



WV SCHOOLS OF DIVERSION AND TRANSITION ORGANIZATIONAL PROCEDURES

Substitute Teacher in Areas of Critical Need and Shortage	Section	Human Resources
	Number	3.24
	Effective Date	
	Revision Date	July 24, 2026
	Revision No.	5
	Page No.	1 of 3
	Approval:	

1.0. **PURPOSE:**

The purpose of this policy is to provide appropriate substitute coverage in classrooms operated by the West Virginia Department of Education through the WV Schools of Diversion and Transition (WVSDT).

2.0 **APPLICABILITY:**

All schools that are operated by the West Virginia Department of Education through the WVSDT.

3.0 **POLICY STATEMENT:**

The development and maintenance of an Operational Procedures Manual is essential to provide staff with guidance in the implementation of applicable State Board of Education policies, state and federal laws and regulations, accreditation standards, personnel policies and procedures, and directives from the State Superintendent of Schools or designated staff.

4.0 **DEFINITIONS:**

"Area of critical need and shortage for substitute teachers" means an area of certification and training in which the number of available substitute teachers who hold certification and training in that area and who are not retired is insufficient to meet the projected need for substitute teachers.

5.0 **PROCEDURES:**

5.1 Upon recommendation of the Superintendent, the WVSDT shall renew its policy annually and shall submit it to the WVBE annually for its approval. This policy is effective for the 2026-2027 school year only.

5.2 The following conditions and criteria shall be met in the employment of retired employees as substitute teachers in an area of critical need and shortage:

5.2.1 A retired teacher may be employed as a substitute teacher in an area of critical need and shortage on an expanded basis as

provided in the code, 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.

5.2.2 Prior to employment of a substitute teacher beyond post-retirement employment limitations established by the Consolidated Public Retirement Board, the Superintendent of WVSdT shall submit to the WVBE, on a form approved by the Consolidated Public Retirement Board, an affidavit signed by the Superintendent of WVSdT 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 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.

5.2.3 The WVBE must verify WVSdT's compliance with the requirements of §18A-2-3 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 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).

5.2.4 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 retiree ceases to perform service as a critical needs substitute teacher.

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

5.2.6 Retired teachers employed to perform expanded substitute service pursuant to 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.

5.2.7 When a retired teacher is employed as a critical needs substitute the WVDE 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.

5.2.8 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.

- 5.3** The provisions of §18A-2-3 shall expire on June 30, 2030.
- 5.4** The individual area(s) of critical need and/or shortage for the 2026-2027 school term have been identified as:

Special Education
Secondary Social Studies
Secondary Sciences
Secondary Mathematics
Secondary English/Language Arts
Elementary Education (K-5)
Career and Technical Education
Adult Education
Guidance Counselor

- 6.0** **AUTHORITY:**
W. Va. Code §18A-2-3



Book	Proposed Policies for Public Review
Section	3000 Professional Staff
Title	SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE
Code	po3120.12
Status	
Legal	WV Code 18A-2-3 WV Code 18-7A-38

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

Purpose

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

The Board of Education hereby adopts the definition of "area of critical need and shortage" set forth in West Virginia Code 18A-2-3 as follows: "Area of critical need and shortage for substitute teachers" means an area of certification and training in which the number of available substitute teachers in the County who hold certification and training in that area and who are not retired is insufficient to meet the projected need for substitute teachers. Teacher or substitute teacher includes speech pathologists and school nurses, and guidance counselors.

The Board additionally finds and determines that:

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

1. English/Language Arts
2. Reading
3. Mathematics
4. Social Studies
5. Science (Chemistry, General Science, Physics, Biology)
6. Art
7. Music
8. Spanish
9. Physical Education/Health

10. Agriculture Education
11. Driver's Education
12. Elementary Education (Early Education, Pre-kindergarten, Kindergarten)
13. Special Education (All areas)
14. Speech Pathology
15. School Nurse

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

Accordingly, the Board hereby authorizes the employment of retired teachers as substitute teachers during the 2026-2027 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 2026-2027 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.

