

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2840

By Delegates Pritt and Stephens

[Introduced February 24, 2025; referred to the
Committee on Education]

A BILL to amend and reenact §18A-2-2b of the Code of West Virginia, 1931, as amended, relating to critical vacancies in educational settings; defining a critical vacancy; and requiring board staff certified in the subject matters where there are vacancies to act as a substitute in that position until someone is hired to fill that position.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. SCHOOL PERSONNEL.

§18A-2-2b. Employment of prospective teachers and other professional personnel for next ensuing school year; and payment of financial incentive for recruitment.

(a) Notwithstanding any other provision of this code to the contrary, the county superintendent, subject to approval of the county board, may employ prospective teachers and other professional personnel each year who will be placed in positions and begin regular employment in the next ensuing school year. The intent of this section is to enable school systems to recruit and employ prospective teachers and other professional personnel during the prime recruiting season for new graduates in positions in which the county board has a critical need. The employment of prospective teachers and other professional personnel is subject to the following:

(1) The county board adopts a policy authorizing the employment of prospective teachers and other professional personnel to address areas of critical need;

(2) The county board posts a notice of the critical need positions in the county in which the county intends to employ the prospective teachers and other professional personnel. The notice is posted in a conspicuous place in each school or on the county board website for at least ten working days prior to making offers of employment to prospective teachers and other professional personnel;

(3) No qualified applicants currently employed by the county are available and willing to fill the critical need position in the next ensuing school year;

(4) The prospective teachers and other professional personnel may only be employed from candidates who will graduate or have graduated from an institution of higher education during the

current school year and will commence employment in the next ensuing school year;

(5) When necessary to facilitate the employment of prospective teachers and other professional personnel who have not yet attained certification, the contract may be signed upon the condition that the certificate is issued to the employee prior to the beginning of the employment term in which the employee enters upon his or her duties;

(6) The number of prospective teachers and other professional personnel employed is limited to the number required to fill the critical need positions posted in accordance with subdivision (2) of this subsection;

(7) For the purpose of recruiting teachers and other professional personnel in critical needs areas and to attract teachers and other professional personnel in a critical need areas, the county board may from local funds pay prospective teachers and other professional personnel a one-time financial incentive such as, but not limited to, a signing bonus or moving expenses, after a contract of employment has been signed;

(8) The prospective teachers and other professional personnel are initially employed on a reserve list at the county level and placed into a school-specific critical need position if the job has been posted at least once resulting in no qualified applicants; and

(9) Regular employment status for prospective teachers and other professional personnel may be obtained only upon recommendation by the superintendent and approval by the county board following consideration of the qualifications of the candidate in accordance with the applicable provisions of §18A-4-7a of this code;

(b) Nothing in this section prevents a county board from filling a posted vacancy in an established, existing or newly created position at any time in accordance with the other provisions of this chapter.

(c) For the purposes of this section, a "critical vacancy" shall be defined as "a position that the institution must fill in order to maintain student success, safety, and to successfully meet required compliance and certification standards."

45 (d) Where there is a "critical vacancy," as it is defined in this section, board staff who are
46 certified in the subject area of a critical vacancy shall be required to go to the classroom and fill that
47 position until someone is hired to do so.

NOTE: The purpose of this bill is to define a critical vacancy and require board staff certified in the subject matters where there are vacancies to act as substitutes in those position until someone is hired to fill that position.

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