

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

**SENATE BILL 282 WAS PASSED TO AMEND AND REENACT WV CODE §18A-2-3  
(EMPLOYMENT OF SUBSTITUTE TEACHERS AND RETIRED TEACHERS  
AS SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE).**

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

**Findings.** The Boone County Board of Education hereby finds and determines that:

- a. there presently exists within Boone County, West Virginia, a critical need for substitute teachers in the core content areas of English and/or Language Arts, Reading, Mathematics, Social Studies, and Science (Chemistry, General Science, Physics, Biology and Biology); also within the related arts areas of Art, Music, Spanish, Physical Education/Health, Agriculture Education and Driver's Education; as well as Elementary Education (including Early Education Pre-Kindergarten & Kindergarten) and Special Education (All Areas); and finally within the role of administration, speech pathology, and school nursing;
- b. there is also a shortage of certified substitutes available to cover these areas of critical need; and
- c. the Superintendent has recommended the Board adopt a policy permitting retired teachers to substitute for an unlimited number of days in order to help alleviate these critical needs shortages.

**Policy.** The Boone 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, in order to alleviate the critical needs and shortages identified above, all in accordance with the provisions of WV 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.

**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. 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.
- c. When a retired teacher is employed as a critical needs 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.
- d. When a retired teacher is employed as a critical needs substitute the vacant position will be posted electronically and easily accessible to prospective employees.
- e. 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.

**Effective Dates.** This policy shall be effective upon approval by the State Board for one (1) year only (2025-2026 school term), subject to annual review by the County Board and re-approval by the State Board.

**State Board Approval.** The Superintendent shall cause a copy of this policy to be transmitted 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 benefit. The State Board must verify the county's compliance with the requirements of this code section (WV Code §18A-2-3) 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.

**Affidavit.** Prior to the employment of any retired teacher as a critical needs 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, a signed affidavit, in a form approved by said Retirement Board and the State 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 and 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.

The W.Va. Code that authorizes this policy is scheduled to expire June 30, 2030, unless extended by the legislature; therefore, this policy shall also expire on that date.

SOURCE: West Virginia Board of Education

LEGAL REFERENCE: School Laws of West Virginia (§18a-2-3 and §18-7a-38)

DATE APPROVED: April 7, 2015

DATE REVISED: July 7, 2015

DATE REVISED: July 17, 2017

DATE REVISED: July 16, 2018

DATE REVISED: September 3, 2019

DATE REVISED: September 23, 2019

DATE REVISED: July 20, 2020

DATE REVISED: July 19, 2021

DATE REVISED: July 5, 2022

DATE REVISED: July 3, 2023

DATE REVISED: July 1, 2024

DATE REVISED: July 2025

**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 2025-2026 school year the areas of critical need and shortage are as follows: Elementary Education K-6; Mathematics 5-AD, Mathematics 5-9, Social Studies 5-9; 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, Mathematics 5-9, Social Studies 5-9; 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](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 2025-2026, 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 16, 2025

Approved by the Clay County Board of Education: September 16, 2025

Approved by the West Virginia Board of Education:

## Lincoln County Schools Bylaws & Policies

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### 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. Guidance counselors are now allowed as areas of critical need and shortage.

The Board additionally finds and determines that:

- A. there presently exists within Lincoln County a critical need for substitute teachers in the areas of:
  - 1. Biology, Chemistry, General Science, Physics;
  - 2. English/ Language Arts, Social Studies 5- AD
  - 3. Math 5 - AD
  - 4. Special Education- including autism, visually impaired, gifted, LD, BD. MI.
- 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 2025-2026 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 State Board for the 2025-2026 year only, subject to annual review by the County Board and re-approval by the State Board.

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 state 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 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 State 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. 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 critical needs 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.

