



Book	Ready for the Board
Section	3000 Professional Staff
Title	Copy of SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE
Code	po3120.12
Status	
Legal	WV Code 18A-2-3 and 18-7A-38
Adopted	February 4, 2016
Last Revised	October 21, 2019

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 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. Teacher or substitute teacher includes school nurses and guidance counselors. ~~Guidance counselors cannot be designated as areas of critical need and shortage.~~

The Board additionally finds and determines that:

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

1. Special Education (Multi-categorical, Autism)
2. English/Language Arts
3. Mathematics
4. Science (Chemistry, Physics, Biology)
5. French/Spanish
6. Family/Consumer Science
7. Technology Education
8. Art
9. Elementary Education K-6

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 ~~2019-2020~~ 2020-2021 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 ~~2019-2020~~ 2020-2021 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, 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 County 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 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 he/she is employed as a critical need substitute, 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) and shall likewise submit a copy of the affidavit to the Consolidated Public Retirement Board.

When a retired teacher is employed as a 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 and 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.

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 /she is employed as a critical need substitute.

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.

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 WV Code that authorizes this policy is scheduled to expire June 30, ~~2020~~ 2025, unless extended by the legislature.

~~Revised 9/1/16~~ Revised 9/6/18

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Legal References

WV Code 18A-2-3

WV Code 18-7A-38