or child abuse, the Board shall, pending final disposition of the charges, suspend the staff member, place them on administrative leave, or reassign them to duties that do not involve direct interaction with students.

It shall be the duty of the Superintendent to report any employee that has been suspended or dismissed or resigned during the course of an investigation in accordance with this policy and WV Code 18A-2-8, including the rationale for the suspension or dismissal, to the State Superintendent.

Pursuant to State law, it is the responsibility of the State Superintendent to create and maintain a database for all reported individuals. This database shall be confidential and will be accessible to the Superintendent and Human Resource Director.*

A suspended employee will not be barred from attending public events on school property while serving the suspension, nor will a suspended employee who has a dependent child, grandchild, foster child, or other family member be barred from entering the school to exercise normal functions of a parent or guardian while suspended, notwithstanding any other provisions of law and provided that the suspended employee's presence does not jeopardize the health, safety, or welfare of students, employees, or visitors; impact the learning environment or the school-sponsored activity; prejudice an investigation or disciplinary proceedings involving the employee; violate an order of a court or any law; or threaten damage to property.

*All language contained in this policy is taken directly from the statutes listed below and does not reflect the independent judgment or intent of the Board of Education is mandated by those statutory provisions.

WV Code 18A-2-7

WV Code 18A-2-8

WV Code 49-1-1 et seq.

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WV Code 18A-2-7

WV Code 18A-2-8

WV Code 49-1-1 et seq.