

Employment of Substitute Teachers in Areas of Critical Need and Shortage

1.0 Purpose: The purpose of this policy is to provide for the employment of retired teachers as substitutes in areas of critical need and shortage. The Wirt County Board of Education defines “area of critical need and shortage” as 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. According to the provisions of W.Va. Code

§18A-2-3, retirees can substitute in areas of critical need and shortage for an unlimited number of days each fiscal year without impacting their monthly retirement benefits.

2.0 Findings: The Wirt County Board of Education hereby finds and determines that:

2.1 There presently exists within Wirt County, West Virginia, critical need for substitute teachers in the areas of Mathematics, Science, English/Language Arts, Special Education, Spanish, Driver’s Education, Music, Art, Reading, Pre-K, Pre-K Special Needs, Welding/Building Construction, Agriculture, Business, Nurse; K-6 Elementary, and

2.2 There is also a shortage of certified substitutes available to cover these areas of critical need; and

2.3 The superintendent has recommended the Board adopt a policy permitting retired teachers to substitute for an unlimited number of days in order to alleviate these critical needs shortages; and

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

A.) If any person retires within the same employment term the person 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.

B.) The retiree 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.

3.0 Policy: The Wirt County Board of Education hereby adopts a policy to permit retired teachers to substitute for an unlimited number of days in the school year, without affecting such retiree’s monthly benefit, in order to alleviate the critical needs and shortages identified above.

3.1 Retired teachers hired under this subsection are considered day-to-day, temporary, part-time employees. Substitutes are not eligible for additional pension or other benefits paid regularly employed employees. The retired teacher may not accrue seniority.

3.2 While the retired teacher is employed as a critical needs substitute to fill a vacant position, the county board shall continue to post the vacant position until a fully certified or permitted teacher applies for the position, at which time as the Board of Education approves the fully certified or permitted teacher the retiree substitute will vacate the position.

3.3 The position vacancy for which the retiree is employed as a critical need substitute shall be posted electronically and easily accessible to prospective employees.

4.0 Effective Dates: This policy shall be effective for the school year 2019-2020, and has been approved by the West Virginia Board of Education.

5.0 State Board Approval: The Superintendent shall cause a copy of this policy to be transmitted to the West Virginia Board of Education for its approval prior to employment of a retired teacher as a substitute beyond the period now permitted without affecting the retired teacher’s monthly retirement

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benefit.

Severability: ... Where questions arise on these regulations, the Superintendent of Schools is authorized to render decisions on matters.

Authority: W.Va. Constitution, Article XII, §2, and W.Va. Code §§16-9A-4, 16-9A-9, 17A-1-1, 18-2-5, 18-2-5a, 18-2-7b, 18-2-9, 18-2-33, 18-2C-1 et seq., 18-5-1, 18-5-13, 18-16-1, 18A-1-1, 18A-5-1, 18A-5-1a, 60A-1-101, 60A-7-11a, 61-2-15, 61-7-2, and 61-7-11a

Approved: February 14, 2006, Updated GBK-RA December 18, 2013, Updated and approved (State Board of Education annually)

Reference: W. Va. Code §18 A-2-3

Reviewed: 7/9/19; 10/9/19; 2/21/2020

County Approval: 3/24/2020