

**EMPLOYMENT OF RETIRED TEACHERS AS SUBSTITUTE TEACHERS
IN AREAS OF CRITICAL NEED AND SHORTAGE POLICY**

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 beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board.

2.0 Definitions.

2.1 “Area of critical need and shortage for substitute teacher” 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 are not retired is insufficient to meet the projected need for substitute teachers.

3.0 The Barbour County Board of Education hereby finds and determines that:

3.1 there presently exists within Barbour County, West Virginia, a critical need for substitute teachers in the areas of Nursing, Speech Language Pathologist, Guidance Counseling, English Language Arts, Speech, Journalism, Reading, Social Studies, Driver’s Education, Physical Education, Health, Librarian, Art, French, Spanish, Latin, German, Science (Chemistry, General Physics and Biology), Mathematics, Home Economics, Industrial Arts, Elementary Education, Business, Vocational and Technical, Special Education (all areas) and Music;

3.2 there is also a shortage of available certified substitutes teachers who are not retired available to cover these areas of critical need; and

3.3 the Superintendent has recommended the Board adopt a policy permitting retired teachers to substitute for an unlimited numbers of days in order to help alleviate these critical needs shortages.

4.0 Policy.

The Barbour County Board of Education hereby adopts a policy to permit retired teachers to substitute for an unlimited number of days during the 2024-2025 school year, without affecting such retiree’s monthly retirement benefit, in order to alleviate the critical needs and shortages identified above, all in accordance with the provisions of W.Va. Code §18A-2-3. The retired teacher may be employed as a substitute teacher in areas of critical need and shortage on an expanded basis only when no other teacher who holds a certification and training in the area and who is not retired is available and accepts the substitute assignment.

5.0 Limitations.

5.1 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 critical needs substitute teacher.

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

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- 5.3 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 teacher.
- 5.4 When a retired teacher is employed as a critical needs substitute to fill a vacant position, the position shall be posted electronically and easily accessible to prospective employees.
- 5.5 When a retired teacher is employed as a critical needs substitute to fill a vacant position, the Barbour County Board of Education 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.

6.0 Effective Dates.

This policy shall be effective for school year 2024-2025.

7.0 State Board Approval.

The county Superintendent shall forward a copy of this policy to the West Virginia Board of Education for its approval prior to employment of a retired teacher on an expanded basis as a substitute in an area of critical need and shortage.

8.0 Affidavit.

Prior to the employment of any retired teacher as a substitute 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 an affidavit, in a form approved by the Consolidated Public Retirement Board and the state board, stating the name of the county, the fact that the county board has adopted a policy to employ retired teachers as substitutes to address areas of critical need and shortage and the name(s) of the person(s) to be employed pursuant to this policy, the critical need and shortage area position filled by each person, 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. Upon verification of compliance with W.VA. Code 18A-2-3 and the eligibility of the critical needs substitute teacher for employment beyond the post-retirement limit, the state board shall submit the affidavit to the Consolidated Public Retirement Board.

9.0 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.

Source: Board of Education Minutes

Adopted: 11/14/01

Revised: 04/22/24; 08/14/23; 06/27/22;08/23/21; 09/28/20; 6/24/19; 10/08/18; 09/12/16; 01/11/16; 04/27/15; 12/08/14; 01/13/14; 11/12/13; 09/24/12; 03/12/12; 10/24/11; 03/14/11; 06/14/10; 07/23/07

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Legal Reference: West Virginia Code §18A-2-3; West Virginia Code §5-10D-1

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