

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 28

FISCAL
NOTE

BY SENATOR MAYNARD

[Introduced January 10, 2018; Referred
to the Committee on Education; and then to the
Committee on Finance]

1 A BILL to amend and reenact §18A-2-1 of the Code of West Virginia, 1931, as amended, relating
 2 to hiring of professional personnel; permitting posting of vacancies; and providing for job
 3 applications.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. SCHOOL PERSONNEL.

§18A-2-1. Employment in general.

1 (a) Except as provided in subsection (c) of this section, the employment of professional
 2 personnel shall be made by the board only upon nomination and recommendation of the
 3 superintendent, subject to the following:

4 (1) The superintendent shall provide the principal at the school at which the professional
 5 educator or paraprofessional employee is to be employed an opportunity to interview all qualified
 6 applicants and make recommendations to the county superintendent regarding their employment;

7 (2) The principal may not recommend for employment an individual who is related to him
 8 or her as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece,
 9 husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-
 10 law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother or half-
 11 sister;

12 (3) Nothing shall prohibit the timely employment of persons to perform necessary duties;

13 (4) In case the board refuses to employ any or all of the persons nominated, the
 14 superintendent shall nominate others and submit the same to the board at such time as the board
 15 may direct;

16 (5) All personnel so nominated and recommended for employment and for subsequent
 17 assignment shall meet the certification, licensing, training and other eligibility classifications as
 18 may be required by provisions of this chapter and by state board rule. In addition to any other
 19 information required, the application for any certification or licensing shall include the applicant's
 20 Social Security number.

21 (b) Professional personnel employed as deputy, associate or assistant superintendents
22 by the board in offices, departments or divisions at locations other than a school and who are
23 directly answerable to the superintendent shall serve at the will and pleasure of the superintendent
24 and may be removed by the superintendent upon approval of the board. Such professional
25 personnel shall retain seniority rights only in the area or areas in which they hold valid certification
26 or licensure.

27 (c) The board may post future vacancies for professional personnel. Job applications may
28 be submitted to the board, the principal and the superintendent. The board may employ
29 professional personnel after due consideration of all applicants. The board shall include in its
30 consideration any nomination by the principal or a recommendation timely submitted to the board.

NOTE: The purpose of this bill is to permit county boards of education to post professional personnel job vacancies and provide for job applications to be submitted and considered in a timely fashion.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.