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**Braxton County Board of Education
SUBSTITUTE PROFESSIONALS 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 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 2026-2027 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 for the 2026-2027 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, 2030, 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

Last Revised 9/4/2024; 7/15/2025; 10.7.2025; 7/21/2026

WVDE Approval: _____

SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE

Policy 4120

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

The Board additionally finds and determines that:

- A. there presently exists within Hampshire County a critical need for substitute teachers in the areas of:
 - 1. Special Education
 - 2. Mathematics
 - 3. Science
 - 4. Elementary Education
 - 5. Art
 - 6. Speech Language Pathology
 - 7. School Nurses
 - 8. English/ Language Arts
 - 9. Music
 - 10. Pre-School/Special Needs
- 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 2026- 2027 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 2026-2027 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.

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

When a retired teacher is employed as a substitute to fill a vacant position, the County shall continue to post the vacant position until it is filled with a regularly employed teacher who is fully certified or permitted for the position.

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

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

When a retired teacher is employed as a critical needs substitute to fill a vacant position, the position vacancy shall be posted electronically and easily accessible to prospective employees.

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

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

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

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

The West Virginia Code that authorizes this policy is scheduled to expire June 30, 2027 unless extended by the Legislature.

Approved by the Hampshire County Board of Education on July 6, 2026.

Approved by Hampshire County
Board of Education on 7/6/2026

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 Pleasants 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. (Guidance counselors cannot be designated as areas of critical need and shortage.)

The Board additionally finds and determines that for the **2026-2027** school year, the areas of critical need and shortage include:

- Math
- English Language Arts
- Science
- School Nurses
- Special Education- all certification areas under the umbrella of Special Education.
 - Including Deaf/Hard of Hearing certification and other specialized areas.
- *Pre-Kindergarten (Early Childhood Education)*
- *Pre-School Special Needs*

Accordingly, the Board hereby authorizes the employment of retired teachers as substitute teachers during the **2026-2027** school year on an expanded basis in those areas of critical need and shortage noted above as is recommended by the Superintendent.

Prior to employment of a 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, 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.

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

Retired teachers employed as critical need/shortage area substitutes are considered day-to-day temporary, part-time employees. Retired teachers will be employed as a substitute teacher only when no other teacher who holds certification and training and who is not retired is available and accepts the assignments. The substitutes are not eligible for additional pension or other benefits paid to regularly employed employees and shall not accrue seniority. 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. The position vacancy shall be posted electronically and easily accessible to prospective employees.

Any employee who retires from the Board (or any other Board of Education or entity that pays in to the WV Consolidated Retirement Board) must fully sever the employment relationship for a minimum period of sixty (60) days prior to being rehired in any capacity, including as a substitute in an area of critical need. No principal, administrator, or other supervisory employee may enter into, discuss, or imply any prior arrangement, agreement, or understanding for future employment or long-term substitute placement before an employee's retirement or during the required sixty (60)-day separation period following the effective date of retirement.

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.

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 critical needs substitute teacher within the same fiscal year shall lose those retirement benefits attributed to the annual 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.

The policy is in effect for the 2026-2027 school year only.

This policy must be reviewed annually.

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

Adopted On: July 27, 2017

Amendments/ Annual Review: Oct. 11, 2018; February 6, 2020; December 8, 2020; August 26, 2021; October 13, 2022; December 6, 2022; August 24, 2023; August 22, 2024, July 24, 2025; February 24, 2026, July 24, 2026.

General Review: March 18, 2023

R 8 -39-9 Retired Teachers as Substitutes in Areas of Critical Need

Pursuant to current law (§ISA-2-3), the Preston County Board of Education shall, as necessary, exercise its option to use retired teachers as substitute teachers in areas of critical need and shortage for an unlimited number of days each fiscal year without affecting the monthly retirement benefit to which the retired employee is otherwise entitled.

"Area of critical need and shortage for substitute teachers" means an area of certification and training in which the number of available substitutes teachers in the county who hold certification and training in that area and who are not retired is insufficient to meet the projected need for substitute teachers. Guidance counselors cannot be designated as areas of critical need and shortage.

Upon the recommendation of the Superintendent, the Preston County Board of education shall renew its policy annually and shall submit it to the WVBE annually for its approval. This policy is effective for the 2026-2027 school term only; therefore, the Preston County Board of Education shall be obligated to submit a new policy for subsequent years.

