



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	October 28, 2024
Last Revised	December 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 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. English
2. Language Arts
3. Reading
4. Spanish
5. Business
6. Career And Technology Education(CTE)
7. Science (Chemistry, Physics, and Biology)
8. Mathematics
9. Family and Consumer Science
10. Special Education (all Areas)
11. Music
12. Art

13. Speech and Language Pathologist
14. School Psychologist
15. Visually Impaired
16. Gifted
17. Autism
18. Deaf and Hard of Hearing
19. Principal
20. English as a Second Language (ESL)
21. Preschool Special Needs
22. Physical Education
23. Counselor
24. School Nurse

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 11/18/24

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Book	Policy Manual
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Title	SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE
Code	po3120.12
Status	Active
Adopted	April 17, 2015
Last Revised	November 10, 2025

### 3120.12 - SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE

#### Purpose

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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:

Art (PreK-AD), Autism (K-6), Autism (5-AD), Biology (9-AD), Computer Science, Education (PreK-AD), Deaf and Hard of Hearing (PreK-AD), Driver's Education (9-AD), Elementary Education (K-6), English (5-9), English (5-AD), English as a Second Language (PreK-AD), French (PreK-AD), General Science (5-9), General Science (5-AD), Gifted (1-12), Health/Physical Education (PreK-AD), JROTC (5-AD), Business Education/Marketing (5-AD), Mathematics (5-AD), Multi-Categorical (K-6), Multi-Categorical (5-AD), Music (PreK-AD), PreK/PreK Special Needs (PreK-K), Reading Specialist (K-AD), School Counselor (PreK-AD), School Library Media (PreK-AD), Severe Disabilities (K-AD), Social Studies (5-AD), Spanish (PreK-AD), Speech Language Pathologist (PreK-AD), Visual Impairment (PreK-AD), Vocational-Agriculture Education (5-AD), Vocational-Automotive Technology (9-AD), Vocational-Collision Repair (9-AD), Vocational-Culinary Arts (5-AD), Vocational-General Building Construction (5-AD), Vocational-Health Care Occupations (9-AD), Vocational-Practical Nursing (9-AD), and Vocational-Welding (9-AD).

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.

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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.

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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.

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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 12/10/24

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WV Code 18A-2-3

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Adopted	August 10, 2020
Last Revised	October 13, 2025

### 3120.12 - **SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE**

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Teacher or substitute teacher includes speech pathologists and school nurses, and guidance counselors.

The Board additionally finds and determines that:

A. there presently exists within the District a critical need for substitute teachers in the areas of:

1. Art
2. Driver's Education;
3. Elementary Education;
4. English;
5. Foreign Language;
6. Health;
7. Mathematics;
8. Music;
9. Physical Education;
10. Pre-K;
11. Pre-School Special Needs;

12. Science;
13. Social Studies, 7-12;
14. Special Education;
15. Title I Reading;
16. Vocational/CTE;
17. Librarian/Media Specialist

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.

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The District Board shall cooperate with the West Virginia Board of Education to verify the district's compliance with the requirements of this code section and verify the eligibility of the critical needs substitute teacher (i.e., adoption of local policy, prior electronic posting of position opening, retirement date effective before the first day of July, preceding at least the fiscal year during which s/he is employed, continuous and ongoing posting seeking fully certified non-retired teacher, and absence of a non-retired teacher who holds certification and training in the required area).

When a retired teacher is employed as a substitute to fill a vacant position, the District shall continue to post the vacant position electronically and easily accessible to prospective employees until it is filled with a regularly employed teacher who is fully certified or permitted for the position.

The District Superintendent shall forward a copy of this policy annually to the State Superintendent of Schools for approval by the West Virginia Board of Education prior to employment of retired teachers on an expanded basis as substitutes in areas of critical need and shortage.

A retired teacher is eligible to be employed as a critical needs substitute to fill a vacant position without any loss of retirement benefits attributed to the annuity reserve only if the retired teacher's retirement became effective before the first day of July preceding at least the fiscal year during which s/he is employed as a critical need substitute.

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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 12/13/21

Revised 10/14/22

Revised 2/27/24

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Legal	WV Code 18A-2-3 WV Code 18-7A-38
Adopted	June 25, 2019
Last Revised	November 4, 2025
Last Reviewed	October 1, 2025

### 3120.12 - **SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE**

#### **Purpose**

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The Board additionally finds and determines that:

A. there presently exists within the District a critical need for substitute teachers in the areas of:

1. Spanish
2. Science
3. Mathematics
4. Preschool special needs
5. Autism
6. Special education
7. Speech language pathologists

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.

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The District Board shall cooperate with the West Virginia Board of Education to verify the district's compliance with the requirements of this code section and verify the eligibility of the critical needs substitute teacher (i.e., adoption of local policy, prior electronic posting of position opening, retirement date effective before the first day of July, preceding at least the fiscal year during which s/he is employed, continuous and ongoing posting seeking fully certified non-retired teacher, and absence of a non-retired teacher who holds certification and training in the required area).

