

**EMPLOYMENT OF RETIRED TEACHERS AS SUBSTITUTE TEACHERS
IN AREAS OF CRITICAL NEED AND SHORTAGE POLICY**

1.0 Purpose.

The purpose of this policy is to provide for the employment of retired teachers as substitutes in areas of critical need and shortage beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board.

2.0 Definitions.

2.1 “Area of critical need and shortage for substitute teacher” 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 are not retired is insufficient to meet the projected need for substitute teachers.

3.0 The Barbour County Board of Education hereby finds and determines that:

3.1 there presently exists within Barbour County, West Virginia, a critical need for substitute teachers in the areas of Nursing, Speech Language Pathologist, Guidance Counseling, English Language Arts, Speech, Journalism, Reading, Social Studies, Driver’s Education, Physical Education, Health, Librarian, Art, French, Spanish, Latin, German, Science (Chemistry, General Physics and Biology), Mathematics, Home Economics, Industrial Arts, Elementary Education, Business, Vocational and Technical, Special Education (all areas) and Music;

3.2 there is also a shortage of available certified substitutes teachers who are not retired available to cover these areas of critical need; and

3.3 the Superintendent has recommended the Board adopt a policy permitting retired teachers to substitute for an unlimited numbers of days in order to help alleviate these critical needs shortages.

4.0 Policy.

The Barbour County Board of Education hereby adopts a policy to permit retired teachers to substitute for an unlimited number of days during the 2025-2026 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 W.Va. Code §18A-2-3. The retired teacher may be employed as a substitute teacher in areas of critical need and shortage on an expanded basis only when no other teacher who holds a certification and training in the area and who is not retired is available and accepts the substitute assignment.

5.0 Limitations.

5.1 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 critical needs substitute teacher.

5.2 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.

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- 5.3 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.
- 5.4 When a retired teacher is employed as a critical needs substitute to fill a vacant position, the position shall be posted electronically and easily accessible to prospective employees.
- 5.5 When a retired teacher is employed as a critical needs substitute to fill a vacant position, the Barbour County Board of Education 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.

6.0 Effective Dates.

This policy shall be effective for school year 2025-2026.

7.0 State Board Approval.

The county Superintendent shall forward a copy of this policy to the West Virginia Board of Education for its approval prior to employment of a retired teacher on an expanded basis as a substitute in an area of critical need and shortage.

8.0 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 West Virginia Board of Education an affidavit, in a form approved by the Consolidated Public Retirement Board and the state board, stating the name of the county, the fact that the county board has adopted a policy to employ retired teachers as substitutes to address areas of critical need and shortage and the name(s) of the person(s) to be employed pursuant to this policy, the critical need and shortage area position 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. Upon verification of compliance with W.V.A. Code 18A-2-3 and the eligibility of the critical needs substitute teacher for employment beyond the post-retirement limit, the state board shall submit the affidavit to the Consolidated Public Retirement Board.

9.0 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.

Source: Board of Education Minutes

Adopted: 11/14/01

**Revised: 10/13/25; 04/22/24; 08/14/23; 06/27/22;08/23/21; 09/28/20; 6/24/19; 10/08/18;
09/12/16; 01/11/16; 04/27/15; 12/08/14; 01/13/14; 11/12/13; 09/24/12; 03/12/12;
10/24/11; 03/14/11; 06/14/10; 07/23/07**

BARBOUR COUNTY 6710

**EMPLOYMENT OF RETIRED TEACHERS AS SUBSTITUTE TEACHERS
IN AREAS OF CRITICAL NEED AND SHORTAGE POLICY**

Legal Reference: West Virginia Code §18A-2-3; West Virginia Code §5-10D-1

Braxton County Board of Education
SUBSTITUTE PROFESSIONALS IN AREAS OF
CRITICAL NEED AND SHORTAGE POLICY

Purpose

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

The Braxton 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. School nurses, speech language pathologists, and guidance counselors are eligible.

The Board additionally finds and determines that:

- A. there presently exists within Braxton County a critical need for substitute teachers in the areas of:
1. Special Education
 2. Elementary Education
 3. Physical Education
 4. Health Education
 5. Music Education
 6. Art Education
 7. Math Education
 8. Driver's Education
 9. Science (all middle school and high school certification areas)
 10. Speech Language Pathologists
 11. Early Childhood Education
 12. Pre-School Special Needs
 13. English/ELA (middle and high school)
 14. Title I
- 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 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 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.

Braxton County Schools 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, Braxton County Schools 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 posting is only required to occur once at the beginning of the year and once mid-year.

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 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.

Severability

If any provision of this policy or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this policy.

