

3120.12 - SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE

Purpose

The purpose of this policy, as recommended by the Superintendent, is to provide for the employment of retired teachers as substitutes on an expanded basis in areas of critical need and shortage.

The Board of Education hereby adopts the definition of "area of critical need and shortage" set forth in West Virginia Code 18A-2-3 as follows: "Area of critical need and shortage for substitute teachers" means an area of certification and training in which the number of available substitute teachers in the County who hold certification and training in that area and who are not retired is insufficient to meet the projected need for substitute teachers. Teacher or substitute teacher includes speech pathologists, school nurses, and guidance counselors.

The Board additionally finds and determines that:

A. there presently exists within the County a critical need for substitute teachers in the areas of:

1. Nursing
2. Speech Language Pathologist
3. Guidance Counseling
4. English Language Arts
5. Journalism
6. Reading
7. Social Studies
8. Driver's Education
9. Physical Education
10. Health
11. Art
12. French
13. Spanish
14. Latin
15. German
16. Science (Chemistry, General Physics and Biology)
17. Mathematics
18. Home Economics
19. Industrial Arts
20. Elementary Education
21. Business
22. Vocational and Technical
23. Special Education (all areas)
24. Music

- B. there is also a shortage of available certified substitute teachers, who are not retired, available to cover these areas of critical need.

Accordingly, the Board hereby authorizes the employment of retired teachers as substitute teachers during the 2026-2027 school year on an expanded basis in those areas of critical need and shortage noted above as is recommended by the Superintendent. In no case shall a retired teacher be employed where there is available for employment another teacher holding certification and training in the area of need who is not retired and who will accept the substitute assignment.

This policy shall be effective upon approval by the West Virginia Board of Education for the 2026-2027 year only, subject to annual review by the County Board and re-approval by the West Virginia Board of Education.

Prior to employment of a retired teacher, as a critical needs substitute teacher beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board ("Retirement Board"), the Superintendent shall submit to the West Virginia Board of Education in a form approved by the Retirement Board and the West Virginia Board of Education, an affidavit signed by the Superintendent stating the name of the county, the fact that the county has adopted a policy to employ retired teachers as substitutes to address areas of critical need and shortage, the name or names of the person or persons to be employed as a critical needs substitute pursuant to the policy, the critical need and shortage area position filled by each person, the date that the person gave notice to the county board of the person's intent to retire, and the effective date of the person's retirement. Upon verification of compliance with West Virginia Code 18A-2-3 and the eligibility of the critical needs substitute teacher for employment beyond the post-retirement limit, the West Virginia Board of Education shall submit the affidavit to the Retirement Board. Prior to any retirant becoming employed on a temporary full-time or temporary part-time basis by the county, the county shall notify the Retirement Board and the retirant, in writing, if and when the retirant's potential temporary employment will negatively impact the retirant's retired status or benefits. Upon the retirant's acceptance of either temporary full-time or temporary part-time employment, the employer shall notify the Retirement Board, in writing, of the retirant's subsequent employment.

The County Board shall cooperate with the West Virginia Board of Education to verify the county's compliance with the requirements of this code section and verify the eligibility of the critical needs substitute teacher (i.e., adoption of local policy, prior electronic posting of position opening, retirement date effective before the first day of July, preceding at least the fiscal year during which s/he is employed, continuous and ongoing posting seeking fully certified non-retired teacher, and absence of a non-retired teacher who holds certification and training in the required area).

When a retired teacher is employed as a substitute to fill a vacant position, the County shall continue to post the vacant position electronically and easily accessible to prospective employees until it is filled with a regularly employed teacher who is fully certified or permitted

for the position. Such posting will only be required once at the beginning of the year and once mid-year. This does not apply when filling a teaching position of a regular teacher on leave of absence, nor does it apply when a position is filled with a regularly employed teacher who is fully certified or permitted for the position, but the teacher is not available at the time s/he accepts the position.

The County Superintendent shall forward a copy of this policy annually to the State Superintendent of Schools for approval by the West Virginia Board of Education prior to employment of retired teachers on an expanded basis as substitutes in areas of critical need and shortage.

A retired teacher is eligible to be employed as a critical needs substitute to fill a vacant position without any loss of retirement benefits attributed to the annuity reserve only if the retired teacher's retirement became effective before the first day of July preceding at least the fiscal year during which s/he is employed as a critical need substitute.

Every contract of employment for such retired teachers to be employed for periods beyond the post-retirement employment limitation established by the consolidated public retirement board shall include therein the following information:

Any person who retires and begins work as a substitute teacher within the same fiscal year shall lose those retirement benefits attributed to the annuity reserve, effective from the first day of employment as a retiree critical needs substitute teacher in that fiscal year and ending with the month following the date the retiree ceases to perform service as a critical needs substitute teacher.

Retired teachers employed to perform expanded substitute service provided in this policy, are considered day-to-day, temporary, part-time employees. The substitutes are not eligible for additional pension or other benefits paid to regularly employed employees and shall not accrue seniority.

The West Virginia Code that authorizes this policy is scheduled to expire June 30, 2030, unless extended by the legislature.

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WV Code 18A-2-3

WV Code 18-7A-38

Adopted: 08/10/2026

Revised: 10/13/25; 04/22/24; 08/14/23; 06/27/22;08/23/21; 09/28/20; 6/24/19; 10/08/18;
09/12/16; 01/11/16; 04/27/15; 12/08/14; 01/13/14; 11/12/13; 09/24/12; 03/12/12; 10/24/11;
03/14/11; 06/14/10; 07/23/07



Book	POLICY MANUAL
Section	G: Personnel
Title	GAB CRITICAL NEEDS SUBSTITUTE TEACHERS
Code	
Status	Active
Adopted	October 18, 2004
Last Revised	September 22, 2026
Prior Revised Dates	1/5/05; 11/07/05; 12/15/08; 10/3/11; 11/05/12; 10/21/13; 10/05/15; 12/5/16; 11/6/17; 11/5/18; 11/4/19; 1/6/20; 11/02/20; 4/12/21; 5/1/21; 10/5/21; 10/17/22; 9/5/23; 10/7/2024; 10/20/2025

1.

PERSONNEL**CRITICAL NEED/SHORTAGE - SUBSTITUTE TEACHER****1. PURPOSE**

In accordance with W. Va. Code §18A-2-3(c), the purpose of this policy to address Areas of critical need and shortage of substitute teachers and to provide for the employment of retired teachers as critical needs substitute teachers during the school year on an expanded basis in areas of critical need and shortage for substitute teacher beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board.

2. FINDINGS

The Berkeley County Board of Education hereby finds and determines that:

1. There presently exists within Berkeley County, West Virginia, an insufficient number of available substitute teachers who hold appropriate certification and training to meet the projected need for substitute teachers in the following areas of critical need and shortage: English, Language Arts, Reading Specialist, English as a Second Language (ESL), Elementary Education, Pre-K, School Library-Media, Art, Foreign Languages, Science (Chemistry, General Science, Earth, Physics, and Biology), Mathematics, Driver's Education, Family & Consumer Science, Physical Education/Health, Industrial Arts, Technical Education, Social Studies, Business Education/Marketing, Speech Language Pathologist, School Nurse, School Counselor, and Special Education (all

categories), including autism, which the Board recognizes as a specialized assignment within the critical need and shortage of fully certified teachers.

2. The Superintendent has recommended that the Berkeley County Board of Education address the shortage of substitutes in the areas of critical need by adopting a policy permitting retired teachers to substitute for an unlimited number of days in order to help alleviate shortages in the areas of critical need identified in section 2.1 of this policy.
3. The Superintendent has recommended that the Berkeley County Board of Education recognize the shortage of certified autism teachers assigned as teachers of record in autism classrooms by adopting a policy that recognizes the specialized nature of assignments to county-designated autism self-contained classrooms that require specialized training, experience and responsibilities.

3. POLICY

1. The Berkeley County Board of Education hereby adopts this policy to permit retired teachers to substitute for an unlimited number of days in the school year, without affecting such retiree's monthly retirement benefit, in order to alleviate the critical needs and shortages identified in section 2.1 of this policy, in accordance with the provisions of W. Va. Code §18A-2-3 and §18-7A-38.
2. Retired teachers may be employed in areas of critical need and shortage on this expanded basis only when no other qualified teacher who holds certification and training in the area and who is not retired is available and accepts the substitute assignment.
3. Any person who retires and begins work as a substitute teacher within the same fiscal year shall lose the retirement benefits attributed to the annuity reserve, effective from the first day of the employment as a retiree substitute in that fiscal year and ending with the month following the date the retiree ceases to perform service as a substitute.
4. Retired teachers employed to perform expanded substitute service pursuant to this policy are considered day-to-day, temporary, part-time employees. The substitute is not eligible for additional pension or other benefits paid to regularly employed employees and shall not accrue seniority.
5. A retired teacher is eligible to be employed as a critical needs substitute to fill a vacant position only when the retired teacher's retirement became effective before the first day of July preceding at least the fiscal year during which s/he is employed as a critical needs substitute.
6. When a retired teacher is employed as a substitute to fill a vacant position, the position shall continue to be posted until it is filled with a regularly employed teacher. The position vacancy shall be posted electronically and easily accessible to prospective employees to occur at least once at the beginning of the year.

7. The Board finds that the need for special education instructors certified in autism to be significant and overarching. The Board recognizes that serving as the certified teacher of record in a county-designated autism self-contained classroom in a specialized instructional assignment for its regular teachers, requiring specialized training, experience and responsibilities.

4. EFFECTIVE DATE

This policy shall be effective for the 2026-2027 school year and shall be renewed annually by the Berkeley County Board of Education and the State Board of Education. The W. Va. Code provision that authorizes this policy is scheduled to expire June 30, 2030, unless extended by the legislature; therefore, this policy shall be eligible for renewal through said date.

5. WEST VIRGINIA BOARD OF EDUCATION APPROVAL

The superintendent shall submit a copy of this policy to the West Virginia Board of Education for its approval prior to employment of a retired teacher as a substitute beyond the period now permitted without affecting the retired teacher's monthly retirement benefits.

6. AFFIDAVIT

Prior to the employment of any retired teacher as a substitute beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board, the Superintendent shall submit to the state board of education, an affidavit, in a form approved by said retirement board and the state board, stating the name of the county, the fact that the Berkeley County Board of Education has adopted a policy to employ retired teachers as substitutes to address areas of critical need and shortage and the name(s) of the person(s) to be employed pursuant to this policy, the critical need and shortage area position filled by each person, the date that the person gave notice to the county board of the person's intent to retire, and the effective date of the person's retirement. Upon verification of compliance with W. Va. Code §18A-2-3 and the eligibility of the critical needs substitute teacher for employment beyond the post-retirement limit, the state board shall submit the affidavit to the Consolidated Public Retirement Board.

