

Reviewed w/ K. Talbot
and approved on 5/15/24/JAP

CHAPTER: PERSONNEL

TITLE: SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE

MAY 15 2024

Office of Legal Services
WV Department of Education

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 Calhoun 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 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. The Calhoun Board of Education defines areas of critical needs as the following areas:

1. Special Education (K-12)
2. Mathematics (5-12)
3. Science (5-12)
4. ELA (5-12)
5. Chemistry,
6. Physics
7. Elementary Education
8. School Speech Therapist
9. School Nurses
10. PreK
11. PreK/Handicap
12. Social Studies
13. Health/PE (K-12)
14. Foreign Language
15. Reading Specialist
16. Title 1 Teacher

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 2024-2025 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 State Board for one (1) year only, subject to annual review by the County Board and re-approval by the State Board.

Prior to employment of a retired substitute teacher as a critical needs 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 State board, 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 and 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 superintendent shall be required to submit a copy of the affidavit to the Consolidated Public Retirement Board and to the WVBE.

Retired teachers hired under this policy and employed as a critical needs substitute work on a day to day temporary part-time basis. These substitutes are not eligible for additional pension or other benefits paid to a regularly employed employee and may 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 who is fully certified or permitted for the position. Further, 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 substitute in that fiscal year and ending with the month following the date the retiree ceases to perform service as a substitute.

A retired teacher 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 teacher.

18a-2-3 requires that this policy must be renewed by the local Board of Education annually and must be approved by the WVBE annually.

REFERENCE: WV Code §18A-2-3, WV Code § 18-7A-38

ADOPTION DATE: 04/21/15

REVISION DATE: 09/12/16; 06/12/17; 06/11/18; 6/10/19, 9/16/19, 11/12/19; 07/13/20; 07/21/21; 8/1/22; 3/13/23, 5/13/24