Legal	W.Va. Code 18A-2-3
Effective Date	
Last Revised	9/4/2024; 7/15/2025; 10.7.2025



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	July 16, 2024
Last Revised	October 21, 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, 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. Career Exploration
3. Drivers Education
4. Elementary Education K-6
5. English
6. Foreign Language (Spanish, French, Italian)
7. Mathematics
8. Music
9. Preschool/ Developmental Delay/ Preschool Special Needs/ Early Education

10. Reading
11. Science (Biology, Chemistry, General Science, Physics)
12. Special Education (LD, BD, ID, Gifted, Autism)
13. Speech Pathology
14. Title I
15. 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 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, 2026, unless extended by the legislature.

Revised 11/19/24

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KANAWHA COUNTY BOARD OF EDUCATION POLICY
Series: G66 - Substitutes in Areas of Critical Need and Shortage

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. Meaning of "Area of Critical Need and Shortage." "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.

3. Findings. The Kanawha County Board of Education hereby finds and determines that:

- a. There presently exists within Kanawha County, West Virginia, a critical need for substitute teachers in the areas of English, Language Arts, Reading, French, Spanish, Science (Chemistry, General, Physics and Biology), Mathematics, Elementary Education, Business, Vocational and Technical, Special Education (All Areas), Music, Art, Librarian / Media, Counselors, School Nurses, Speech Language Pathologists; and Social Studies.
- b. There is also a shortage of certified substitutes available to cover these areas of critical need;
- 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; and
- d. For purposes of this policy, the term "teacher" and "substitute teacher" also includes school nurses and speech language pathologists.

4. Policy. Retired teachers are permitted 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 in section 3(a), all in accordance with the provisions of W. Va. Code §18A2-3. 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.

5. Limitations.

- a. 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 end with the month following the date the retiree ceases to perform service as critical needs substitute teacher.
- b. A retired teacher is eligible to be employed as a critical needs substitute teacher 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 that first day of July preceding at least the fiscal year during which he or she is employed as a critical needs substitute teacher.

- 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.
- e. 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.

6. Effective Dates. This policy shall be effective for the school year 2025-2026 and may be renewed annually.

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 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.

9. Verification. The West Virginia Board of Education will verify Kanawha County Schools' compliance with West Virginia Code §18A-2-3(c) and this policy and will verify the eligibility of the critical needs substitute teacher (i.e., adoption of local policy, prior electronic posting of position opening, retirement date effective before the first day of July preceding at least the fiscal year during which he or she is employed as a critical needs substitute, 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.

Reference: W. Va. Code §18A-2-3

Issued: 10.18.2001

Revised: 02.17.2005; 11.17.2005; 02.15.2007; 03.07.2011; 04.16.2015; 10.02.2017; 12.19.19

Renewed: 11.15.2007; 12.01.2008; 11.19.2009; 02.06.2012; 12.03.2012; 12.02.2013;
12.18.2014; 10.05.2015; 11.17.1016; 10.02.2017; 10.18.2018; 10.14.2019; 10.15.20;
10.21.2021; 10.13.2022; 11.06.2023; 02.06.2024; 10.17.24: 10/09/2025



Book	Policy Manual
Section	3000 Professional Staff
Title	SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE
Code	po3120.12
Status	Active
Adopted	July 1, 2022
Last Revised	October 6, 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, 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. Mathematics
2. Special Education
3. Elementary Education
4. SpeechLanguage Pathologist
5. English
6. Science
7. Foreign Language
8. Music
9. Pre-K

B. 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 school 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. Such posting will only be required once at the beginning of the year and once mid-year. This does not apply when filling a teaching position of a regular teacher on leave of absence, nor does it 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 s/he accepts 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 8/5/24

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Legal

WV Code 18A-2-3

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. Math (Middle and high school grades)
2. Special Needs Pre-K thru 12 (all areas of exceptionality)
3. Preschool Teachers
4. Science (Including Biology)
5. Elementary Teachers
6. School Counselors
7. English Language Arts Teachers (middle and high school grades)
8. Elementary Health/PE Teacher

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/Approved 10-7-25

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, 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. Mathematics
 - 2. Special Education (All Areas)
- 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") and in compliance with the bona fide separation from service requirements established by West Virginia Code 18-7A-3, 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 need 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 the retired teacher is employed as a critical need substitute and so long as the retired teacher completely terminated any employment relationship with the employer or any participating employer in the system for at least 60 consecutive days from the effective date of retirement and without a prearranged agreement to return to employment with a participating employer.

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. No retiree shall be eligible to be employed as a critical need substitute unless the retiree teacher completely terminated any employment relationship with the employer or any participating employer in the system for at least 60 consecutive days from the effective date of retirement and without a prearranged agreement to return to employment with a participating employer.

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 provision that authorizes this policy is scheduled to expire on June 30, 2030, unless extended by the Legislature.

WV Code 18A-2-3

WV Code 18-7A-38