

Summers County Board of Education

Scope: This policy is enacted by the county board to recognize a shortage of teachers in areas of critical need each school term and to provide for the employment of retired teachers as substitutes in those areas.

Authority: W.Va. Code § 18A-2-3.

Adopted: April 4, 2007.

Amended: March 13, 2013; September 28, 2016; January 9, 2018; July 25, 2019; August 8, 2019; December 9, 2021; December 13, 2022; December 5, 2023.

Reviewed: October 14, 2021; October 25, 2022; November 22, 2022; November 14, 2023.

SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE

Purpose: The purpose of this policy is to provide for the employment of retired teachers as substitutes on an expanded basis in areas of critical need and shortage.

The Summers County Board of Education hereby adopts the definition of “area of critical need and shortage” set forth in W. Va. Code § 18A-2-3, 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.”

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

A. there presently exists within Summers County, West Virginia, a critical need for substitute teachers in the areas of Math (5-12), English (5-12), Science (5-12), Social Studies (5-12), Art, Special Education (including but not limited to HI/VI), Elementary Education and other areas that might arise during the 2023-2024 school year; if the Superintendent finds a critical need exists in other subjects, the Superintendent may add those categories in a revised policy submitted directly to the West Virginia Board of Education

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

Accordingly, the Summers County Board of Education hereby adopts this policy to permit retired teachers to substitute during the 2023-2024 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 2023-2024 school year only.

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.

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 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 State 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 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 teacher.

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.