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WV SCHOOLS OF DIVERSION AND TRANSITION

MARCH 18, 2025

ORGANIZATIONAL PROCEDURES

WV Board of Education

Substitute Teacher in Areas of Critical Need and Shortage	Section	Human Resources
	Number	3.24
	Effective Date	
	Revision Date	March 18, 2025
	Revision No.	4
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	Approval:	

1.0. PURPOSE:

The purpose of this policy is to provide appropriate substitute coverage in classrooms operated by the West Virginia Department of Education through the WV Schools of Diversion and Transition (WVSDT).

2.0 APPLICABILITY:

All schools that are operated by the West Virginia Department of Education through the WVSDT.

3.0 POLICY STATEMENT:

The development and maintenance of an Operational Procedures Manual is essential to provide staff with guidance in the implementation of applicable State Board of Education policies, state and federal laws and regulations, accreditation standards, personnel policies and procedures, and directives from the State Superintendent of Schools or designated staff.

4.0 DEFINITIONS:

“Area of critical need and shortage for substitute teachers” means an area of certification and training in which the number of available substitute teachers who hold certification and training in that area and who are not retired is insufficient to meet the projected need for substitute teachers.

5.0 PROCEDURES:

5.1 Upon recommendation of the Superintendent, the WVSDT shall renew its policy annually and shall submit it to the WVBE annually for its approval. This policy is effective for the 2025-2026 school year only.

5.2 The following conditions and criteria shall be met in the employment of retired employees as substitute teachers in an area of critical need and shortage:

5.2.1 A retired teacher may be employed as a substitute teacher in an area of critical need and shortage on an expanded basis as

provided in the code, 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.

5.2.2 Prior to employment of a substitute teacher beyond post-retirement employment limitations established by the Consolidated Public Retirement Board, the Superintendent of WVSDDT shall submit to the WVBE, on a form approved by the Consolidated Public Retirement Board, an affidavit signed by the Superintendent of WVSDDT 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 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.

5.2.3 The WVBE must verify WVSDDT's compliance with the requirements of §18A-2-3 and will 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).

5.2.4 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 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.

5.2.5 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 teacher.

5.2.6 Retired teachers employed to perform expanded substitute service pursuant to 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.

5.2.7 When a retired teacher is employed as a critical needs substitute the WVDE 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.

5.2.8 When a retired teacher is employed as a critical needs substitute to fill a vacant position, the position vacancy shall be posted electronically and easily accessible to prospective employees.

- 5.3** The provisions of §18A-2-3 shall expire on June 30, 2026.
- 5.4** The individual area(s) of critical need and/or shortage for the 2025-2026 school term have been identified as:

Special Education
Secondary Social Studies
Secondary Sciences
Secondary Mathematics
Secondary English/Language Arts
Elementary Education (K-5)
Career and Technical Education
Adult Education
Guidance Counselor

- 6.0** **AUTHORITY:**
W. Va. Code §18A-2-3