7. SEVERABILITY

If any provision of this policy or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this policy.

Adoption Date: 10/18/04; 01/05/05; 11/07/05; 12/15/08; 10/3/11; 11/05/12; 10/21/13;
10/05/2015; 12/5/2016; 11/6/2017; 11/05/2018; 11/04/2019;
01/06/2020; 11/02/2020; 5/3/2021; 10/5/21; 10/17/22; 09/05/23, 10/7/24; 10/20/25; 9/22/26

Emergency Adoption with pending official adoption: 04/12/2021

Areas of Critical Need and Shortage Policy**Clay County Schools****1. Purpose**

The purpose of this policy is to provide for the employment of retired teachers as substitutes in areas of critical need and shortage.

2. Findings

The Clay County Board of Education hereby finds and determines that there presently exists within Clay County, West Virginia, a critical need for substitute teachers in certain areas.

- a. For the 2026-2027 school year the areas of critical need and shortage are as follows: Elementary Education K-6; Mathematics 5-AD, Special Education: Multi-Categorical K-AD, and Career and Technical Education.
- b. These areas are subject to change annually and should be updated annually by recommendation of the County Superintendent of Schools and by approval of the Clay County Board of Education.
- c. There is also a shortage of certified substitutes available to cover these areas of critical need, and the Superintendent has recommended the Board adopt a policy permitting retired teachers to substitute for an unlimited number of days to help alleviate these critical needs shortages.

3. Area of Critical Need and Shortage

- a. "Area of critical need and shortage for substitute teachers" means an area of certification and training in which the number of available substitute teachers in the county who holds certification and training in that area and who are not retired is insufficient to meet the projected need for substitute teachers.
- b. Areas of critical need and shortage are as follows: Elementary Education K-6; Mathematics 5-AD, Special Education: Multi-Categorical K-AD, and Career and Technical Education.

4. Policy

The Clay County Board of Education hereby adopts a policy to permit retired teachers to substitute for an unlimited number of days in the school year, without affecting such retiree's monthly retirement benefit, to alleviate the critical needs and shortages identified above, all in accordance with the provisions of W.Va. Code §18A-2-3. The retired teacher may be employed as a substitute teacher in an area of critical need and shortage on an expanded basis only when no other teacher who holds certification and training in the area and who is not retired is available and accepts the substitute assignment. The areas of critical need and shortage will be determined on an annual basis as required by Section 2b above.

5. Limitations

- a. Any person who retires and begins work as a substitute teacher within the same fiscal year shall lose those retirement benefits attributed to the annuity reserve, effective from the first day of employment as a retiree substitute in that fiscal year and ending with the month following the date the retiree ceases to perform service as a substitute.
- b. A teacher is eligible to be employed as a critical needs substitute to fill a vacant position only if the retired teacher's retirement became effective before the first day of July preceding at least the fiscal year during which he or she is employed as a critical needs substitute.
- c. Retired teachers employed to perform expanded substitute service pursuant to this policy are considered day-to-day, temporary, part-time employees. The substitute is not eligible for additional pension or other benefits paid to regularly employed employees and shall not accrue seniority.
- d. When a retired teacher is employed as a substitute to fill a vacant position, the position shall continue to be posted until it is filled with a regularly employed teacher who is fully certified or permitted for the position. The position will be posted electronically to the Clay County Schools website at claycountyschools.org.
- e. When a retired teacher is employed as a critical needs substitute to fill a vacant position, the position vacancy shall be posted and easily accessible to prospective employees.

6. Effective Dates

This policy shall be effective for the school year 2026-2027, and the areas of critical need and shortage will be updated annually as required by Section 2b.

7. State Board Approval

The Superintendent shall cause a copy of this policy to be transmitted to the West Virginia State Board of Education for its approval prior to employment of a retired teacher as a substitute beyond the period now permitted without affecting the retired teacher's monthly retirement benefit.

8. Affidavit

Prior to the employment of any retired teacher as a substitute beyond the post-retirement employment limitations established by the consolidated public retirement board, the Superintendent shall submit to the consolidated public retirement board and the state board of education an affidavit, in a form approved by said retirement board, stating the name of the county, the fact that the Board has adopted a policy to employ retired teachers as substitutes to address areas of critical need and shortage, the name or names of the person or persons to be employed pursuant to this policy, the critical need and shortage area position filled by each person, the date that the person gave notice to the county board of the person's intent to retire and the effective date of the person's retirement.

Update Presented to the Clay County Board of Education: August 18, 2026

Approved by the Clay County Board of Education: August 18, 2026

Approved by the West Virginia Board of Education:

SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE

po3120.12

ADOPTED June 22, 2020

REVISED July 28, 2026

3120.12 - SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE

Purpose

The purpose of this policy, as recommended by the Superintendent, is to provide for the employment of retired teachers as substitutes on an expanded basis in areas of critical need and shortage.

The Board of Education hereby adopts the definition of "area of critical need and shortage" set forth in West Virginia Code 18A-2-3 as follows: "Area of critical need and shortage for substitute teachers" means an area of certification and training in which the number of available substitute teachers in the County who hold certification and training in that area and who are not retired is insufficient to meet the projected need for substitute teachers. Teacher or substitute teacher includes speech pathologists, school nurses, and guidance counselors.

The Board additionally finds and determines that:

A. there presently exists within the County a critical need for substitute teachers in the areas of:

1. English;
2. Language Arts;
3. Speech;
4. Journalism;
5. Reading;
6. Social Studies;
7. Driver's Education;
8. Physical Education;
9. School Library-Media;
10. Art;
11. Foreign Language;
12. Science (Chemistry, General Science, Physics, Biology);
13. Mathematics;
14. Family Consumer Science;

15. Elementary Education;
16. Business;
17. Career and Technical Education;
18. Special Education (All categories);
19. Music;
20. Nurses;
21. Speech-Language Pathologists;
22. Counselors.

B. there is also a shortage of available certified substitute teachers, who are not retired, available to cover these areas of critical need.

Accordingly, the Board hereby authorizes the employment of retired teachers as substitute teachers during the 2026-2027 school year on an expanded basis in those areas of critical need and shortage noted above as is recommended by the Superintendent. In no case shall a retired teacher be employed where there is available for employment another teacher holding certification and training in the area of need who is not retired and who will accept the substitute assignment.

This policy shall be effective upon approval by the West Virginia Board of Education for the 2026-2027 school year only, subject to annual review by the County Board and re-approval by the West Virginia Board of Education.

Prior to employment of a retired teacher, as a critical needs substitute teacher beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board ("Retirement Board"), the Superintendent shall submit to the West Virginia Board of Education in a form approved by the Retirement Board and the West Virginia Board of Education, an affidavit signed by the Superintendent stating the name of the county, the fact that the county has adopted a policy to employ retired teachers as substitutes to address areas of critical need and shortage, the name or names of the person or persons to be employed as a critical needs substitute pursuant to the policy, the critical need and shortage area position filled by each person, the date that the person gave notice to the county board of the person's intent to retire, and the effective date of the person's retirement. Upon verification of compliance with West Virginia Code 18A-2-3 and the eligibility of the critical needs substitute teacher for employment beyond the post-retirement limit, the West Virginia Board of Education shall submit the affidavit to the Retirement Board. Prior to any retirant becoming employed on a temporary full-time or temporary part-time basis by the county, the county shall notify the Retirement Board and the retirant, in writing, if and when the retirant's potential temporary employment will negatively impact the retirant's retired status or benefits. Upon the retirant's acceptance of either temporary full-time or temporary part-time employment, the employer shall notify the Retirement Board, in writing, of the retirant's subsequent employment.

The County Board shall cooperate with the West Virginia Board of Education to verify the county's compliance with the requirements of this code section and verify the eligibility of the critical needs substitute teacher (i.e., adoption of local policy, prior electronic posting of position opening, retirement

date effective before the first day of July, preceding at least the fiscal year during which s/he is employed, continuous and ongoing posting seeking fully certified non-retired teacher, and absence of a non-retired teacher who holds certification and training in the required area).

When a retired teacher is employed as a substitute to fill a vacant position, the County shall continue to post the vacant position electronically and easily accessible to prospective employees until it is filled with a regularly employed teacher who is fully certified or permitted for the position. Such posting will only be required once at the beginning of the year and once mid-year. This does not apply when filling a teaching position of a regular teacher on leave of absence, nor does it apply when a position is filled with a regularly employed teacher who is fully certified or permitted for the position, but the teacher is not available at the time s/he accepts the position.

The County Superintendent shall forward a copy of this policy annually to the State Superintendent of Schools for approval by the West Virginia Board of Education prior to employment of retired teachers on an expanded basis as substitutes in areas of critical need and shortage.

A retired teacher is eligible to be employed as a critical needs substitute to fill a vacant position without any loss of retirement benefits attributed to the annuity reserve only if the retired teacher's retirement became effective before the first day of July preceding at least the fiscal year during which s/he is employed as a critical need substitute.

Every contract of employment for such retired teachers to be employed for periods beyond the post-retirement employment limitation established by the consolidated public retirement board shall include therein the following information:

Any person who retires and begins work as a substitute teacher within the same fiscal year shall lose those retirement benefits attributed to the annuity reserve, effective from the first day of employment as a retiree critical needs substitute teacher in that fiscal year and ending with the month following the date the retiree ceases to perform service as a critical needs substitute teacher.

Retired teachers employed to perform expanded substitute service provided in this policy are considered day-to-day, temporary, part-time employees. The substitutes are not eligible for additional pension or other benefits paid to regularly employed employees and shall not accrue seniority.

The West Virginia Code that authorizes this policy is scheduled to expire June 30, 2030, unless extended by the legislature.

Revised 8/10/21

Revised 8/9/22

Revised 8/15/23

Revised 7/16/24

Revised 7/15/25

Revised 12/22/25

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WV Code 18A-2-3

WV Code 18-7A-38

PROFESSIONAL STAFF

po3120.12

SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE

ADOPTED Oct 28, 2024 • REVISED Sep 14, 2026

3120.12 - **SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE**

Purpose

The purpose of this policy, as recommended by the Superintendent, is to provide for the employment of retired teachers as substitutes on an expanded basis in areas of critical need and shortage.