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Retired teachers employed to perform expanded substitute service provided in this policy, are considered day-to-day, temporary, part-time employees. The substitutes are not eligible for additional pension or other benefits paid to regularly employed employees and shall not accrue seniority.

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

Revised 3/24/20  
Revised 3/23/21  
Revised 2/28/23  
T.C. 1/9/24  
Revised 2/27/24  
Revised 11/12/24



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Adopted	August 11, 2015
Last Revised	May 27, 2025
Last Reviewed	December 30, 2025

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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. Science
3. Special 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.

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 Revised 2/10/20  
 Revised 2/11/20  
 Revised 4/28/20  
 Revised 9/8/20  
 Revised 11/19/20  
 Revised 9/28/21  
 Revised 3/22/22  
 Revised 7/28/22  
 Revised 8/23/22  
 T.C. 8/25/22  
 Revised 6/27/23  
 T.C. 10/10/23  
 Revised 12/30/24

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Adopted	July 1, 2021
Last Revised	December 2, 2025

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The Board additionally finds and determines that:

A. there presently exists within the Pocahontas County School District a critical need for substitute teachers in the areas of:

1. Elementary education
2. Administration
3. Special education
4. Math

5. Science
6. Social Studies
7. English/Language Arts
8. Physical Education
9. CTE instruction
10. Art
11. Music
12. Guidance Counselor
13. Driver's 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 need substitute teacher beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board ("Retirement Board"), the Superintendent shall submit to the West Virginia Board of Education in a form approved by the Retirement Board and the West Virginia Board of Education, an affidavit signed by the Superintendent stating the name of the district, the fact that the district has adopted a policy to employ retired teachers as substitutes to address areas of critical need and shortage, the name or names of the person or persons to be employed as a critical needs substitute pursuant to the policy, the critical need and shortage area position filled by each person, the date that the person gave notice to the district board of the person's intent to retire, and the effective date of the person's retirement. Upon verification of compliance with West Virginia Code 18A-2-3 and the eligibility of the critical needs substitute teacher for employment beyond the post-retirement limit, the West Virginia Board of Education shall submit the affidavit to the Retirement Board. Prior to any retirant becoming employed on a temporary full-time or temporary part-time basis by the district, the district shall notify the Retirement Board and the retirant, in writing, if and when the retirant's potential temporary employment will negatively impact the retirant's retired status or benefits. Upon the retirant's acceptance of either temporary full-time or temporary part-time employment, the employer shall notify the Retirement Board, in writing, of the retirant's subsequent employment.

The 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

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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 11/12/24

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Book	Policy Manual
Section	500 Personnel
Title	Areas of Critical Need and Shortage
Code	512
Status	Active
Adopted	June 20, 2019
Last Revised	July 1, 2025
Legal	WV Code 18-7A-38, WV Code 18A-2-3, WV Code 18A-3-3a

**Policy effective July 1, 2025, for the 2025-2026 school year only.**

#### 513 – Areas of Critical Need and Shortage

The Board recognizes that a lack of prospective teachers and others in certain areas of certification or endorsement poses a significant challenge to the efficient and effective operation of the County. To that end, the Board deems the following areas of certification or endorsement to be of critical need and shortage:

1. Mathematics (5-9 and 5 Adult)
2. General Science (5 Adult)
3. Chemistry (9 Adult)
4. Multi-categorical Special Education (K Adult)
5. Autism (K Adult)
6. Principal (PK Adult)
7. Counselor (PK Adult)
8. Elementary Education (K-6)



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Michelle Stellato, Superintendent  
Jeffery Mace, President  
Roane County Board of Education

## **Retired Teachers as Substitutes in Areas of Critical Need and Shortage**

This list shall be considered the same as is defined in West Virginia Code 18A-2-3 for the employment of retired teachers as substitutes in these areas except those which are not defined as "teachers" in the same. The Board shall review and readopt this policy at least annually and amend as necessary and submit the same to the state board of education for approval as required by West Virginia Code 18A-2-3 (c) (2) paragraphs (E) and (F).

A retired teacher who serves as a substitute in an area of critical need and shortage may serve as such without limit, provided he or she satisfies the conditions listed in West Virginia Code 18A-2-3 (c) (3). The Superintendent shall ensure that the necessary conditions are met, including proper posting of any vacancy, submission of the necessary affidavit to the state board of education, etc., as required.

Prior to employment of a retired teacher as a critical needs substitute teacher beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board, the Superintendent shall submit to the Consolidated Public Retirement Board and the West Virginia Board of Education, in a form approved by the retirement board, an affidavit, signed by the Superintendent, stating the name of this Board, the fact that this policy has been adopted for the purpose of employing retired teachers as substitutes to address areas of critical need and shortage and the name or names of the person or persons to be employed pursuant to the policy, the critical need and shortage area position filled by each person, the date that the person gave notice to the county board of the person's intent to retire, and the effective date of the person's retirement.

