

RETIREES AS PROFESSIONAL SUBSTITUTES

1.0 Purpose

Recognizing the need to utilize retired certified educators as substitutes during critical shortages, the Mercer County Board of Education, pursuant to West Virginia legislative action, does hereby institute this policy.

Copies of this policy shall be available to all employees upon request and will be placed on the Mercer County Schools' web page at <http://boe.merc.k12.wv.us> under the Our District, Board Policies tab.

2.0 Definitions

- 2.1 Critical 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. During various times throughout the school year, Mercer County Schools experiences a critical need in the areas of 1) Administration, 2) English, 3) Science, 4) Mathematics, 5) Special Education including Gifted, 6) Foreign Language, 7) Social Studies, 8) Music, 9) Health/Physical Education, 10) Library-Media, 11) Consumer Sciences, 12) Speech/Language Pathologist, 13) Nurse, 14) Art, 15) Elementary Education, (16) School Counselor (17) Driver's Education and (18) Pre-Kindergarten Special Needs due to a shortage and/or availability of certified educators on the Mercer County Schools substitute list who hold certification and training in these areas.

3.0 Procedures

- 3.1 The county superintendent declares a critical shortage in all areas of certification listed in Section 2.1, and that, there is also a shortage of available certified substitute teachers, who are not retired, available to cover these areas of critical need.
- 3.2 Retired certified professional educators are placed on the Mercer County Schools substitute list.
- 3.3 A retired teacher may be employed as a substitute teacher in an area of critical need and shortage on an expanded basis for the 2025 – 2026 school year beyond the 140 days when no other teacher who holds certification and training and who is not retired is available and accepts the substitute assignment.
- 3.4 Retired teachers employed to perform expanded substitute services during a period of critical shortage provided in this policy are considered day-to-day, temporary, part-time

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employees, and are not eligible for additional pension or other benefits paid to regularly employed employees and shall not accrue seniority.

- 3.5 Mercer County Schools will continue to electronically post the vacant position so that it is easily accessible to prospective employees until it is filled with a regularly, fully certified employed teacher or permitted teacher for the position.
- 3.6 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 Mercer County Board of Education 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.
- 3.7 According to the provisions in WV Code 18A-2-3, the Mercer County Board of Education shall submit for verification, compliance with the requirement for eligibility for the critical needs substitute teacher to the West Virginia Board of Education.
- 3.8 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.
- 3.9 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.
- 3.10 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, 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 holds certification and training in the required area).

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- 3.11 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 as determined by the state board, provided that:
1. The posting is only required to occur once at the beginning of the year and once mid-year,
 2. The section does not apply when filling a teaching position of a regular teacher on leave of absence, and
 3. This section 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.
- 3.12 The County Superintendent shall forward a copy of this policy annually to the State Superintendent of Schools for approval by the West Virginia State Board of Education for approval by the West Virginia State Board of Education prior to employment of retired teachers on an expanded basis as substitutes in areas of critical need and shortage.
- 3.13 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 he or she is employed as a critical needs substitute teacher.
- 3.14 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:
- 3.15 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.
- 3.16 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 pensions or other benefits paid to regularly employed employees and shall not accrue seniority.
- 3.17 This policy is in effect for the 2025 – 2026 school year upon passage and approval by the West Virginia Board of Education and must be renewed annually.

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3.18 The provisions of WV Code 18A-2-3 that authorizes this policy expire on June 30, 2030, unless extended by the legislature; therefore, this policy shall also expire on that date.

4.0 Severability

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

Authority: W.Va. Constitution, Article XII, §2, and W.Va. Code §§16-9A-4, 16-9A-9, 17A-1-1, 18-2-5, 18-2-5a, 18-2-7b, 18-2-9, 18-2-33, 18-2C-1 et seq., 18-5-1, 18-5-13, 18-16-1, 18A-1-1, 18A-5-1, 18A-5-1a, 60A-1-101, 60A-7-11a, 61-2-15, 61-7-2, and 61-7-11a.

Reference: West Virginia Code 18A-2-3

Date(s): 10/23/01, 5/24/05, 3/27/07, 2/26/08, 11/18/08, 12/22/09, 3/27/12, 10/09/12, 11/12/13, 4/15/15, 9/22/15, 8/09/16, 9/26/17, 11/27/18, 9/24/19, 2/25/2020, 10/13/20, 12/08/20, 10/12/21, 10/10/22, 8/28/23, 10/14/24, 8/25/25

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

PURPOSE

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

AREAS OF CRITICAL NEED AND SHORTAGE

The Wood County Board of Education hereby adopts the definition set forth in W. Va. Code §18A-2-3, as follows: "Area of critical need and shortage" means an area of certification and training in which the number of available substitute teachers in the county who hold certification and training in that area and who are not retired is insufficient to meet the projected need for substitute teachers.

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

POLICY

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

LIMITATIONS

The Board authorizes the employment of retired teachers as substitute teachers on an expanded basis in those areas of critical need and shortage noted above. In no case shall a retired teacher be employed where there is available for employment another teacher holding certification and training in the area of need who is not retired and who will accept the substitute assignment.

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

A retired teacher and/or other employable professional is eligible to be employed as a critical needs substitute to fill a vacant position without any loss of retirement benefits

attributed to the annuity reserve only if the retiree's retirement became effective before the first day of July preceding at least the fiscal year during which he or she is employed as a critical needs substitute teacher.

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

Any person who retires and begins work as a critical needs substitute teacher within the same fiscal year in which that person retired shall lose those retirement benefits attributed to the annuity reserve, effective from the first day of employment as a retiree critical needs substitute teacher in that fiscal year and ending with the month following the date the retired ceases to perform service as a critical needs substitute teacher.

EFFECTIVE DATE

This policy shall be effective for the 2025-2026 school year but may be renewed annually by the Board.

APPROVAL OF THE STATE BOARD

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

AFFIDAVIT

Prior to the employment of any retired teacher as a critical needs substitute teacher beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board, the Superintendent shall submit to the Consolidated Public Retirement Board and the West Virginia Board of Education and affidavit, in a form approved by CPRB.

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

Adopted: November 24, 2015

Reviewed and Updated: May 10, 2016, September 24, 2017, November 24, 2015, November 13, 2018, September 25, 2019, August 24, 2021, September 13, 2022, August 22, 2023, November 28, 2023, August 27, 2024, October 14, 2025