The Board of Education hereby adopts the definition of "area of critical need and shortage" set forth in West Virginia Code 18A-2-3 as follows: "Area of critical need and shortage for substitute teachers" means an area of certification and training in which the number of available substitute teachers in the County who hold certification and training in that area and who are not retired is insufficient to meet the projected need for substitute teachers. Teacher or substitute teacher includes speech pathologists, school nurses, and guidance counselors.

The Board additionally finds and determines that:

A. there presently exists within the County a critical need for substitute teachers in the areas of:

1. English
2. Language Arts
3. Reading
4. Spanish
5. Business
6. Career And Technology Education(CTE)
7. Science (Chemistry, Physics, and Biology)

8. Mathematics
9. Family and Consumer Science
10. Special Education (all Areas)
11. Music
12. Art
13. Speech and Language Pathologist
14. School Psychologist
15. Visually Impaired
16. Gifted
17. Autism
18. Deaf and Hard of Hearing
19. English as a Second Language (ESL)
20. Preschool Special Needs
21. Physical Education
22. Counselor
23. School Nurse

B. there is also a shortage of available certified substitute teachers, who are not retired, available to cover these areas of critical need.

Accordingly, the Board hereby authorizes the employment of retired teachers as substitute teachers during the 2026-2027 school year on an expanded basis in those areas of critical need and shortage noted above as is recommended by the Superintendent. In no case shall a retired teacher be employed where there is available for employment another teacher holding certification and training in the area of need who is not retired and who will accept the substitute assignment.

This policy shall be effective upon approval by the West Virginia Board of Education for the 2026-2027 school year only, subject to annual review by the County Board and re-approval by the West Virginia Board of Education.

Prior to employment of a retired teacher, as a critical needs substitute teacher beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board ("Retirement Board"), the Superintendent shall submit to the West Virginia Board of Education in a form approved by the Retirement Board and the West Virginia Board of Education, an affidavit signed by the Superintendent stating the name of the county, the fact that the county has adopted a policy to employ retired teachers as substitutes to address areas of critical need and shortage, the name or names of the person or persons to be employed as a critical needs substitute pursuant to the policy, the critical need and shortage area position filled by each person, the date that the person gave notice to the county board of the person's intent to retire, and the effective date of the person's retirement. Upon verification of compliance with West Virginia Code 18A-2-3 and the eligibility of the critical needs substitute teacher for employment beyond the post-retirement limit, the West Virginia Board of Education shall submit the affidavit to the Retirement Board. Prior to any retirant becoming employed on a temporary full-time or temporary part-time basis by the county, the county shall notify the Retirement Board and the retirant, in writing, if and when the retirant's potential temporary employment will negatively impact the retirant's retired status or benefits. Upon the retirant's acceptance of either temporary full-time or temporary part-time employment, the employer shall notify the Retirement Board, in writing, of the retirant's subsequent employment.

The County Board shall cooperate with the West Virginia Board of Education to verify the county's compliance with the requirements of this code section and verify the eligibility of the critical needs substitute teacher (i.e., adoption of local policy, prior electronic posting of position opening, retirement date effective before the first day of July, preceding at least the fiscal year during which s/he is employed, continuous and ongoing posting seeking fully certified non-retired teacher, and absence of a non-retired teacher who holds certification and training in the required area).

When a retired teacher is employed as a substitute to fill a vacant position, the County shall continue to post the vacant position electronically and easily accessible to prospective employees until it is filled with a regularly employed teacher who is fully certified or permitted for the position. Such posting will only be required once at the beginning of the year and once mid-year. This does not apply when filling a teaching position of a regular teacher on leave of absence, nor does it apply when a position is filled with a regularly employed teacher who is fully certified or permitted for the position, but the teacher is not available at the time s/he accepts the position.

The County Superintendent shall forward a copy of this policy annually to the State Superintendent of Schools for approval by the West Virginia Board of Education prior to employment of retired teachers on an expanded basis as substitutes in areas of critical need and shortage.

A retired teacher is eligible to be employed as a critical needs substitute to fill a vacant position without any loss of retirement benefits attributed to the annuity reserve only if the retired

teacher's retirement became effective before the first day of July preceding at least the fiscal year during which s/he is employed as a critical need substitute.

Every contract of employment for such retired teachers to be employed for periods beyond the post-retirement employment limitation established by the consolidated public retirement board shall include therein the following information:

Any person who retires and begins work as a substitute teacher within the same fiscal year shall lose those retirement benefits attributed to the annuity reserve, effective from the first day of employment as a retiree critical needs substitute teacher in that fiscal year and ending with the month following the date the retiree ceases to perform service as a critical needs substitute teacher.

Retired teachers employed to perform expanded substitute service provided in this policy, are considered day-to-day, temporary, part-time employees. The substitutes are not eligible for additional pension or other benefits paid to regularly employed employees and shall not accrue seniority.

The West Virginia Code that authorizes this policy is scheduled to expire June 30, 2030, unless extended by the legislature.

Revised 11/18/24

Revised 12/15/25

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WV Code 18A-2-3

WV Code 18-7A-38

**Harrison County Schools**

SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE (2)

po3120.12

ADOPTED September 15, 2026

REVISED September 15, 2026

3120.12 - SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE

Purpose

The purpose of this policy, as recommended by the Superintendent, is to provide for the employment of retired teachers as substitutes on an expanded basis in areas of critical need and shortage.

The Board of Education hereby adopts the definition of "area of critical need and shortage" set forth in West Virginia Code 18A-2-3 as follows: "Area of critical need and shortage for substitute teachers" means an area of certification and training in which the number of available substitute teachers in the County who hold certification and training in that area and who are not retired is insufficient to meet the projected need for substitute teachers. Teacher or substitute teacher includes speech pathologists, school nurses, and guidance counselors.

The Board additionally finds and determines that:

A. there presently exists within the County a critical need for substitute teachers in the areas of:

1. Art
2. Business Education
3. Career Exploration
4. Drivers Education
5. Elementary Education K-6
6. English
7. Foreign Language (Spanish, French, Italian)
8. Mathematics
9. Music
10. PE/ Health/ Wellness
11. Preschool/ Developmental Delay/ Preschool Special Needs/ Early Education
12. Reading

13. Science (Biology, Chemistry, General Science, Physics)

14. Special Education (LD, BD, ID, Gifted, Autism)

15. Speech Pathology

16. Title I

17. Vocational Agriculture

B. and that there is also a shortage of available certified substitute teachers who are not retired, available to cover these areas of critical need.

Accordingly, the Board hereby authorizes the employment of retired teachers as substitute teachers during the 2026-2027 school year on an expanded basis in those areas of critical need and shortage noted above, as is recommended by the Superintendent. In no case shall a retired teacher be employed where there is available for employment another teacher holding certification and training in the area of need who is not retired and who will accept the substitute assignment.

This policy shall be effective upon approval by the West Virginia Board of Education for the 2026-2027 year only, subject to annual review by the County Board and re-approval by the West Virginia Board of Education.

Prior to employment of a retired teacher, as a critical needs substitute teacher beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board ("Retirement Board"), the Superintendent shall submit to the West Virginia Board of Education in a form approved by the Retirement Board and the West Virginia Board of Education, an affidavit signed by the Superintendent stating the name of the county, the fact that the county has adopted a policy to employ retired teachers as substitutes to address areas of critical need and shortage, the name or names of the person or persons to be employed as a critical needs substitute pursuant to the policy, the critical need and shortage area position filled by each person, the date that the person gave notice to the county board of the person's intent to retire, and the effective date of the person's retirement. Upon verification of compliance with West Virginia Code 18A-2-3 and the eligibility of the critical needs substitute teacher for employment beyond the post-retirement limit, the West Virginia Board of Education shall submit the affidavit to the Retirement Board. Prior to any retirant becoming employed on a temporary full-time or temporary part-time basis by the county, the county shall notify the Retirement Board and the retirant, in writing, if and when the retirant's potential temporary employment will negatively impact the retirant's retired status or benefits. Upon the retirant's acceptance of either temporary full-time or temporary part-time employment, the employer shall notify the Retirement Board, in writing, of the retirant's subsequent employment.

The County Board shall cooperate with the West Virginia Board of Education to verify the county's compliance with the requirements of this code section and verify the eligibility of the critical needs substitute teacher (i.e., adoption of local policy, prior electronic posting of position opening, retirement date effective before the first day of July, preceding at least the fiscal year during which s/he is employed, continuous and ongoing posting seeking fully certified non-retired teacher, and absence of a non-retired teacher who holds certification and training in the required area).

When a retired teacher is employed as a substitute to fill a vacant position, the County shall continue to post the vacant position electronically and easily accessible to prospective employees until it is filled with a regularly employed teacher who is fully certified or permitted for the position.

The County Superintendent shall forward a copy of this policy annually to the State Superintendent of Schools for approval by the West Virginia Board of Education prior to employment of retired teachers on an expanded basis as substitutes in areas of critical need and shortage.

A retired teacher is eligible to be employed as a critical needs substitute to fill a vacant position without any loss of retirement benefits attributed to the annuity reserve only if the retired teacher's retirement became effective before the first day of July preceding at least the fiscal year during which s/he is employed as a critical need substitute.

Every contract of employment for such retired teachers to be employed for periods beyond the post-retirement employment limitation established by the consolidated public retirement board shall include therein the following information:

Any person who retires and begins work as a substitute teacher within the same fiscal year shall lose those retirement benefits attributed to the annuity reserve, effective from the first day of employment as a retiree critical needs substitute teacher in that fiscal year and ending with the month following the date the retiree ceases to perform service as a critical needs substitute teacher.

Retired teachers employed to perform expanded substitute service provided in this policy, are considered day-to-day, temporary, part-time employees. The substitutes are not eligible for additional pension or other benefits paid to regularly employed employees and shall not accrue seniority.

The West Virginia Code that authorizes this policy is scheduled to expire June 30, 2030 unless extended by the legislature.

Revised 11/19/24

Revised 10/21/25

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WV Code 18A-2-3

WV Code 18-7A-38

Jackson County Schools

PROFESSIONAL STAFF

po3120.12

SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE

ADOPTED Feb 4, 2016 • REVISED Jul 23, 2026

3120.12 - SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE

Purpose

The purpose of this policy, as recommended by the Superintendent, is to provide for the employment of retired teachers as substitutes on an expanded basis in areas of critical need and shortage.