The following conditions and criteria shall be met in the employment of retired employees as substitute teachers in an area of critical need and shortage:

- *A retired teacher may be employed as a substitute teacher in an area of critical need and shortage on an expanded basis as provided in the code 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;
- * Prior to employment of a 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 WVBE, on a form approved by the Consolidated Retirement Board, 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 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 WVBE must verify the county's compliance with the requirements of §18A2-3 and verify the eligibility of the critical needs substitute teacher. Therefore, all affidavits must be submitted to the WVBE as well as the retirement board (i.e., adoption of local policy, prior electronic posting of position opening, retirement date effective at least 20 days prior to school term, 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).
- * Any person who retires and begins work as a critical needs substitute teacher within the same employment term shall lose those retirement benefits attributed to the annuity reserve, effective from

the first day of employment as a retiree substitute in that employment term and ending with the month following the date the retiree ceases to perform service as a substitute.

* 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 the first day of July preceding at least the fiscal year during which he or she is employed as a critical needs substitute teacher.

* Retired teachers employed to perform expanded substitute service pursuant to 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.

* When a retired teacher is employed as a critical needs substitute 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.

* 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.

The provisions of §18A-2-3 shall expire on June 30, 2028.

The individual area(s) of critical need and/or shortage for the 2026-2027 school term have been identified as:

Elementary Education

Math (5-12)

PE/Health (K-12)

Special Education (K-12)

Speech Language Pathologist (PK-12)

Music (K-12)

Science (5-12)

Administration (K-12)

Art (K-12)



Book	Policy Manual
Section	Board Policy Pending Adoption -Tonya's File
Title	Copy of Copy of SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE-2026/2027
Code	po3120.12
Status	Internal Review
Adopted	July 9, 2009
Last Revised	July 1, 2026

3120.12 - SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE

Purpose

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

The Board of Education hereby adopts the definition of "area of critical need and shortage" set forth in West Virginia Code 18A-2-3 as follows: "Area of critical need and shortage for substitute teachers" means an area of certification and training in which the number of available substitute teachers in the County who hold certification and training in that area and who are not retired is insufficient to meet the projected need for substitute teachers. Teacher or substitute teachers include speech pathologists, school nurses, and guidance counselors.

The Board additionally finds and determines that

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

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

11. Family and Consumer Sciences

12. Career and Technical Education

13. Gifted

14. Art

15. Music

16. Theatre

17. Dance

18. Early Education

19. Elementary Education

20. School Library Media

21. Guidance Counselor

22. Speech Pathologists

23. School Nurses

24. Alternative Education

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

Accordingly, the Board hereby authorizes the employment of retired teachers as substitute teachers during the 2026-2027 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 2026-2027 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.

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Legal

WV Code 18A-2-3

WV Code 18-7A-38

C. PERSONNEL

POLICY: C.1.31

SUBSTITUTE TEACHERS IN AREAS OF CRITICAL NEED AND SHORTAGE

I. Purpose.

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

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

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

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

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

2.3. Accordingly, the Board hereby authorizes the employment of retired teachers as substitute teachers during the 2025-2026 school year on an expanded basis in those areas of critical need and shortage noted above as is recommended by the Superintendent. In no case shall a retired teacher be employed where there is available for employment another teacher holding certification and training in the area of need who is not retired and who will accept the substitute assignment.

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

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

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

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employment limitations established by the consolidated public retirement board, the Superintendent of the affected county shall submit to the state board in a form approved by the consolidated public retirement board and the state board an affidavit, signed by the Superintendent, stating the name of the county, the fact that this policy has been adopted for the

purpose of employing retired teachers as substitutes to address areas of critical need and shortage, the name or names of the person or persons to be employed as a critical needs substitute pursuant to the policy, the critical need and shortage area position filled by each person, the date that the person gave notice to the county board of the person's intent to retire, and the effective date of the person's retirement.

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

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

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

2.10. When a retired teacher is employed as a substitute to fill a vacant position, the Board shall continue to post the vacant position until it is filled with a regularly employed teacher who is fully certified or permitted for the position.

2.11. When a retired teacher is employed as a critical needs substitute to fill a vacant position, the position vacancy shall be posted electronically and easily accessible to prospective employees.

2.12. The W. Va. Code that authorizes this policy is scheduled to expire June 30, 2027, unless extended by the legislature; therefore, this policy shall also expire on that date and must be reviewed annually.

III. Severability.

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

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

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