

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 bus operators 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-4-15a, *Code of West Virginia*, 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 school bus operators.

The Board additionally finds and determines that

- A. there presently exists within McDowell County Schools a critical need for qualified substitute bus operators,
- B. and that, there is also a shortage of available qualified substitute bus operators, who are not retired, available for cover these areas of critical need.

Accordingly, the Board hereby authorizes the employment of retired bus operators as substitute bus operators during the **2025-2026** school year on an expanded basis in those areas of critical need and shortage as noted above 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 in the area of need who is not retired and who is available and accepts 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 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 he or she is employed as a critical needs substitute bus operator.

Prior to employment of a critical needs bus operator as a critical needs substitute bus operator beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board, the Superintendent shall submit to the West Virginia Board of Education in a form approved by the Consolidated 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 bus operators as substitutes to address areas of critical need and shortage, the name of names of the person or persons to be employed as a critical needs 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 *West Virginia Code* 18A-4-15a and the eligibility of the critical need substitute school bus operator for employment beyond the post-retirement limit, the West Virginia Board of Education shall submit the affidavit to the Consolidated Public Retirement Board.

The County shall cooperate with the West Virginia Board of Education to verify the county's compliance with the requirements of West Virginia Code 18A-4-15a and verify the eligibility of the critical needs substitute school bus operator (i.e., adoption of a local policy, review and approve annually, prior to 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 bus operator, and absence of a non-retired school bus operator who holds certification and training in the required area).

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.

Retired bus operators employed to perform expanded substitute service as a critical need bus operator pursuant to 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 school bus operator is employed as a critical needs substitute to fill a vacant position, the county board shall continue to post the vacant position until it is filled with a regularly employed bus operator which is fully qualified for the position. The position vacancy shall be posted electronically and easily accessible to prospective employees as determined by the state board.

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 bus operators on an expanded basis as substitutes in areas of critical need and shortage.

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-4-15a

Adopted On:
January 18, 2024

Revised
January 13, 2025
January 22, 2026