The Board of Education hereby adopts the definition of "area of critical need and shortage" set forth in 18A-2-3, Code of West Virginia, as follows: "Area of critical need and shortage" means an area of certification and training in which the number of available substitute teachers in the County who hold certification and training in that area and who are not retired is insufficient to meet the projected need for substitute teachers. Teachers or substitute teachers include school nurses and guidance counselors.

The Board additionally finds and determines that:

A. There presently exists within Jackson County a critical need for substitute teachers in the areas of:

1. Special Education (Multi-categorical, Autism);
2. English/Language Arts;
3. Mathematics;
4. Science (Chemistry, Physics, Biology);
5. French/Spanish;
6. Family/Consumer Science;

1
2 7. Technology Education;

3
4 8. Art;

5
6 9. Elementary Education K-6;

7
8 10. Music;

9
10 11. Business Education.

11
12 B. And that there is also a shortage of available certified substitute teachers, who
13 are not retired, available to cover these areas of critical need.
14

15 Accordingly, the Board hereby authorizes the employment of retired teachers as
16 substitute teachers during the 2026-2027 school year on an expanded basis in those
17 areas of critical need and shortage noted above, as is recommended by the
18 Superintendent. In no case shall a retired teacher be employed where there is available
19 for employment another teacher holding certification and training in the area of need
20 who is not retired and who will accept the substitute assignment.

21
22 This policy shall be effective upon approval by the West Virginia Board of Education for
23 the 2026-2027 year only, subject to annual review by the County Board and re-
24 approval by the West Virginia Board of Education.

25
26 Prior to employment of a retired teacher as a critical needs substitute teacher beyond
27 the post-retirement employment limitations established by the consolidated public
28 retirement board, the Superintendent shall submit to the consolidated public
29 retirement board and the West Virginia Board of Education, in a form approved by the
30 retirement board, an affidavit, signed by the Superintendent, stating the name of this
31 County Board, the fact that this policy has been adopted for the purpose of employing
32 retired teachers as substitutes to address areas of critical need and shortage and the
33 name or names of the person or persons to be employed pursuant to the policy, the
34 critical need and shortage area position filled by each person, the date that the person
35 gave notice to the county board of the person's intent to retire, and the effective date of
36 the person's retirement. Upon verification of compliance with West Virginia Code 18A-
37 2-3 and the eligibility of the critical needs substitute teacher for employment beyond
38 the post-retirement limit, the West Virginia Board of Education shall submit the affidavit
39 to the Retirement Board. Prior to any retiree becoming employed on a temporary full-
40 time or temporary part-time basis by the district, the district shall notify the Retirement
41 Board and the retiree, in writing, if and when the retiree's potential temporary
42 employment will negatively impact the retiree's retired status or benefits. Upon the

1 retiree's acceptance of either temporary full-time or temporary part-time employment,
2 the employer shall notify the Retirement Board, in writing, of the retiree's subsequent
3 employment.

4
5 The County Board shall cooperate with the West Virginia Board of Education to verify
6 the County's compliance with the requirements of this code section and verify the
7 eligibility of the critical needs substitute teacher (i.e., adoption of local policy, prior
8 electronic posting of position opening, retirement date effective before the first day of
9 July preceding at least the fiscal year during which the retired teacher is employed as a
10 critical need substitute, continuous and ongoing posting seeking fully certified non-
11 retired teacher, and absence of a non-retired teacher who holds certification and
12 training in the required area) and shall likewise submit a copy of the affidavit to the
13 Consolidated Public Retirement Board.

14
15 When a retired teacher is employed as a substitute to fill a vacant position, the County
16 Board shall continue to post the vacant position electronically and easily accessible to
17 prospective employees until it is filled with a regularly employed teacher who is fully
18 certified or permitted for the position. Such a posting will only be required once at the
19 beginning of the year and once mid-year. This does not apply when filling a teaching
20 position of a regular teacher on leave of absence, nor does it apply when a position is
21 filled with a regularly employed teacher who is fully certified or permitted for the
22 position, but the teacher is not available at the time s/he accepts the position.

23
24 The County Superintendent shall forward a copy of this policy annually to the State
25 Superintendent of Schools for approval by the West Virginia Board of Education prior to
26 employment of retired teachers on an expanded basis as substitutes in areas of critical
27 need and shortage.

28
29 A retired teacher is eligible to be employed as a critical needs substitute to fill a vacant
30 position without any loss of retirement benefits attributed to the annuity reserve only if
31 the retired teacher's retirement became effective before the first day of July preceding
32 at least the fiscal year during which the retired teacher is employed as a critical needs
33 substitute.

34
35 Every contract of employment for such retired teachers to be employed for periods
36 beyond the post-retirement employment limitation established by the consolidated
37 public retirement board shall include therein the following information:

38
39 Any person who retires and begins work as a substitute teacher within the same fiscal
40 year shall lose those retirement benefits attributed to the annuity reserve, effective
41 from the first day of employment as a retiree substitute in that fiscal year and ending
42 with the month following the date the retiree ceases to perform service as a substitute.

Retired teachers employed to perform expanded substitute service provided in this policy are considered day-to-day, temporary, part-time employees. The substitutes are not eligible for additional pension or other benefits paid to regularly employed employees and shall not accrue seniority.

The West Virginia Code that authorizes this policy is scheduled to expire on June 30, 2030, unless extended by the legislature.

Revised 9/1/16

Revised 9/6/18

Revised 10/21/19

Revised 11/5/20

Revised 8/19/21

Revised 5/5/22

T.C. 6/27/23

Revised 8/17/23

T.C. 7/24/24

T.C. 6/5/25

T.C. 6/26/25

Revised 10/16/25

T.C. 7/23/26

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WV Code 18A-2-3

WV Code 18-7A-38



SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE

po3120.12

ADOPTED August 11, 2015

REVISED August 25, 2026

3120.12 - SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE

Purpose

The purpose of this policy, as recommended by the Superintendent, is to provide for the employment of retired teachers as substitutes on an expanded basis in areas of critical need and shortage.

The Board of Education hereby adopts the definition of "area of critical need and shortage" set forth in West Virginia Code 18A-2-3 as follows: "Area of critical need and shortage for substitute teachers" means an area of certification and training in which the number of available substitute teachers in the County who hold certification and training in that area and who are not retired is insufficient to meet the projected need for substitute teachers. Teacher or substitute teacher includes speech pathologists, school nurses, and guidance counselors.

The Board additionally finds and determines that:

A. there presently exists within the County a critical need for substitute teachers in the areas of:

1. Mathematics;
2. Science;
3. Special Education.

B. and that there is also a shortage of available certified substitute teachers who are not retired, available to cover these areas of critical need.

Accordingly, the Board hereby authorizes the employment of retired teachers as substitute teachers during the 2026- 2027 school year on an expanded basis in those areas of critical need and shortage noted above, as is recommended by the Superintendent. In no case shall a retired teacher be employed where there is available for employment another teacher holding certification and training in the area of need who is not retired and who will accept the substitute assignment.

This policy shall be effective upon approval by the West Virginia Board of Education for the 2026- 2027 year only, subject to annual review by the County Board and re-approval by the West Virginia Board of Education.

Prior to employment of a retired teacher, as a critical needs substitute teacher beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board ("Retirement Board"), the Superintendent shall submit to the West Virginia Board of Education in a form approved by the Retirement

Board and the West Virginia Board of Education, an affidavit signed by the Superintendent stating the name of the county, the fact that the county has adopted a policy to employ retired teachers as substitutes to address areas of critical need and shortage, the name or names of the person or persons to be employed as a critical needs substitute pursuant to the policy, the critical need and shortage area position filled by each person, the date that the person gave notice to the county board of the person's intent to retire, and the effective date of the person's retirement. Upon verification of compliance with West Virginia Code 18A-2-3 and the eligibility of the critical needs substitute teacher for employment beyond the post-retirement limit, the West Virginia Board of Education shall submit the affidavit to the Retirement Board. Prior to any retirant becoming employed on a temporary full-time or temporary part-time basis by the county, the county shall notify the Retirement Board and the retirant, in writing, if and when the retirant's potential temporary employment will negatively impact the retirant's retired status or benefits. Upon the retirant's acceptance of either temporary full-time or temporary part-time employment, the employer shall notify the Retirement Board, in writing, of the retirant's subsequent employment.

The County Board shall cooperate with the West Virginia Board of Education to verify the county's compliance with the requirements of this code section and verify the eligibility of the critical needs substitute teacher (i.e., adoption of local policy, prior electronic posting of position opening, retirement date effective before the first day of July, preceding at least the fiscal year during which s/he is employed, continuous and ongoing posting seeking fully certified non-retired teacher, and absence of a non-retired teacher who holds certification and training in the required area).

When a retired teacher is employed as a substitute to fill a vacant position, the County shall continue to post the vacant position electronically and easily accessible to prospective employees until it is filled with a regularly employed teacher who is fully certified or permitted for the position.

The County Superintendent shall forward a copy of this policy annually to the State Superintendent of Schools for approval by the West Virginia Board of Education prior to employment of retired teachers on an expanded basis as substitutes in areas of critical need and shortage.

A retired teacher is eligible to be employed as a critical needs substitute to fill a vacant position without any loss of retirement benefits attributed to the annuity reserve only if the retired teacher's retirement became effective before the first day of July preceding at least the fiscal year during which s/he is employed as a critical need substitute.

Every contract of employment for such retired teachers to be employed for periods beyond the post-retirement employment limitation established by the Consolidated Public Retirement Board shall include therein the following information:

Any person who retires and begins work as a substitute teacher within the same fiscal year shall lose those retirement benefits attributed to the annuity reserve, effective from the first day of employment as a retiree critical needs substitute teacher in that fiscal year and ending with the month following the date the retiree ceases to perform service as a critical needs substitute teacher.

Retired teachers employed to perform expanded substitute service provided in this policy are considered day-to-day, temporary, part-time employees. The substitutes are not eligible for additional pension or other benefits paid to regularly employed employees and shall not accrue seniority.

The West Virginia Code that authorizes this policy is scheduled to expire June 30, 2025, unless extended by the legislature.

Revised 2/27/18

Revised 2/10/20

Revised 2/11/20

Revised 4/28/20

Revised 9/8/20

Revised 11/19/20

Revised 9/28/21

Revised 3/22/22

Revised 7/28/22

Revised 8/23/22

T.C. 8/25/22

Revised 6/27/23

T.C. 10/10/23

Revised 12/30/24

Revised 5/27/25

Reviewed 12/30/25

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WV Code 18A-2-3

WV Code 18-7A-38

SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE

Purpose

The purpose of this policy, as recommended by the Superintendent, is to provide for the employment of retired teachers as substitutes on an expanded basis in areas of critical need and shortage.

