

A POLICY STATEMENT OF
THE HANCOCK COUNTY BOARD OF EDUCATION
New Cumberland, West Virginia 26047

SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE

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 Hancock 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 Hancock County a critical need for substitute teachers in the areas of:
1. Foreign Language
 2. Pre-School Special Needs, Autism
 3. Special Education
 4. English/Language Arts
 5. Math
 6. Science
 7. Elementary Education
 8. Physical Education
 9. Social Studies
 10. Drivers 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 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 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, 2030 unless extended by the legislature.

Date Approved by Hancock County Board of Education: 03.27.23; 3/11/2024; 2/10/2025

Date Adopted:

Date Amended: 9/28/15; 9/26/16; 4/12/21; 03/28/22; 03/27/23; 3/11/24; 2/10/25

Date Reviewed:

State Board Approved: 11/09/16; 4/14/21; 04/12/23; 2/12/25

The above Policy Statement is an integral part of the Official Policy Manual of this Board of Education as of the date shown adopted.

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 McDowell 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" means an area of certification and training in which the number of available substitute teachers or substitute bus operators in the county who hold certification and training in that area and who are not retired is insufficient to meet the projected need for substitute teachers.

The Board additionally finds and determines that

- A. there presently exists within the County a critical need for substitute teachers in Elementary, Music, Art, Title I, Math, Science, Social Studies, English, Special Education, School Library, Driver Education, Family and Consumer Science, Business Education, PE, Health, Pre-K, Pre-K Special Needs, Careers in Education, Law Enforcement, Auto Technology, Computer Technology, Electrical Technology, Travel and Tourism, Health Occupations, LPN Instruction, Machine Shop, Welding, Pro-Start/Culinary Arts, and Administration,
- 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 critical needs 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 or bus operator 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 State Board for one (1) year only, subject to annual review by the County Board and re-approval by the State Board.

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

Prior to employment of a critical needs substitute teacher beyond the post-retirement employment limitations established by the consolidated public retirement board, the Superintendent shall submit to the state board on a form approved by the Consolidated Public 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. The critical needs affidavit will be verified by the West Virginia Board of Education to insure the county's compliance with the requirements of this code section and verify the eligibility of the critical needs substitute teacher (i.e., adoption of local policy, prior electronic posting of position opening, before the first day of July preceding at least the fiscal year during which he or she is employed as a critical needs substitute teacher or substitute bus operator, continuous and ongoing posting seeking fully certified non-retired teacher and absence of a non-retired teacher or bus operator 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 critical needs substitute to fill a vacant position, the County Board 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 State 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 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 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.

The W. Va. Code that authorizes this policy is scheduled to expire **June 30, 2030** unless extended by the legislature; therefore, this policy shall also expire on that date.

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

Adopted On.	April 12, 2005
	December 15, 2005
	April 24, 2007
	February 14, 2008
	April 9, 2009
	February 11, 2010
	March 9, 2011
	December 12, 2012
	December 3, 2013
	January 8, 2014
	April 6, 2015 (Emergency Waiver Procedure Adoption)
	January 4, 2016
	March 6, 2017
	January 2, 2018
	January 7, 2019
	October 7, 2019
	December 20, 2021
	November 7, 2022
	November 6, 2023
	January 18, 2024
	January 13, 2025
	January 22, 2026

Employment of Substitute Teachers 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 Ritchie 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. The Board additionally finds and determines that for the 2025-2026 school year only, the areas of critical need and shortage include:

- Math
- English Language Arts
- Special Education
- Pre-K Special Needs
- Counselor
- Elementary K-6
- Science
- Foreign Language

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.

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 retired teacher is eligible to be employed as a critical needs substitute to fill a vacant position only if the 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.

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.

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 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 date the retiree ceases to perform service as a substitute.

This policy is in effect for the 2025-2026 School Year.

Adopted:	August 27, 2018
Revised:	August 12, 2019
Revised:	September 9, 2019
Revised:	June 26, 2020
Revised:	July 6, 2020
Revised:	July 12, 2021
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Revised:	July 10, 2023
Revised:	July 15, 2024
Revised:	July 14, 2025



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Section	3000 Professional Staff
Title	SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE
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Adopted	October 29, 2018
Last Revised	January 15, 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 teacher includes speech pathologists and school nurses.

The Board additionally finds and determines that:

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

1. Mathematics
2. Special Education
3. Art
4. Elementary Education
5. English/Language Arts
6. Science
7. Social Studies
8. History
9. Music
10. Physical Education
11. Health

12. Principal

13. Preschool Special Needs

14. Chemistry

15. Physics

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 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 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 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.

Revised 4/2/20
Revised 9/17/20
Revised 2/28/22
Revised 4/4/22
Revised 2/16/23
T.C. 6/5/23
Revised 1/13/25

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