



Book	Proposed Policies for Public Review
Section	4000 Service Personnel
Title	AREAS OF CRITICAL NEED AND SHORTAGE FOR SUBSTITUTE BUS OPERATORS
Code	po4120.12
Status	
Legal	WV Code 18A-4-15a

4120.12 - AREAS OF CRITICAL NEED AND SHORTAGE FOR SUBSTITUTE BUS OPERATORS

Bus Operators

The purpose of this policy, as recommended by the Superintendent, is to provide for the employment of retired bus operators as substitute bus operators on an expanded basis in this area 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-4-15a as follows: "Area of critical need and shortage for substitute bus operators" means that the number of available qualified substitute bus operators in the county who are not retired and are available and willing to accept substitute bus operator assignments is insufficient to meet the projected need for qualified substitute bus operators.

The Board additionally finds and determines that:

- A. there presently exists within the County a critical need for substitute bus operators
- B. there is also a shortage of available qualified substitute bus operators, who are not retired, available to cover this critical need.

Accordingly, the Board hereby authorizes the employment of retired bus operators as substitute bus operators during the 2026-2027 school year on an expanded basis in this area of critical need and shortage noted above as is recommended by the Superintendent. In no case shall a retired substitute bus operator be employed where there is available for employment another qualified bus operator 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 bus operator as a critical need substitute bus operator beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board, the county superintendent submits 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 the county has adopted a policy to employ retired bus operators as substitutes to address its critical need and shortage, the name or names of the person or persons to be employed as a critical need substitute pursuant to the policy, 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 this section and the eligibility of the critical need substitute bus operator for employment beyond the post-retirement limit, the state board shall submit the affidavit to the Consolidated Public Retirement Board.

The County Board shall cooperate with the West Virginia Board of Education to verify the county's compliance with the requirements of WV Code and verify the eligibility of the critical needs substitute bus operator (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 qualified non-retired bus operators, and absence of a non-retired bus operator who holds qualification and training in the required area).

When a retired bus operator 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 bus operator who is fully qualified 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 bus operator position of a regular bus operator on leave of absence, nor does it apply when a position is filled with a certified bus operator, but the bus operator is not available at the time the bus operators 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 bus operators on an expanded basis as substitutes in areas of critical need and shortage for bus operators.

A retired bus operator 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 bus operator'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 bus operator 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 bus operator 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 bus operator in that fiscal year and ending with the month following the date the retiree ceases to perform service as a critical needs substitute bus operator.

Retired bus operators 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
Critical Need and Shortage: Substitute Bus Operators**

1. Purpose:

The Superintendent has found that a critical need and shortage for substitute bus operators exists in Braxton County, West Virginia.

The Superintendent has communicated this finding to the Board and recommends that the Board adopt this policy to address a critical need and shortage for substitute bus operators.

The purpose of this policy is to provide for the employment of retired bus operators on an expanded basis to fill a critical need and shortage. The Braxton County Board of Education finds that there is a critical shortage of qualified bus operators in the district. Therefore, the employment of retired bus operators as critical need substitute bus operators during fiscal year 2026-2027 on an expanded basis in areas of critical need and shortage for substitute bus operators is hereby authorized.

II. Definitions

"Area of critical need and shortage for substitute bus operators" means that the number of available qualified substitute bus operators in the county who are not retired and are available and willing to accept substitute bus operator assignments is insufficient to meet the projected need for qualified substitute bus operators.

III. Procedures

- A. A retired bus operator may be employed as a substitute bus operator in an area of critical need and shortage for substitute bus operators on an expanded basis only when no other qualified bus operator who is not retired is available and accepts the substitute assignment.
- B. Retired bus operators 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 may not accrue seniority.
- C. A retired bus operator is eligible to be employed as a critical need substitute bus operator to fill a vacant position without any loss of retirement benefits attributed to the annuity reserve only if the retired bus operator'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 need substitute bus operator.
- D. Every contract of employment for a retired bus operator 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 need substitute bus operator 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 need substitute bus operator in that fiscal year and ending with the month following the date the retiree ceases to perform service as critical need substitute bus operator.