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

Revised: August 26, 2025



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 WV Code 18-7A-38
Adopted	August 18, 2015
Last Revised	August 5, 2025

### 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/Language Arts
2. Mathematics
3. Science (General, Physical, Biology, Chemistry, Physics)
4. Special Education, including Autism and Gifted
5. Foreign Languages
6. Speech Pathologists
7. English as a Second Language
8. Attendance and Social Services
9. Career Technical (Welding, etc.)
10. Fine Arts
11. School Nurses
12. Pre-K
13. Elementary Education
14. Social Studies
15. Counselors

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 2025-2026 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 2025-2026 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 a 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 the 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 services 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 2/2/22

Revised 9/6/22

T.C. 8/1/23

Revised 7/1/25

T.C. 8/5/25

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## 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. General Science (5-12)
  4. Chemistry
  5. Earth Science
  6. Physics
  7. Biology
  8. Social Studies (5-12)
  9. Mathematics (5-12)
  10. Health (5-12)
  11. PE (K-12)
  12. Art (K-12)
  13. Music (K-12)
  14. Language Arts (5-12)
  15. Nurses
  16. Speech Language Pathologists
  17. Guidance Counselors
  18. Spanish
  19. Business Education
  20. Wellness
  21. 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 2025-2026 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 2025-2026 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, 2026 unless extended by the legislature.

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

## Monongalia County Schools

Book	Policy Manual
Section	3000 Professional Staff
Title	Substitutes in Areas of Critical Need and Shortage
Code	3120.12
Status	Active
Legal	WV Code 18A-2-3 WV Code 18-7A-38
Adopted	August 26, 2025

### **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 Monongalia County 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 in the County a critical need for substitute teachers in the areas of:
  1. English
  2. Language Arts
  3. Journalism
  4. Reading
  5. French
  6. Spanish
  7. German
  8. Business, Business/Marketing
  9. Career and Technology Education (CTE)
  10. Science (General, Chemistry, Physics, and Biology)
  11. Mathematics
  12. Family and Consumer Science
  13. Special Education (all areas)
  14. Music

15. Art
16. Speech Language Pathologist
17. School Psychologist
18. PreSchool Special Needs
19. Visually Impaired
20. Gifted
21. Autism
22. Deaf and Hard of Hearing
23. Principal
24. English as a Second Language (ESL)
25. Physical Education
26. Counselor
27. School Nurse
28. School-Library Media
29. World Language
30. Social Studies
31. Driver 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 2025-2026 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 2025-2026 year only, subject to annual review by the County Board and re-approval by the WV 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 WV Board of Education in a form approved by the Retirement Board and the WV 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 the WV Code 18A-2-3 and the eligibility of the critical needs substitute teacher for employment beyond the post-retirement limit, the WV 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 WV 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 WV 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 WV Code that authorizes this policy is scheduled to expire June 30, 2026, unless extended by the legislature.

**Approved by the Monongalia County Board of Education on August 26, 2025**

MONONGALIA COUNTY PROCEDURE FILE: 7-35

**AFFIDAVIT**

Prior to the employment of any retired teacher or retired administrator 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 West Virginia Board of Education an affidavit, in a form approved by the Retirement Board, stating the name of the county, the fact that the Board had adopted a policy to employ 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 this policy, the critical need and shortage are positions filled by each person, the date the person gave notice to the county board of the person's intent to retire, and the effective date of the person's retirement.

Date Approved by Local Board: August 26, 2025



<b>Book</b>	Policy Manual
<b>Section</b>	3000 Professional Staff
<b>Title</b>	SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE
<b>Code</b>	po3120.12
<b>Status</b>	Active
<b>Adopted</b>	July 9, 2009
<b>Last Revised</b>	July 1, 2025

### **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 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. Special Education (LD, BD, MI, Autism)
2. Reading Specialist
3. Reading Education
4. World Languages
5. English Language Arts
6. Science (Biology, Chemistry, Physics, General, Earth & Space)
7. Mathematics
8. Social Studies
9. PE/Health
10. English as a Second Language
11. Family and Consumer Sciences

12. Career and Technical Education

13. Gifted

14. Art

15. Music

16. Theatre

17. Dance

18. Early Education

19. Elementary Education

20. School Library Media

21. Guidance Counselor

22. Speech Pathologists

23. School Nurses

24. Alternative 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 2025-2026 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 2025-2026 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 7/1/24  
Revised 12/17/24

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Legal 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, Practical Nursing, 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 2025-2026 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 2026*

*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.