The Board shall cooperate with the West Virginia Board of Education to verify the county's compliance with the requirements of this code section and verify the eligibility of the critical needs substitute teacher (i.e. adoption of local policy, prior electronic posting of position opening, retirement date



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effective before the first day of July preceding at least the fiscal year during which he or she is employed as a critical needs substitute teacher, continuous and ongoing posting seeking fully certified non-retired teacher, and absence of a non-retired teacher who holds certification and training in the required area) and shall likewise submit a copy of the affidavit to the Consolidated Public Retirement Board.

When a retired teacher is employed as a substitute to fill a vacant position, the Board shall continue to post the vacant position until it is filled with a regularly employed teacher who is fully certified or permitted for the position and the position vacancy shall be posted electronically and easily accessible to prospective employees. This posting shall occur at least once at the beginning of the year and once mid-year. This posting is not required at all if the position is to be filled by a regularly employed teacher who is fully certified or permitted for the position but is not yet available to accept the position at the time of employment and/or transfer or if the position is vacant due to a leave of absence.

The Superintendent shall forward a copy of this policy annually to the State Superintendent of Schools for approval by the West Virginia Board of Education prior to employment of retired teachers on an expanded basis as substitutes in areas of critical need and shortage.

A retired teacher is eligible to be employed as a critical needs substitute to fill a vacant position only if the retired teacher's retirement became effective before the first day of July preceding at least the fiscal year during which he or she is employed as a substitute.

Any contract of employment for such retired teacher to be employed for periods beyond the post-retirement employment limitation established by the consolidated public retirement board shall include therein the following information:



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**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.**

**Summers County Board of Education**

**Scope:** This policy is enacted by the county board to recognize a shortage of teachers in areas of critical need each school term and to provide for the employment of retired teachers as substitutes in those areas.

**Authority:** W.Va. Code § 18A-2-3.

**Adopted:** April 4, 2007.

**Amended:** March 13, 2013; September 28, 2016; January 9, 2018; July 25, 2019; August 8, 2019; December 9, 2021; December 13, 2022; December 5, 2023; December 10, 2024; December 30, 2025.

**Reviewed:** October 14, 2021; October 25, 2022; November 22, 2022; November 14, 2023; November 21, 2024; October 28, 2025.

**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 on an expanded basis in areas of critical need and shortage.

The Summers County Board of Education hereby adopts the definition of “area of critical need and shortage” 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.”

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

A. there presently exists within Summers County, West Virginia, a critical need for substitute teachers in the areas of Math (5-12), English (5-12), Science (5-12), Social Studies (5-12), Art, Special Education (including but not limited to HI/VI), Elementary Education and other areas that might arise during the 2025-2026 school year; if the Superintendent finds a critical need exists in other subjects, the Superintendent may add those categories in a revised policy submitted directly to the West Virginia Board of Education

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

Accordingly, the Summers County Board of Education hereby adopts this policy to permit retired teachers to substitute 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.

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.

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 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 critical needs 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.

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 1, 2024
Last Revised	October 7, 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. Elementary Education
2. Science (Biology, Chemistry, General Science, Physics)
3. Reading
4. English Language Arts
5. Foreign Language
6. Mathematics
7. Social Studies
8. Special Education including Autism, Gifted and Visually Impaired
9. Speech Language Pathologists
10. Art
11. Library
12. Physical Education/Health

13. Music
14. Computer Education
15. Business Education
16. Career and Technical Education
17. Driver's Education
18. PK, PK Special Needs
19. Title I Reading and Math
20. Administrators

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 retiree becoming employed on a temporary full-time or temporary part-time basis by the county, the county shall notify the Retirement Board and the retiree, in writing, if and when the retiree's potential temporary employment will negatively impact the retiree's retired status or benefits. Upon the retiree's acceptance of either temporary full-time or temporary part-time employment, the employer shall notify the Retirement Board, in writing, of the retiree's subsequent employment.

The County Board shall cooperate with the West Virginia Board of Education to verify the county's compliance with the requirements of this code section and verify the eligibility of the critical needs substitute teacher (i.e., adoption of local policy, prior electronic posting of position opening, retirement date effective before the first day of July, preceding at least the fiscal year during which s/he is employed, continuous and ongoing posting seeking fully certified non-retired teacher, and absence of a non-retired teacher who holds certification and training in the required area).

When a retired teacher is employed as a substitute to fill a vacant position, the County shall continue to post the vacant position electronically and easily accessible to prospective employees until it is filled with a regularly employed teacher who is fully certified or permitted for the position. 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 12/19/24

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