The Board of Education hereby adopts the definition of "area of critical need and shortage" set forth in 18A-2-3, *Code of West Virginia*, as follows: "Area of critical need and shortage" means an area of certification and training in which the number of available substitute teachers in the County who hold certification and training in that area and who are not retired is insufficient to meet the projected need for substitute teachers.

The Board additionally finds and determines that:

- A. There presently exists within Mingo County a critical need for substitute teachers in the areas of:
 - 1. Elementary Education (K-6)
 - 2. Special Education (K-12)
 - 3. Mathematics (5-12)
 - 4. Music (K-12)
 - 5. Nurses
 - 6. Speech Language Pathologists
 - 7. Spanish
 - 8. English 5-12
- B. and that there is also a shortage of available certified substitute teachers, who are not retired, available to cover areas of critical need.

Accordingly, the Board hereby authorizes the employment of retired teachers as substitute teachers during the 2026-2027 school year on an expanded basis in those areas of critical need and shortage noted above as is recommended by the Superintendent. In no case shall a retired teacher be employed where there is available for employment another teacher holding certification and training in the area of need, who is not retired and who will accept the substitute assignment.

This policy shall be effective upon approval by the West Virginia Board of Education for the 2026-2027 year only, subject to annual review by the County Board and re-approval by the West Virginia Board of Education.

Prior to employment of a retired teacher as a critical needs substitute teacher beyond the post-retirement employment limitations established by the consolidated public retirement board, the Superintendent shall submit to the consolidated public retirement board and the West Virginia Board of Education, in a form approved by the retirement board, an affidavit, signed by the Superintendent, stating the name of this County Board, the fact that this policy has been adopted for the purpose of employing retired teachers as substitutes to address areas of critical need and shortage and the name or names of the person or persons to be employed pursuant to the policy, the critical need and shortage area position filled by each person, the date that the person gave notice to the county board of the person's intent to retire, and the effective date of the person's retirement.

The County Board shall cooperate with the West Virginia Board of Education to verify the county's compliance with the requirements of this code section and verify the eligibility of the critical needs substitute teacher (i.e., adoption of local policy, prior electronic posting of position opening, retirement date effective before the first day of July preceding at least the fiscal year during which he or she is employed as a critical needs substitute teacher, continuous and ongoing posting seeking fully certified non-retired teacher, and absence of a non-retired teacher who holds certification and training in the required area) and shall likewise submit a copy the affidavit to the Consolidated Public Retirement Board.

When a retired teacher is employed as a substitute to fill a vacant position, the County Board shall continue to post the vacant position until it is filled with a regularly employed teacher who is fully certified or permitted for the position and the position vacancy shall be posted electronically and easily accessible to prospective employees.

The County Superintendent shall forward a copy of this policy annually to the State Superintendent of Schools for approval by the West Virginia Board of Education prior to employment of retired teachers on an expanded basis as substitutes in areas of critical need and shortage.

A retired teacher is eligible to be employed as a critical needs substitute to fill a vacant position only if the retired teacher's retirement became effective before the first day of July preceding at least the fiscal year during which he or she is employed as a critical needs substitute teacher.

Every contract of employment for such retired teachers to be employed for periods beyond the post-retirement employment limitation established by the consolidated public retirement board shall include therein the following information:

Any person who retires and begins work as a substitute teacher within the same fiscal year shall lose those retirement benefits attributed to the annuity reserve, effective from the first day of employment as a retiree substitute in that fiscal year and ending with the month following the date the retiree ceases to perform service as a substitute.

Retired teachers employed to perform expanded substitute service provided in this policy, are considered day-to-day, temporary, part-time employees. The substitutes are not eligible for additional pension or other benefits paid to regularly employed employees and shall not accrue seniority.

The WV Code that authorizes this policy is scheduled to expire June 30, 2030 unless extended by the legislature.

WV Code 18A-2-3 and 18-7A-38

PROFESSIONAL STAFF

po3120.12

SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE

ADOPTED Jul 1, 2022 · REVISED Sep 3, 2026

3120.12 - SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE

Purpose

The purpose of this policy, as recommended by the Superintendent, is to provide for the employment of retired teachers as substitutes on an expanded basis in areas of critical need and shortage.

The Board of Education hereby adopts the definition of "area of critical need and shortage" set forth in West Virginia Code 18A-2-3 as follows: "Area of critical need and shortage for substitute teachers" means an area of certification and training in which the number of available substitute teachers in the County who hold certification and training in that area and who are not retired is insufficient to meet the projected need for substitute teachers. Teacher or substitute teacher includes speech pathologists, school nurses, and guidance counselors.

The Board additionally finds and determines that:

A. There presently exists within the County a critical need for substitute teachers in the areas of:

1. Mathematics
2. Special Education
3. Elementary Education
4. Speech Language Pathologist
5. English
6. Science

7. Chemistry

8. Foreign Language

9. Music

10. Pre-K

11. Art

B. There is also a shortage of available certified substitute teachers, who are not retired, available to cover these areas of critical need.

Accordingly, the Board hereby authorizes the employment of retired teachers as substitute teachers during the 2026-2027 school year on an expanded basis in those areas of critical need and shortage noted above as is recommended by the Superintendent. In no case shall a retired teacher be employed where there is available for employment another teacher holding certification and training in the area of need who is not retired and who will accept the substitute assignment.

This policy shall be effective upon approval by the West Virginia Board of Education for the 2026-2027 school year only, subject to annual review by the County Board and re-approval by the West Virginia Board of Education.

Prior to employment of a retired teacher, as a critical needs substitute teacher beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board ("Retirement Board"), the Superintendent shall submit to the West Virginia Board of Education in a form approved by the Retirement Board and the West Virginia Board of Education, an affidavit signed by the Superintendent stating the name of the county, the fact that the county has adopted a policy to employ retired teachers as substitutes to address areas of critical need and shortage, the name or names of the person or persons to be employed as a critical needs substitute pursuant to the policy, the critical need and shortage area position filled by each person, the date that the person gave notice to the county board of the person's intent to retire, and the effective date of the person's retirement. Upon verification of compliance with West Virginia Code 18A-2-3 and the eligibility of the critical needs substitute teacher for employment beyond the post-retirement limit, the West Virginia Board of Education shall submit the affidavit to the Retirement Board. Prior to any retirant becoming employed on a temporary full-time or temporary part-time basis by the county, the county shall notify the Retirement Board and the retirant, in writing, if and when the retirant's potential temporary employment will negatively impact the retirant's retired status or benefits. Upon the retirant's acceptance of either temporary full-time or temporary part-time employment, the employer shall notify the Retirement Board, in writing, of the retirant's subsequent employment.

The County Board shall cooperate with the West Virginia Board of Education to verify the county's compliance with the requirements of this code section and verify the eligibility of the critical needs substitute teacher (i.e., adoption of local policy, prior electronic posting of position opening, retirement date effective before the first day of July, preceding at least the fiscal year during which s/he is employed, continuous and ongoing posting seeking fully certified non-retired teacher, and absence of a non-retired teacher who holds certification and training in the required area).

When a retired teacher is employed as a substitute to fill a vacant position, the County shall continue to post the vacant position electronically and easily accessible to prospective employees until it is filled with a regularly employed teacher who is fully certified or permitted for the position. Such posting will only be required once at the beginning of the year and once mid-year. This does not apply when filling a teaching position of a regular teacher on leave of absence, nor does it apply when a position is filled with a regularly employed teacher who is fully certified or permitted for the position, but the teacher is not available at the time s/he accepts the position.

The County Superintendent shall forward a copy of this policy annually to the State Superintendent of Schools for approval by the West Virginia Board of Education prior to employment of retired teachers on an expanded basis as substitutes in areas of critical need and shortage.

A retired teacher is eligible to be employed as a critical needs substitute to fill a vacant position without any loss of retirement benefits attributed to the annuity reserve only if the retired teacher's retirement became effective before the first day of July preceding at least the fiscal year during which s/he is employed as a critical need substitute.

Every contract of employment for such retired teachers to be employed for periods beyond the post-retirement employment limitation established by the consolidated public retirement board shall include therein the following information:

Any person who retires and begins work as a substitute teacher within the same fiscal year shall lose those retirement benefits attributed to the annuity reserve, effective from the first day of employment as a retiree critical needs substitute teacher in that fiscal year and ending with the month following the date the retiree ceases to perform service as a critical needs substitute teacher.

Retired teachers employed to perform expanded substitute service provided in this policy, are considered day-to-day, temporary, part-time employees. The substitutes are not eligible for additional pensions or other benefits paid to regularly employed employees and shall not accrue seniority.

The West Virginia Code that authorizes this policy is scheduled to expire June 30, 2030, unless extended by the legislature.



SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE

po3120.12 ADOPTED July 30, 2024 REVISED September 15, 2026

3120.12 - SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE

Purpose

The purpose of this policy, as recommended by the Superintendent, is to provide for the employment of retired teachers as substitutes on an expanded basis in areas of critical need and shortage.

The Board of Education hereby adopts the definition of "area of critical need and shortage" set forth in West Virginia Code 18A-2-3 as follows: "Area of critical need and shortage for substitute teachers" means an area of certification and training in which the number of available substitute teachers in the County who hold certification and training in that area and who are not retired is insufficient to meet the projected need for substitute teachers. Teachers or substitute teachers include speech pathologists, school nurses, and guidance counselors.

The Board additionally finds and determines that:

A. there presently exists within the County a critical need for substitute teachers in the areas of:

1. Math (Middle and high school grades)
2. Special Needs Pre-K through 12 (all areas of exceptionality)
3. Preschool Teachers
4. Science (Including Biology)
5. Elementary Teachers
6. School Counselors
7. English Language Arts Teachers (middle and high school grades)
8. Elementary Health/PE Teacher

B. and that, there is also a shortage of available certified substitute teachers, who are not retired, available to cover these areas of critical need.

Accordingly, the Board hereby authorizes the employment of retired teachers as substitute teachers during the 2026-2027 school year on an expanded basis in those areas of critical need and shortage noted above, as is recommended by the Superintendent. In no case shall a retired teacher be employed where

there is available for employment another teacher holding certification and training in the area of need who is not retired and who will accept the substitute assignment.

This policy shall be effective upon approval by the West Virginia Board of Education for the 2026-2027 year only, subject to annual review by the County Board and re-approval by the West Virginia Board of Education.

