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Book: Policy Manual

Section: 3000 Professional Staff

Title: SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE

Number: po3120.12

Adopted: June 22, 2020

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 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 school 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 (all categories)
 2. Language Arts, Reading
 3. English
 4. Mathematics
 5. Science (all categories)
 6. Foreign Languages
 7. English as a Second Language
 8. Speech Language Pathologists
 9. School Psychologists
 10. Elementary Education
 11. Pre-K

12. Family and Consumer Science
13. Art
14. Health and PE
15. Driver Education
16. Social Studies
17. Agricultural Education
18. Business Education
19. School Counselor
20. 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 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 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 substitute.

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.

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.

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 the fiscal year during which s/he is employed as a critical needs substitute.

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

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

Policy 512 – Areas of Critical Need and Shortage

Policy effective November 21, 2024, for the 2024-25 school year only.

Statutory authority West Virginia Code 18-7A-38, West Virginia Code 18A-2-3, West Virginia Code 18A-3-3a

Administrative Guidelines

1. Process for Providing Reimbursement for Tuition and Other Costs to Professional Personnel in Areas of Critical Needs 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:

- A. Mathematics (5 – 9 and 5 – Adult)
- B. General Science (5 – Adult)
- C. Chemistry (9 – Adult)
- D. Multi-categorical Special Education (K – Adult)
- E. Autism (K – Adult)
- F. Principal (PK – Adult)
- G. Counselor (PK – Adult)
- H. Elementary Education (K – 6)

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. 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).

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.

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 a sworn 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.