

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 (½) 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.

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 Exceptional Education, Science, Mathematics, English, Music, Spanish and Drivers Education/Wellness.

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 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.

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 ~~2023-2024~~ 2024-2025 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 ~~2024~~ 2025.

WV Code § 18A-2-3, 18A-4-7, 18A-4-14, 18A-4-7a, 18A-2-12, 16-3D-3, 61-10-15

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

Recd 2/27/25

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 McDowell County 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 or substitute bus operators 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 the County a critical need for substitute teachers in Elementary, Music, Art, Title I, Math, Science, Social Studies, English, Special Education, School Library, Driver Education, Family and Consumer Science, Business Education, PE, Health, Pre-K, Pre-K Special Needs, Careers in Education, Law Enforcement, Auto Technology, Computer Technology, Electrical Technology, Travel and Tourism, Health Occupations, LPN Instruction, Machine Shop, Welding, Pro-Start/Culinary Arts, and Administration,
- 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 critical needs substitute teachers during the 2024 – 2025 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 or bus operator 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 State Board for one (1) year only, subject to annual review by the County Board and re-approval by the State Board.

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 he or she is employed as a critical needs substitute teacher.

Prior to employment of a critical needs substitute teacher beyond the post-retirement employment limitations established by the consolidated public retirement board, the Superintendent shall submit to the state board on a form approved by the Consolidated Public 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. The critical needs affidavit will be verified by the West Virginia Board of Education to insure 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, 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 or substitute bus operator, continuous and ongoing posting seeking fully certified non-retired teacher and absence of a non-retired teacher or bus operator 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 critical needs substitute to fill a vacant position, the County Board 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 State Board of Education prior to employment of retired teachers on an expanded basis as substitutes in areas of critical need and shortage.

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 critical needs substitute teacher within the same fiscal year in which that person retired 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 W. Va. Code that authorizes this policy is scheduled to expire **June 30, 2025**, unless extended by the legislature; therefore, this policy shall also expire on that date.

Reference: W. Va. Code 18A-2-3 and 18-7A-38

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