Prior to employment of a retired teacher, as a critical needs substitute teacher beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board ("Retirement Board"), the Superintendent shall submit to the West Virginia Board of Education in a form approved by the Retirement Board and the West Virginia Board of Education, an affidavit signed by the Superintendent stating the name of the county, the fact that the county has adopted a policy to employ retired teachers as substitutes to address areas of critical need and shortage, the name or names of the person or persons to be employed as a critical needs substitute pursuant to the policy, the critical need and shortage area position filled by each person, the date that the person gave notice to the county board of the person's intent to retire, and the effective date of the person's retirement. Upon verification of compliance with West Virginia Code 18A-2-3 and the eligibility of the critical needs substitute teacher for employment beyond the post-retirement limit, the West Virginia Board of Education shall submit the affidavit to the Retirement Board. Prior to any retirant becoming employed on a temporary full-time or temporary part-time basis by the county, the county shall notify the Retirement Board and the retirant, in writing, if and when the retirant's potential temporary employment will negatively impact the retirant's retired status or benefits. Upon the retirant's acceptance of either temporary full-time or temporary part-time employment, the employer shall notify the Retirement Board, in writing, of the retirant's subsequent employment.

The County Board shall cooperate with the West Virginia Board of Education to verify the county's compliance with the requirements of this code section and verify the eligibility of the critical needs substitute teacher (i.e., adoption of local policy, prior electronic posting of position opening, retirement date effective before the first day of July, preceding at least the fiscal year during which s/he is employed, continuous and ongoing posting seeking fully certified non-retired teacher, and absence of a non-retired teacher who holds certification and training in the required area).

When a retired teacher is employed as a substitute to fill a vacant position, the County shall continue to post the vacant position electronically and easily accessible to prospective employees until it is filled with a regularly employed teacher who is fully certified or permitted for the position. Such a posting will only be required once at the beginning of the year and once mid-year. This does not apply when filling a teaching position of a regular teacher on leave of absence, nor does it apply when a position is filled with a regularly employed teacher who is fully certified or permitted for the position, but the teacher is not available at the time s/he accepts the position.

The County Superintendent shall forward a copy of this policy annually to the State Superintendent of Schools for approval by the West Virginia Board of Education prior to employment of retired teachers on an expanded basis as substitutes in areas of critical need and shortage.

A retired teacher is eligible to be employed as a critical needs substitute to fill a vacant position without any loss of retirement benefits attributed to the annuity reserve only if the retired teacher's retirement became effective before the first day of July preceding at least the fiscal year during which s/he is employed as a critical needs substitute.

Every contract of employment for such retired teachers to be employed for periods beyond the post-retirement employment limitation established by the consolidated public retirement board shall include therein the following information:

Any person who retires and begins work as a substitute teacher within the same fiscal year shall lose those retirement benefits attributed to the annuity reserve, effective from the first day of employment as a retiree critical needs substitute teacher in that fiscal year and ending with the month following the date the retiree ceases to perform service as a critical needs substitute teacher.

Retired teachers employed to perform expanded substitute service provided in this policy are considered day-to-day, temporary, part-time employees. The substitutes are not eligible for additional pension or other benefits paid to regularly employed employees and shall not accrue seniority.

The West Virginia Code that authorizes this policy is scheduled to expire June 30, 2030, unless extended by the legislature.

Revised 12/17/24

Revised 1/6/26

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WV Code 18A-2-3

WV Code 18-7A-38

4A.2 EMPLOYMENT OF SUBSTITUTE TEACHERS

The Board recognizes the need to procure the services of substitute teachers in order to continue the operation of the schools as a result of the absence of regular professional personnel.

The Superintendent, subject to approval of the Board, may employ and assign substitute teachers to any of the following duties:

- A. to fill the temporary absence of any teacher or an unexpired school term made vacant by resignation, death, suspension, or dismissal;
 - to fill a teaching position of a regular teacher on leave of absence; and
 - to perform the instructional services of any teacher who is authorized by law to be absent from class without loss of pay, provided the absence is approved by the Board in accordance with the law.
- The substitute shall be a duly certified teacher.

Long-Term Substitute Teacher

A long-term substitute is a substitute employee who fills a vacant position that the Superintendent expects to extend for at least 30 consecutive days and is either

- A. listed in the job posting as a long-term substitute position of over 30 days, or
- listed in a job posting as a regular, full-time position and is not filled by a regular, full-time employee.

Other than a retired teacher, a substitute teacher, who is approved by the Board to serve in a long-term position, shall qualify for PEIA benefits.

A substitute shall have standing to file a grievance only on matters related to days worked or when there is a violation, misapplication, or misinterpretation of a statute, policy, rule, or written agreement relating to such substitute.

A day-to-day substitute teacher shall not earn sick leave and shall not be paid for days when students are not required to attend school.

A retired teacher may substitute a maximum of 140 days per year and may substitute in the same fiscal year in which he/she retires. However, a retired teacher may not substitute more than 140 days in the same fiscal year in which he/she retires. The total number of days worked shall be determined by dividing the total number of hours worked by the standard number of hours that a full-time teacher works per day (7.5 hours).

The Personnel Department shall provide principals with a current list of all professional substitutes as they are hired.

The automated calling system shall be used to call substitute teachers for day-to-day assignments. The principal may create a preferential list of substitutes to be called for his/her school. However, a teacher certified in the specialization applicable to the assignment must be utilized before any other substitute is called.

The principal may request a particular substitute for a long-term assignment of no more than 30 days. However, the Personnel Department must be contacted so the position can be posted and filled through the standard hiring procedures if the assignment is going to last more than six (6) weeks.

Each substitute teacher is responsible for signing in on the appropriate form at the work site each day. The principal is responsible for submitting the substitute teacher's name on the appropriate payroll report for each day worked.

A substitute teacher, who has been assigned as a classroom teacher in the same classroom continuously for more than one-half ($\frac{1}{2}$) of a grading period and whose assignment remains in effect two (2) weeks prior to the end of the grading period, shall remain in the assignment until the grading period has ended, unless the principal of the school certifies that the regularly employed teacher has communicated with and assisted the substitute with the preparation of lesson plans and monitored student progress or has been approved to return to work by his/her physician.

Critical Need and Shortage Policy

A retired teacher may accept employment as a substitute teacher for an unlimited number of days each fiscal year without affecting the monthly retirement benefit to which the retiree is otherwise entitled provided no non-retired substitute teacher who holds the appropriate certification is available to accept the assignment within the parameters of this policy. A retired teacher may be employed as a substitute teacher in an area of critical need and shortage on an expanded basis only when no other teacher who holds certification and training in the area and who is not retired is available and accepts the substitute assignment.

When a retired teacher is employed as a substitute to fill a vacant position, the county board shall continue to post the vacancy until it is filled with a regularly employed teacher who is fully certified or permitted for the position. The position vacancy shall be posted electronically and easily accessible to prospective employees. Provided that:

- A. The posting is only required to occur once at the beginning of the year and once mid-year;
- B. This subdivision does not apply when filling a teaching position of a regular teacher on leave of absence; and
- C. This subdivision does not apply when a position is filled with a regularly employed teacher who is fully certified or permitted for the position but the teacher is not available at the time he or she accepts the position.

Area of critical need and shortage for substitute teachers' means an area of certification and training in which the number of available substitute teachers in the county who hold certification and training in that area and who are not retired is insufficient to meet the projected need for substitute teachers. The areas of critical need and shortage areas are those for which the county anticipates difficulty in obtaining a certified teacher for a long-term position include Elementary Title I, Art, Exceptional Education, Social Studies, Family Consumer Science, Business Education, Science, Mathematics, English, Music, Spanish, Computer Science, Universal Pre-K, Careers in Education, Law Enforcement, Medical Assisting, Automotive Tech, Diesel Tech, Manufacturing Prod. And Design, Hospitality/ProStart, Emergency Medical

Tech, Collision Repair, Dental Assisting, Plumbing, Electrical Tech, Masonry, Nursing Patient Care, Practical Nursing, Sports Medicine, Welding, Dental Assisting, Drivers Education/Wellness and Administration.

Prior to employment of a substitute teacher under the critical need and shortage provision, the county superintendent must submit to the Consolidated Public Retirement Board (CPRB) and to the West Virginia Board of Education (WVBOE), in a form approved by the retirement board, an affidavit stating the name of the county, the fact that the county has adopted this policy to employ retired teachers as substitutes to address areas of critical need and shortage. The form shall also include and the name(s) of the person(s) to be employed pursuant to this policy, critical need and shortage area as well as the position filled, the date the person gave notice of intent to retire, and the effective date of the person's retirement. Affidavits will be submitted to the WVDE and CPRB on an annual basis.

A teacher is eligible to be employed as a critical needs substitute only if the retired teacher's retirement became effective before the first day of July preceding at least the fiscal year during which he or she is employed as a critical needs substitute. Any person who retires and begins work as a substitute teacher under the critical need and shortage provisions within the same fiscal year in which he/she retires shall lose retirement benefits attributed to the annuity reserve, effective from the first day of employment 5.26to perform service as a substitute.

A retired teacher employed under these critical need and shortage provisions is considered a day-to-day, temporary, part-time employee and is not eligible for additional pension or other benefits paid to regular employees. Such a substitute shall not accrue seniority.

This policy is effective for the current 2026 – 2027 school year only. The policy must be renewed by the county board annually and is subject to approval by the state board of education. The provisions allowed by this policy expire 30 June 2027.

*WV Code § 18A-2-3, 18A-4-7, 18A-4-14, 18A-4-7a, 18A-2-12, 16-3D-3, 61-10-15
revised August 21, 2023
revised August, 4, 2025*

The West Virginia Code that authorizes this policy is scheduled to expire on June 30, 2030 unless extended by the legislature.

Employment of Substitute Teachers in Areas of Critical Need and Shortage

PURPOSE

The purpose of this policy, as recommended by the Superintendent, is to provide for the employment of retired teachers as substitutes on an expanded basis in areas of critical need and shortage.

The Ritchie County Board of Education hereby adopts the definition of "area of critical need and shortage" set forth in W.Va. Code §18A-2-3 as follows: "Area of critical need and shortage" means an area of certification and training in which the number of available substitute teachers in the county who hold certification and training in that area and who are not retired is insufficient to meet the projected need for substitute teachers. The Board additionally finds and determines that for the 2026-2027 school year only, the areas of critical need and shortage include:

- Math
- English Language Arts
- Special Education
- Pre-K Special Needs
- Counselor
- Elementary K-6
- Science
- Foreign Language

Accordingly, the Board hereby authorizes the employment of retired teachers as substitute teachers during the 2026-2027 school year on an expanded basis in those areas of critical need and shortage noted above as is recommended by the Superintendent.