**SUBSTITUTE TEACHERS IN AREAS OF CRITICAL NEED AND SHORTAGE****I. Purpose.**

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

**II. Use of Substitute Teachers in Areas of Critical Need and Shortage.**

2.1. The Raleigh 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 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."

2.2. The Board has determined that a critical need for substitute professional personnel currently exists within the District. Furthermore, there is a shortage of available certified substitute teachers, who are not retired, available to cover the following areas of critical need:

- (a) Administration
- (b) Driver's Education
- (c) Elementary Education
- (d) English/ Language Arts
- (e) Family and Consumer Sciences
- (f) Foreign Language (all languages)
- (g) Health/PE
- (h) Library/ Media
- (i) Mathematics
- (j) Pre-K
- (k) Pre-K/Special Needs
- (l) Science (all areas)
- (m) Social Studies
- (n) Special Education (all areas)
- (o) Speech Pathologist
- (p) Title 1 / Reading Specialist
- (q) School Counselors

2.3. Accordingly, the Board hereby authorizes the employment of retired teachers as substitute teachers during the 2025-2026 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.

2.4. 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.

2.5. This policy shall be effective upon approval by the West Virginia State Board of Education for one (1) year only, subject to annual review by the Raleigh County Board of Education and re-approval by the West Virginia State Board of Education.

2.6. Prior to employment of a retired teacher as a critical needs substitute teacher beyond the post-retirement

**C. PERSONNEL**

**POLICY: C.1.31**

employment limitations established by the consolidated public retirement board, the Superintendent of the affected county shall submit to the state board in a form approved by the consolidated public retirement board and the state board an affidavit, signed by the Superintendent, stating the name of the county, 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 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.

2.7. Any person who retires and begins work as a critical needs 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.

2.8. 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 may not accrue seniority.

2.9. 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.

2.10. 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.

2.11. 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.

2.12. The W. Va. Code that authorizes this policy is scheduled to expire June 30, 2026, unless extended by the legislature; therefore, this policy shall also expire on that date and must be reviewed annually.

**III. 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.

Reference: W. Va. Code §18A-2-3 and §18-7A-38; HB 2139

- Approved:** May 26, 2015
- Revised:** September 27, 2016
- WVBOE Approved:** October 4, 2016
- Revised:** February 5, 2018
- WVBOE Approved:** February 14, 2018
- Revised:** July 24, 2018
- WVBOE Approved:** August 8, 2018
- Revised:** November 12, 2019
- WVBOE Approved:** January 2020
- Revised:** March 3, 2020
- WVBOE Approved:** March 2020
- Revised:** September 22, 2020
- WVBOE Approved:** November 2020

**C. PERSONNEL**

**POLICY: C.1.31**

Revised: August 10, 2021  
WVBOE Approved: November 2021

Revised: August 9, 2022  
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Revised: July 25, 2023  
WVBOE Approved: September 13, 2023

Revised: July 23, 2024  
WVBOE Approved: August 15, 2024

Revised: July 22, 2025  
WVBOE Approved:



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 WV Code 18-7A-38
Adopted	September 1, 2015
Last Revised	December 17, 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. World Languages
2. Special Education
3. Math
4. Chemistry/Physics/Science
5. School Nurse
6. School Psychologist
7. Speech Pathologist
8. School Counselor
9. Elementary Education

10. Physical Education/Health

11. Music

12. English

13. Social Studies

14. Business 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 2025-2026 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 2025-2026 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 a 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 the 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 services 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, 2025, unless extended by the legislature.

Revised 1/3/17  
Revised 2/6/18  
Revised 5/1/18  
Revised 8/21/18  
Revised 10/16/19  
Revised 5/19/20  
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Title	SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE
Code	po3120.12
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Adopted	June 25, 2013
Last Revised	August 15, 2025

### **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

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 2025- 2026 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 2025- 2026 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  
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Revised 9/28/20  
Revised 8/23/21  
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Revised 8/22/22  
T.C. 6/12/23  
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Revised 7/8/25

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Legal

WV Code 18A-2-3

WV Code 18-7A-38