

Read 11/15/24

Reviewed & Approved by Hecker  
on 11/25/24

**Policy: 5200**

## **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 2024-2025 school year the areas of critical need and shortage are as follows: Mathematics 5-AD, Mathematics 5-9, Special Education: Multi-cat 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: Mathematics 5-AD, Mathematics 5-9, Special Education: Multi-cat 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](http://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 2024-2025, 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: September 3, 2024

Approved by the Clay County Board of Education: October 15, 2024

Approved by the West Virginia Board of Education:



|              |  |
|--------------|--|
| Book         | Policy Manual                                      |
| Section      | 3000 Professional Staff                            |
| Title        | SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE |
| Code         | po3120.12  |
| Status       | Active   |
| Legal        | WV Code 18A-2-3<br>WV Code 18-7A-38                |
| Adopted      | October 28, 2024                                   |
| Last Revised | November 18, 2024                                  |

**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 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. 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. PreSchool Special Needs
16. Visually Impaired
17. Gifted
18. Autism
19. Deaf and Hard of Hearing
20. Principal
21. English as a Second Language (ESL)
22. Physical Education
23. Counselor
24. School Nurse

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 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 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 2024-2025 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.

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Rec'd 11/7/24  
JAP

Approved & Reviewed by Kelli on  
11/15/24  
Hardy County File: GCBA JAF

### Critical Need / Shortage – Substitute Teachers

Pursuant to West Virginia Code §18A-2-3, a person receiving retirement benefits under the provisions of West Virginia Code §18-7A-1 et seq., may accept employment as a substitute teacher 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. An 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.

Each year Hardy County Schools identifies critical needs and shortage areas for substitute teachers by subject area. Accordingly, this Policy provides for the employment of retired teachers as substitute teachers during the school year to instruct in those areas. Hardy County Schools has identified the following areas of study to be designated as critical needs areas for the 2024-2025 school year: Pre-K Special Needs, Special Education, Art, Counselor, Math and Elementary Education.

Prior to the employment of such substitute teacher beyond the post-retirement limitations established by the consolidated public retirement board, the Board shall submit to the consolidated public retirement board, on a form approved by the Consolidated Public 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, and the names of the person or persons to be employed as a critical needs substitute 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.

The West Virginia Board of Education must verify the county's compliance with the requirements of this code section and verify the eligibility of the critical needs substitute teacher and shall likewise submit a copy of the affidavit to the Consolidated Public Retirement Board and to the West Virginia Board of Education. Affidavits will include: adoption date 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 need and shortage 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.

Retired teachers employed as critical need/shortage area substitutes 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.

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 need and shortage substitute teacher.

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

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 services as a substitute.

This policy will be in effect beginning with the 2024-2025 school year only and is subject to annual renewal by the Hardy County Board of Education and must be annually approved by the West Virginia Board of Education.

Legal Reference: WV Code 18A-2-3

DATE: October 01, 2007 – October 20, 2008 – February 23, 2009 – October 12, 2009 – December 17, 2012 – January 20, 2014 – November 3, 2014 – June 1, 2015 – April 19, 2016 – October 3, 2016- August 21, 2017 – August 20, 2018 – September 3, 2019 – November 4, 2019 – October 19, 2020 – October 4, 2021 – November 7, 2022 – December 4, 2023 – October 21, 2024

Rec'd 10/29/24



Reviewed & Approved by  
Lilli Jallott on  
10/29/24

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|---------|--|
| Book    | Policies   |
| Section | 3000 Professional Staff                            |
| Title   | SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE |
| Code    | po3120.12  |
| Status  | From Neola   |
| Legal   | WV Code 18A-2-3<br>WV Code 18-7A-38                |
| Adopted | July 16, 2024                                      |

### 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. Counselor
4. Drivers Education
5. Elementary Education K-6
6. English
7. Family and Consumer Science
8. Foreign Language (Spanish, French, Italian)
9. Librarian
10. Mathematics
11. Physical Education/Health
12. Preschool/Preschool Special Needs/ Early Education

13. Resource Teacher
14. Science (Biology, Chemistry, General Science, Physics)
15. Social Studies/ History
16. Special Education (LD, BD, ID, Gifted, Autism)
17. Speech Pathology
18. Title I
19. 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 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 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 2024-2025 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 retiree becoming employed on a temporary full-time or temporary part-time basis by the county, the county shall notify the Retirement Board and the retiree, in writing, if and when the retiree's potential temporary employment will negatively impact the retiree's retired status or benefits. Upon the retiree's acceptance of either temporary full-time or temporary part-time employment, the employer shall notify the Retirement Board, in writing, of the retiree'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.