Prior to employment of a substitute teacher beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board, the Superintendent shall submit to the Consolidated Public Retirement Board and the West Virginia Board of Education, in a form approved by the retirement board, an affidavit, signed by the Superintendent, stating the name of this Board, the fact that this policy has been adopted for the purpose of employing retired teachers as substitutes to address areas of critical need and shortage, the name or names of the person or persons to be employed pursuant to the policy, the critical need and shortage area position filled by each person, the date that the person gave notice to the county board of the person's intent to retire, and the effective date of the person's retirement. A retired teacher is eligible to be employed as a critical needs substitute to fill a vacant position only if the teacher's retirement became effective before the first day of July preceding at least the fiscal year during which he or she is employed as a substitute.

Retired teachers employed as critical need/shortage area substitutes are considered day-to-day temporary, part-time employees. Retired teachers will be employed as a substitute teacher only when no other teacher who holds certification and training and who is not retired is available and accepts the assignments. The substitutes are not eligible for additional pension or other benefits paid to regularly employed employees and shall not accrue seniority. When a retired teacher is employed as a substitute to fill a vacant position, the County Board shall continue to post the vacant position until it is filled with a regularly employed teacher. The position vacancy shall be posted electronically and easily accessible to prospective employees.

The County Superintendent shall forward a copy of this policy annually to the State Superintendent of Schools for approval by the West Virginia Board of Education prior to employment of retired teachers on an expanded basis as substitutes in areas of critical need and shortage.

Every contract employment for such retired teachers to be employed for periods beyond the post-retirement employment limitation established by the Consolidated Public Retirement Board shall include therein the following information:

Any person who retires and begins work as a substitute teacher within the same fiscal year shall lose those retirement benefits attributed to the annuity reserve, effective from the first day of employment as a retiree substitute in that fiscal year and ending with the month following date the retiree ceases to perform service as a substitute.

This policy is in effect for the 2026-2027 School Year.

Adopted:	August 27, 2018
Revised:	August 12, 2019
Revised:	September 9, 2019
Revised:	June 26, 2020
Revised:	July 6, 2020
Revised:	July 12, 2021
Revised:	July 25, 2022
Revised:	July 10, 2023
Revised:	July 15, 2024
Revised:	July 14, 2025
Refreshed:	July 27, 2026



Book	Policy Manual
Section	500 Personnel
Title	Areas of Critical Need and Shortage
Code	512
Status	Active
Adopted	June 20, 2019
Last Revised	September 3, 2026
Legal	WV Code 18-7A-38, WV Code 18A-2-3, WV Code 18A-3-3a

Policy effective September 18, 2026, for the 2026-2027 school year only.

Policy 512 – Areas of Critical Need and Shortage

The Board recognizes that a lack of prospective teachers and others in certain areas of certification or endorsement poses a significant challenge to the efficient and effective operation of the County. To that end, the Board deems the follow areas of certification or endorsement to be of critical need and shortage:

1. Mathematics (5 -9 and 5 Adult)
2. English / Language Arts (5-9 and 5-Adult)
3. General Science (5 Adult)
4. Science (Chemistry, Physics, Biology) (9-Adult)
5. Multi-categorical Special Education (K-Adult)
6. Autism (K-Adult)
7. Principal (PK-Adult)
8. Counselor (PK-Adult)
9. Elementary Education (K-6)
10. Art
11. Music

There is also a shortage of certified substitute teachers, who are not retired, available to cover these areas of critical need.

Retired Teachers as Substitutes in Areas of Critical Need and Shortage

This list shall be considered the same as is defined in West Virginia Code 18A-2-3 for the employment of retired teachers as substitutes in these areas except those which are not defined as "teachers" in the same way. The Board shall review and readopt this policy at least annually and amend as necessary and submit the same to the state board of education for approval as required by West Virginia Code 18A-2-3 (c) (2) paragraphs (E) and (F).

Accordingly, the Board hereby authorizes the employment of retired teachers as substitute teachers during the 2026-2027 school year on an expanded basis in those areas of critical and shortage noted above as is recommended by the Superintendent. In no case shall a retired teacher be employed where there is available for employment another teacher holding certification and training in the area of need who is not retired and who will accept the substitute assignment

A retired teacher who serves as a substitute in an area of critical need and shortage may serve as such without limit, provided he or she satisfies the conditions listed in West Virginia Code 18A-2-3 (c) (3). The Superintendent shall ensure that the necessary conditions are met, including proper posting of any vacancy, submission of the necessary affidavit to the state board of education, etc., as required.

Prior to employment of a retired teacher as a critical needs substitute teacher beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board, the Superintendent shall submit to the Consolidated Public Retirement Board and the West Virginia Board of Education, in a form approved by the retirement board, an affidavit, signed by the Superintendent, stating the name of this Board, the fact that this policy has been adopted for the purpose of employing retired teachers as substitutes to address areas of critical need and shortage and the name or names of the person or persons to be employed pursuant to the policy, the critical need and shortage area position filled by each person, the date that the person gave notice to the county board of the person's intent to retire, and the effective date of the person's retirement.

The Board shall cooperate with the West Virginia Board of Education to verify the county's compliance with the requirements of this code section and verify the eligibility of the critical needs substitute teacher (i.e. adoption of local policy, prior electronic posting of position opening, retirement date effective before the first day of July preceding at least the fiscal year during which he or she is employed as a critical needs substitute teacher, continuous and ongoing posting seeking fully certified non-retired teacher, and absence of a non-retired teacher who holds certification and training in the required area) and shall likewise submit a copy of the affidavit to the Consolidated Public Retirement Board.

When a retired teacher is employed as a substitute to fill a vacant position, the Board shall continue to post the vacant position until it is filled with a regularly employed teacher who is fully certified or permitted for the position and the position vacancy shall be posted electronically and easily accessible to prospective employees. This posting shall occur at least once at the the beginning of the year and once mid-year. This posting is not required at all if the position is to be filled by a regularly employed teacher who is fully certified or permitted for the position but is not yet available to accept the position at the time of employment and/or transfer or if the position is vacant due to a leave of absence.

The Superintendent shall forward a copy of this policy annually to the State Superintendent of Schools for approval by the West Virginia Board of Education prior to employment of retired teachers on an expanded basis as substitutes in areas of critical need and shortage.

A retired teacher is eligible to be employed as a critical needs substitute to fill a vacant position only if the retired teacher's retirement became effective before the first day of July preceding at least the fiscal year during which he or she is employed as a substitute.

Any contract of employment for such retired teacher to be employed for periods beyond the post-retirement employment limitation established by the consolidated public retirement board shall include therein the following information:

Any person who retires and begins work as a substitute teacher within the same fiscal year shall lose those retirement benefits attributed to the annuity reserve,

effective from the first day of employment as a retiree substitute in that fiscal year and ending with the month following the date the retiree ceases to perform service as a substitute.

Retired teachers employed to perform expanded substitute service provided in this policy are considered day-to-day, temporary, part-time employees. The substitutes are not eligible for additional pension or other benefits paid to regularly employed employees and shall not accrue seniority.

Tuition Reimbursement

The Board authorizes the reimbursement of actual costs and expenses for teachers who serve in areas of critical need and shortage, provided the same can be documented and proven by such a teacher on an affidavit with supporting documentation.

The Superintendent shall develop administrative guidelines to detail the process under which reimbursement for these costs may be requested and the extent to which these costs may be reimbursed. These guidelines may provide for the reimbursement of costs if and only if a teacher serves in an area of critical need and shortage, and may require such a teacher to commit to teaching in that area for a specified period of time, provided that the teacher is not involuntarily transferred from that area or terminated due to reduction-in-force under the provisions of West Virginia Code 18A-2-7 and/or 18A-4-7a. These guidelines may also provide that such a teacher be required to return reimbursement(s) if he / she voluntarily leaves employment with the County or seeks to transfer voluntarily to an area not included in the list of areas of critical need and shortage.

SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE

po3120.12 ADOPTED November 17, 2015 REVISED September 8, 2026

3120.12 - SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE

Purpose

The purpose of this policy, as recommended by the Superintendent, is to provide for the employment of retired teachers as substitutes on an expanded basis in areas of critical need and shortage.

The Board of Education hereby adopts the definition of 'area of critical need and shortage' set forth in West Virginia Code 18A-2-3 as follows: 'Area of critical need and shortage for substitute teachers' means an area of certification and training in which the number of available substitute teachers in the County who hold certification and training in that area and who are not retired is insufficient to meet the projected need for substitute teachers. Teachers or substitute teachers include speech pathologists and school nurses, and guidance counselors.

The Board additionally finds and determines that:

A. there presently exists within the County a critical need for substitute teachers in the areas of:

1. Elementary Education;
2. Science (Biology, Chemistry, General Science, Physics;
3. Reading;

4. English Language Arts;
5. Foreign Language;
6. Mathematics;
7. Social Studies;
8. Special Education including Autism, Gifted and Visually Impaired;
9. Speech Language Pathologists;
10. Art;
11. Library;
12. Physical Education/Health;
13. Music;
14. Computer Education;
15. Business Education;
16. Career and Technical Education;
17. Driver's Education;

18. PK, PK Special Needs;

19. Title I Reading and Math;

20. .

B. and that there is also a shortage of available certified substitute teachers, who are not retired, available to cover these areas of critical need.

Accordingly, the Board hereby authorizes the employment of retired teachers as substitute teachers during the 2026-2027 school year on an expanded basis in those areas of critical need and shortage noted above as is recommended by the Superintendent. In no case shall a retired teacher be employed where there is available for employment another teacher holding certification and training in the area of need who is not retired and who will accept the substitute assignment.

This policy shall be effective upon approval by the West Virginia Board of Education for the 2026-2027 school year only, subject to annual review by the County Board and re-approval by the West Virginia Board of Education.

