

KANAWHA COUNTY BOARD OF EDUCATION POLICY
Series: G66 - Substitutes in Areas of Critical Need and Shortage

1. Purpose. The purpose of this policy is to provide for the employment of retired teachers as substitutes in areas of critical need and shortage.

2. Meaning of "Area of Critical Need and Shortage." "Area of critical need and shortage for substitute teachers" 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.

3. Findings. The Kanawha County Board of Education hereby finds and determines that:

- a. There presently exists within Kanawha County, West Virginia, a critical need for substitute teachers in the areas of English, Language Arts, Reading, French, Spanish, Science (Chemistry, General, Physics and Biology), Mathematics, Elementary Education, Business, Vocational and Technical, Special Education (All Areas), Music, Art, Librarian / Media, Counselors, School Nurses, Speech Language Pathologists; and Social Studies.
- b. There is also a shortage of certified substitutes available to cover these areas of critical need;
- c. The Superintendent has recommended the Board adopt a policy permitting retired teachers to substitute for an unlimited number of days in order to help alleviate these critical needs shortages; and
- d. For purposes of this policy, the term "teacher" and "substitute teacher" also includes school nurses and speech language pathologists.

4. Policy. Retired teachers are permitted to substitute for an unlimited number of days in the school year, without affecting such retiree's monthly retirement benefit, in order to alleviate the critical needs and shortages identified above in section 3(a), all in accordance with the provisions of W. Va. Code §18A2-3. The 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.

5. Limitations.

- a. Any person who retires and begins work as a substitute teacher within the same employment term 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. A 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 at least 20 days before the beginning of the employment term during which he or she is employed as a substitute.
- c. 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.

- d. When a retired teacher is employed as a substitute to fill a vacant position, the position shall continue to be posted until it is filled with a regularly employed teacher who is fully certified or permitted for the position.
- e. When a retired teacher is employed as a critical needs substitute to fill a vacant position, the position vacancy shall be posted electronically and easily accessible to prospective employees.

6. Effective Dates. This policy shall be effective for the school year 2023-2024 and may be renewed annually.

7. State Board Approval. The Superintendent shall cause a copy of this policy to be transmitted to the West Virginia State 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 benefit.

8. 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 state board of education an affidavit, in a form approved by said retirement board, stating the name of the county, the fact that the Board has adopted a policy to employ retired teachers as substitutes to address areas of critical need and shortage, the name or names of the person or persons to be employed as a critical needs substitute pursuant to this 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.

9. Verification. The West Virginia Board of Education will verify Kanawha County Schools' compliance with West Virginia Code §18A-2-3(c) and this policy and will verify the eligibility of the critical needs substitute teacher (i.e., adoption of local policy, prior electronic posting of position opening, retirement date effective at least 20 days prior to the beginning of the employment term, 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.

Reference: W. Va. Code §18A-2-3

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