

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

### **Introduced**

## **House Bill 3438**

**FISCAL  
NOTE**

By Delegates Drennan, Brooks, Butler, Masters,  
Moore, Dittman, Ellington, T. Clark, and Leavitt

[Introduced March 17, 2025; referred to the  
Committee on Education then Finance]

1 A BILL to amend and reenact §18-7A-38 of the Code of West Virginia, 1931, as amended; and  
2 amending the code by adding a new article, designated §18-7E-1, §18-7E-2, and §18-7E-  
3 3, all relating to permitting retirees under the state Teachers Retirement System with  
4 STEM, English, or foreign language specializations to work as substitute teachers in long-  
5 term substitute teaching positions in the retirees' respective fields, to remain in that  
6 position for up to 180 days per academic year without loss of the payment of monthly  
7 retirement benefits; adding legislative findings; changing the allowed period of  
8 employment; providing that no additional retirement system contributions will be made by  
9 the employer from such employment; and allowing the retirant to choose to contribute to  
10 his or her retirement from this employment should the retirant choose to do so.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 7A. STATE TEACHERS RETIREMENT SYSTEM.**

**§18-7A-38. Maximum number of days a retired teacher may accept employment;  
calculating days worked for retirants engaged in substitute teaching.**

1 (a) The Legislature finds that:  
2 (1) The Consolidated Public Retirement Board has determined that retired substitute  
3 teachers should not perform substitute teaching without limit;  
4 (2) The Consolidated Public Retirement Board has established, by rule, a maximum  
5 number of days in which a retired teacher may accept employment prior to having his or her  
6 retirement benefit reduced; and  
7 (3) There have been inconsistencies in the manner in which county boards calculate the  
8 maximum number of days established by rule;  
9 (4) Employment of qualified retired teachers helps to alleviate persistent teacher shortages  
10 in this state; and  
11 (5) Substitute teachers with specializations in math, science, and other STEM (science,  
12 technology, engineering, and mathematics) -based subjects in long-term substitute positions offer

a valuable resource to students and the disruption to the students' education when a long-term substitute must leave due to retirement limitations is detrimental to students' education and must be avoided.

(b) The Consolidated Public Retirement Board may not set forth in rule a maximum number of days in which a retired teacher may accept employment prior to having his or her retirement benefit reduced that is less than ~~one hundred forty~~ 180 days per academic year: *Provided, That*

(1) A retirant who is employed by a participating employer as a substitute teacher may elect to contribute to the retirement system; however, no contribution shall be required of the employer while the retirant is so employed; or

(2) A retirant with a specialization in math, science, and other STEM subjects who is in a long-term substitute position, and who is substituting in a position requiring his or her specialization in accordance with §18-7E-1 *et seq.* of this code, may elect to contribute to the retirement system; however, no contribution shall be required of the employer.

(c) For the purpose of calculating whether a retired substitute teacher has exceeded the maximum number of days in which a substitute teacher may accept employment without incurring a reduction in his or her retirement benefit, the number of days worked shall be determined by:

(1) Totaling the number of hours worked; and

(2) Dividing by the standard number of hours that a full-time teacher works per day.

## **ARTICLE 7E. CONNOR DRENNAN SUBSTITUTE TEACHERS' ACT.**

### **§18-7E-1. Short title.**

This article shall be known as the "Connor Drennan Substitute Teachers' Act".

### **§18-7E-2. Legislative findings.**

The Legislature finds that the employment of teachers with STEM (Science, technology, engineering, and mathematics) specializations is paramount to the education of students in these subjects. Teachers who have specialties in sciences, math, and other STEM subjects are a valuable resource, as are those retired teachers who possess these specialties and take long-

term substitute teaching positions in these subjects. Limitations placed on how many days a retired teacher with a specialty in math, science, and other STEM subjects may work as a substitute teacher in a science, math, and other STEM-related field causes a disruption to the continuity of learning for the students in that class when the substitute teacher must leave that position in order to continue to collect his or her retirement. The Legislature finds this disruption to the students' education due to retirement limitations is detrimental to students' education and must be avoided.

**§18-7E-3. Maximum number of days a retired teacher may remain in specialized subject-matter substitute employment.**

A retired teacher working under §18-7A-38 of this code, who has a specialization in math, science, and other STEM subjects and who is in a long-term substitute position in the field of his or her specialization, may continue to work in that long-term substitute position as long as necessary with no negative impact on the substitute's retirement payments, as long as the requirements of this article and §18-7A-38 of this code are met.

NOTE: The purpose of this bill is to establish the "Connor Drennan Substitute Teachers' Act" that allows for retired teachers with STEM or language specializations to remain in a long-term substitute teaching position up to 180 days per school year with no adverse impact on the retiree's retirement, to provide that no additional retirement system contributions will be made by the employer from such employment; and to allow the retiree to choose to contribute to his or her retirement from this employment should the retiree choose to do so.

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