Prior to employment of a retired teacher, as a critical needs substitute teacher beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board ('Retirement Board'), the Superintendent shall submit to the West Virginia Board of Education in a form approved by the Retirement Board and the West Virginia Board of Education, an affidavit signed by the Superintendent stating the name of the county, the fact that the county has adopted a policy to employ retired teachers as substitutes to address areas of critical need and shortage, the name or names of the person or persons to be employed as a critical needs substitute pursuant to the policy, the critical need and shortage area position filled by each person, the date that the person gave notice to the county board of the person's intent to retire, and the effective date of the person's retirement. Upon verification of compliance with West Virginia Code 18A-2-3 and the eligibility of the critical needs substitute teacher for employment beyond the post-retirement limit, the West Virginia Board of Education shall submit the affidavit to the Retirement Board. Prior to any retirant becoming employed on a temporary full-time or temporary part-time basis by the county, the county shall notify the Retirement Board and the retirant, in writing, if and when the retirant's potential temporary employment will negatively impact the retirant's retired status or benefits. Upon the retirant's acceptance of either temporary full-time or temporary part-time employment, the employer shall notify the Retirement Board, in writing, of the retirant's subsequent employment.

The County Board shall cooperate with the West Virginia Board of Education to verify the county's compliance with the requirements of this code section and verify the eligibility of the critical needs substitute teacher (i.e., adoption of local policy, prior electronic posting of position opening, retirement date effective before the first day of July, preceding at least the fiscal year during which s/he is employed, continuous and ongoing posting seeking fully certified non-retired teacher, and absence of a non-retired teacher who holds certification and training in the required area).

When a retired teacher is employed as a substitute to fill a vacant position, the County shall continue to post the vacant position electronically and easily accessible to prospective employees until it is filled with a regularly employed teacher who is fully certified or permitted for the position. Such posting will only be required once at the beginning of the year and once mid-year. This does not apply when filling a teaching position of a regular teacher on leave of absence, nor does it apply when a position is filled with a regularly employed teacher who is fully certified or permitted for the position, but the teacher is not available at the time s/he accepts the position.

The County Superintendent shall forward a copy of this policy annually to the State Superintendent of Schools for approval by the West Virginia Board of Education prior to employment of retired teachers on an expanded basis as substitutes in areas of critical need and shortage.

A retired teacher is eligible to be employed as a critical needs substitute to fill a vacant position without any loss of retirement benefits attributed to the annuity reserve only if the retired teacher's retirement became effective before the first day of July preceding at least the fiscal year during which s/he is employed as a critical need substitute.

Every contract of employment for such retired teachers to be employed for periods beyond the post-retirement employment limitation established by the consolidated public retirement board shall include therein the following information:

Any person who retires and begins work as a substitute teacher within the same fiscal year shall lose those retirement benefits attributed to the annuity reserve, effective from the first day of employment as a retiree critical needs substitute teacher in that fiscal year and ending with the month following the date the retiree ceases to perform service as a critical needs substitute teacher.

Retired teachers employed to perform expanded substitute service provided in this policy are considered day-to-day, temporary, part-time employees. The substitutes are not eligible for additional pension or other benefits paid to regularly employed employees and shall not accrue seniority.

The West Virginia Code that authorizes this policy is scheduled to expire June 30, 2030, unless extended by the legislature.

Revised 10/25/16

Revised 7/25/17

Revised 3/13/18

Revised 8/22/19

Revised 10/22/19

Revised 5/19/20

Revised 10/27/20

Revised 10/13/21

Revised 5/17/22

T.C. 6/13/23

T.C. 7/9/24

Revised 6/24/25

Revised 7/22/25

Revised 7/28/26

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WV Code 18A-2-3

WV Code 18-7A-38

SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE

Purpose

The purpose of this policy, as recommended by the Superintendent, is to provide for the employment of retired teachers as substitutes on an expanded basis in areas of critical need and shortage.

The Board of Education hereby adopts the definition of area of critical need and shortage set forth in West Virginia Code 18A-2-3.

Areas of critical need:

1. Elementary Education
2. Science (Biology, Chemistry, General Science, Physics)
3. Reading
4. English Language Arts
5. Foreign Language
6. Mathematics
7. Social Studies
8. Special Education including Autism, Gifted and Visually Impaired
9. Speech Language Pathologists
10. Art
11. Library
12. Physical Education/Health
13. Music

14. Computer Education
15. Business Education
16. Career and Technical Education
17. Driver Education
18. PK, PK Special Needs
19. Title I Reading and Math

There is also a shortage of available certified substitute teachers who are not retired available to cover these areas of critical need.

Accordingly, the Board hereby authorizes the employment of retired teachers as substitute teachers during the 2026-2027 school year on an expanded basis in those areas of critical need and shortage noted above as is recommended by the Superintendent. In no case shall a retired teacher be employed where there is available for employment another teacher holding certification and training in the area of need who is not retired and who will accept the substitute assignment.

This policy shall be effective upon approval by the West Virginia Board of Education for the 2026-2027 school year only, subject to annual review by the County Board and re-approval by the West Virginia Board of Education.

Prior to employment of a retired teacher, the Superintendent shall submit required affidavits and notifications as described in West Virginia Code 18A-2-3.

The County Board shall cooperate with the West Virginia Board of Education to verify compliance with statutory requirements and eligibility of critical needs substitute teachers.

When a retired teacher is employed as a substitute to fill a vacant position, the County shall continue to post the vacant position electronically and make it accessible to prospective employees until filled by a regularly employed teacher.

The County Superintendent shall forward a copy of this policy annually to the State Superintendent of Schools for approval by the West Virginia Board of Education.

A retired teacher is eligible to be employed as a critical needs substitute without loss of retirement benefits attributed to the annuity reserve only if retirement became effective before the first day of July preceding at least the fiscal year during which the teacher is employed.

Every contract of employment for such retired teachers shall include required retirement benefit information.

Any person who retires and begins work as a substitute teacher within the same fiscal year shall lose those retirement benefits attributed to the annuity reserve during the applicable employment period.

Retired teachers employed under this policy are considered day-to-day, temporary, part-time employees and shall not accrue seniority.

The West Virginia Code that authorizes this policy is scheduled to expire June 30, 2030, unless extended by the legislature.

PROFESSIONAL STAFF

po3120.12

SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE

ADOPTED Jun 25, 2013 · REVISED Aug 24, 2026

3120.12 - SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE

Purpose

The purpose of this policy, as recommended by the Superintendent, is to provide for the employment of retired teachers as substitutes on an expanded basis in areas of critical need and shortage.

The Board of Education hereby adopts the definition of "area of critical need and shortage" set forth in West Virginia Code 18A-2-3 as follows: "Area of critical need and shortage for substitute teachers" means an area of certification and training in which the number of available substitute teachers in the District who hold certification and training in that area and who are not retired is insufficient to meet the projected need for substitute teachers. Teacher or substitute teacher includes speech pathologists and school nurses, and guidance counselors.

The Board additionally finds and determines that:

A. there presently exists within the County a critical need for substitute teachers in the areas of:

1. Special Education
2. Elementary Education
3. Music Education
4. High School Math

B. and that there is also a shortage of available certified substitute teachers who are not retired, available to cover these areas of critical need.

Accordingly, the Board hereby authorizes the employment of retired teachers as substitute teachers during the 2026-2027 school year on an expanded basis in those areas of critical need and shortage noted above, as is recommended by the Superintendent. In no case shall a retired teacher be employed where there is available for employment another teacher holding certification and training in the area of need who is not retired and who will accept the substitute assignment.

This policy shall be effective upon approval by the West Virginia Board of Education for the 2026-2027 year only, subject to annual review by the District Board and re-approval by the West Virginia Board of Education.

Prior to employment of a retired teacher, as a critical needs substitute teacher beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board ("Retirement Board"), the Superintendent shall submit to the West Virginia Board of Education in a form approved by the Retirement Board and the West Virginia Board of

Education, an affidavit signed by the Superintendent stating the name of the county, the fact that the county has adopted a policy to employ retired teachers as substitutes to address areas of critical need and shortage, the name or names of the person or persons to be employed as a critical needs substitute pursuant to the policy, the critical need and shortage area position filled by each person, the date that the person gave notice to the county board of the person's intent to retire, and the effective date of the person's retirement. Upon verification of compliance with West Virginia Code 18A-2-3 and the eligibility of the critical needs substitute teacher for employment beyond the post-retirement limit, the West Virginia Board of Education shall submit the affidavit to the Retirement Board. Prior to any retirant becoming employed on a temporary full-time or temporary part-time basis by the county, the county shall notify the Retirement Board and the retirant, in writing, if and when the retirant's potential temporary employment will negatively impact the retirant's retired status or benefits. Upon the retirant's acceptance of either temporary full-time or temporary part-time employment, the employer shall notify the Retirement Board, in writing, of the retirant's subsequent employment.

The County Board shall cooperate with the West Virginia Board of Education to verify the county's compliance with the requirements of this code section and verify the eligibility of the critical needs substitute teacher (i.e., adoption of local policy, prior electronic posting of position opening, retirement date effective before the first day of July, preceding at least the fiscal year during which s/he is employed, continuous and ongoing posting seeking fully certified non-retired teacher, and absence of a non-retired teacher who holds certification and training in the required area).

When a retired teacher is employed as a substitute to fill a vacant position, the County shall continue to post the vacant position electronically and easily accessible to prospective employees until it is filled with a regularly employed teacher who is fully certified or permitted for the position.

The County Superintendent shall forward a copy of this policy annually to the State Superintendent of Schools for approval by the West Virginia Board of Education prior to employment of retired teachers on an expanded basis as substitutes in areas of critical need and shortage.

A retired teacher is eligible to be employed as a critical needs substitute to fill a vacant position without any loss of retirement benefits attributed to the annuity reserve only if the retired teacher's retirement became effective before the first day of July preceding at least the fiscal year during which s/he is employed as a critical need substitute.

Every contract of employment for such retired teachers to be employed for periods beyond the post-retirement employment limitation established by the Consolidated Public Retirement Board shall include therein the following information:

Any person who retires and begins work as a substitute teacher within the same fiscal year shall lose those retirement benefits attributed to the annuity reserve, effective from the first day of employment as a retiree critical needs substitute teacher in that fiscal year and ending with the month following the date the retiree ceases to perform service as a critical needs substitute teacher.

Retired teachers employed to perform expanded substitute service provided in this policy are considered day-to-day, temporary, part-time employees. The substitutes are not

eligible for additional pension or other benefits paid to regularly employed employees and shall not accrue seniority.

The West Virginia Code that authorizes this policy is scheduled to expire June 30, 2025, unless extended by the legislature.

Revised 10/27/15

Revised 9/25/17

Revised 1/22/18

Revised 9/24/18

Revised 9/23/19

Revised 10/28/19

Revised 3/23/20

Revised 9/28/20

Revised 8/23/21

Revised 3/14/22

Revised 8/22/22

T.C. 6/12/23

Revised 9/11/23

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