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Rec'd 11/25/24

Reviewed & Approved by Kelli:  
OK 11/28/24

JMP



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| Book         | Policy Manual                                      |
| Section      | 3000 Professional Staff                            |
| Title        | SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE |
| Code         | po3120.12  |
| Status       | Active   |
| Legal        | WV Code 18A-2-3<br>WV Code 18-7A-38                |
| Adopted      | June 25, 2019                                      |
| Last Revised | November 12, 2024                                  |

#### 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 District a critical need for substitute teachers in the areas of:

1. English
2. Spanish
3. Science
4. Mathematics
5. Pre school special needs
6. Autism
7. Special education
8. Speech language pathologists
9. Career and Technical 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 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 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 2024 -2025 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 district, the fact that the district 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 district 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 district, the district 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 District Board shall cooperate with the West Virginia Board of Education to verify the district'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 District 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 District 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 3/24/20  
Revised 3/23/21  
Revised 2/28/23  
Revised 11/12/24  
T.C. 1/9/24  
Revised 2/27/24

*Rec'd 11/28/24*

*Reviewed & Approved by [Signature]  
on 11/28/24 (JAP)*

**WOOD COUNTY BOARD OF EDUCATION  
4150- Retirees as Professional Substitute Teachers in Critical Shortage Areas**

**PURPOSE**

The purpose of this policy is to provide for the employment of retired professionals as substitutes during a school year on an expanded basis in areas of critical need and shortage.

**AREAS OF CRITICAL NEED AND SHORTAGE**

The Wood County Board of Education hereby adopts the definition 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 Wood County Board of Education has determined there is presently a critical need in the areas of Special Education (all areas), Science (all areas and disciplines), Early Education, Elementary Education, Intervention, Mathematics, Library and Media, Family Consumer Science, Driver's Education, English, Foreign Languages, Business, Social Studies, Music, Physical Education, Vocational (especially Technical Education), School Nurses, School Counselors, ROTC, School Psychologists, and Speech Pathologists.

**POLICY**

It is the intent of this policy to permit retired teachers to substitute for an unlimited number of days each fiscal year without affecting the monthly retirement benefit to which the retirant is otherwise entitled in order to alleviate these critical need shortage areas. This policy shall be in effect upon an opening existing in a position of critical need and shortage when no other teacher who holds certification and training in the area and who is not retired is available and accepts the substitute assignment.

**LIMITATIONS**

The Board authorizes the employment of retired teachers as substitute teachers on an expanded basis in those areas of critical need and shortage noted above. 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.

When a retired employee is employed as a substitute to fill a critical need position, the Board shall continue to post the critical need position electronically and easily accessible to prospective employees until it is filled with a regularly employed fully certified or permitted teacher or employable professional for the position.

A retired teacher and/or other employable professional 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 retiree'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.

The retired teacher(s) employed to perform expanded substitute service pursuant to this policy are considered day-to-day, temporary, part time employees. Substitutes are not eligible for additional pension or other benefits paid to regularly employed employees and shall not accrue seniority.

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 retired ceases to perform service as a critical needs substitute teacher.

#### **EFFECTIVE DATE**

This policy shall be effective for the 2024-2025 school year but may be renewed annually by the Board.

#### **APPROVAL OF THE STATE BOARD**

The superintendent shall cause a copy of this policy to be transmitted to the West Virginia Board of Education for its approval prior to the employment of a retired teacher as a critical needs substitute teacher beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board.

#### **AFFIDAVIT**

Prior to the employment of any 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 and affidavit, in a form approved by CPRB.

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

Adopted: November 24, 2015

Reviewed and Updated: May 10, 2016, September 24, 2017, November 24, 2015, November 13, 2018, September 25, 2019, August 24, 2021, September 13, 2022, August 22, 2023, November 28, 2023, August 27, 2024