- E. When a retired bus operator is employed as a critical need substitute to fill a vacant position, the vacant position shall continue to be posted until it is filled with a regularly employed bus operator who is fully qualified for the position and the position vacancy shall be posted electronically and easily accessible to prospective employees as determined by the State Board.

IV. WEST VIRGINIA BOARD OF EDUCATION APPROVED AFFIDAVIT

Prior to the employment of a retired bus operator on an expended basis as critical need substitute bus operator each fiscal year, the Superintendent shall submit to the State Board of Education, in a form approved by the Consolidated Public Retirement Board and the State Board, an affidavit signed by the Superintendent stating the following: name of the county; the fact that the county has adopted a policy to employ retired bus operators as substitutes to address its critical need and shortage; the name or names of the person or persons to be employed as a critical need substitute pursuant to this policy; the date the person gave notice to the county board of the person's intent to retire; and the effective date of the person's retirement.

V. EFFECTIVE DATE/EXPIRATION

This policy shall be effective for the 2026-2027 school year and shall be renewed annually by the Braxton County Board of Education and the State Board of Education. The West Virginia Code provision that authorizes this policy is scheduled to expire on June 30, 2030, unless extended by the Legislature; therefore, this policy shall be eligible for renewal through said date.

VI. 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-4-15a

Last revised: 9/4/2024; 7/15/2025; 7/21/2026

WVBE Approval: _____

**BUS OPERATOR SUBSTITUTES IN AREAS OF
CRITICAL NEED AND SHORTAGE****I. Purpose.**

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

II. Use of Substitute Bus Operators in Areas of Critical Need and Shortage.

2.1. W. Va. Code §18A-4-15a defines "area of critical need and shortage for substitute bus operators" as occurring when "the number of available qualified substitute bus operators in the county who are not retired and are available and willing to accept substitute bus operator assignments is insufficient to meet the projected need for qualified substitute bus operators."

2.2. The Raleigh County Board of Education (RCBOE) has determined that a critical need for substitute bus operator currently exists within the district.

2.3. Accordingly, the RCBOE hereby authorizes the employment of retired bus operators as substitute bus operators during the 2026-2027 school year on an expanded basis in the area of bus operator as is recommended by the Superintendent. In no case shall a retired bus operator be employed where there is available for employment another qualified bus operator who is not retired and accepts the substitute assignment.

2.4. The Superintendent shall forward a copy of this policy to the West Virginia Board of Education (WVBE) for approval in the first year of utilization (2023-2024). The RCBOE must annually renew this policy and provide confirmation to the WVBE of its intent to utilize this policy in subsequent years.

2.5. Prior to employment of a retired bus operator as a critical needs substitute bus operator beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board (CPRB), the Superintendent shall submit to the WVBE, in a form approved by the CPRB and the WVBE, an affidavit signed by the Superintendent stating (1) the name of the county (Raleigh), (2) the fact that the RCBOE has adopted this policy to employ retired bus operators as substitutes to address its critical need and shortage, (3) the name(s) of person(s) to be employed as a critical need substitute pursuant to this policy, (4) the date that the person gave notice to the RCBOE of the person's intent to retire, and (5) the effective date of the person's retirement.

2.6. Any person who retires and begins work as a critical need substitute bus operator 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 retired critical need substitute bus operator in that fiscal year and ending with the month following the date the retiree ceases to perform service as a critical need substitute bus operator.

2.7. A retired bus operator is eligible to be employed as a critical needs substitute bus operator to fill a vacant position, without any loss of retirement benefits attributed to the annuity reserve, only if the retired bus operator'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 needs substitute bus operator.

2.8. Retired bus operators employed to perform expanded substitute service provided for 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. When a retired bus operator is employed as a critical need substitute to fill a vacant position, the RCBOE shall continue to post the vacant position until it is filled with a regularly-employed bus operator who is fully qualified for the position.

2.10. When a retired bus operator is employed as a critical need substitute to fill a vacant position, the position vacancy shall be posted electronically and easily accessible to prospective employees as determined by the WVBE.

2.11. The subsection of W. Va. Code that authorizes this policy is scheduled to expire June 30, 2028, 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-4-15a

APPROVED: November 13, 2023
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REVISED: July 23, 2024
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