Wayne County Board of Education

POLICY 3120.12

(Professional: Substitutes in Areas of Critical Need and Shortage)

Your comments concerning this policy should be sent in writing to:

Mrs. Michelle Followay
Executive Secretary
Wayne County Board of Education
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Wayne, WV 25570
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This policy is out for public comment for 10 working days beginning Thursday, September 10, 2026 through Wednesday, September 23, 2026.

WAYNE COUNTY SCHOOL DISTRICT

Professional Staff

SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE

po3120.12

September 9, 2026

PROFESSIONAL STAFF

po3120.12

SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE

ADOPTED Sep 15, 2015 • REVISED Apr 28, 2026

3120.12 - **SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE**

Purpose

The purpose of this policy, as recommended by the Director, 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 West Virginia Code 18A-2-3 as follows: "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. Teachers or substitute teachers include speech pathologists, school nurses, and guidance counselors.

The Board additionally finds and determines that:

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

1. Administration;

2. Art;

3. Mathematics;

4. Science;

5. Special Education (All Areas);

6. Elementary (K-6).

B. 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 202~~5~~ 6-202~~6~~ 7 school year on an expanded basis in those areas of critical need and shortage noted above, as is recommended by the Director. 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 202~~5~~ 6-202~~6~~ 7 school 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 ("Retirement Board"), the Director shall submit to the West Virginia Board of Education in a form approved by the Retirement Board and the West Virginia Board of Education, an affidavit signed by the Director stating the name of the county, the fact that the county 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 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. Upon verification of compliance with West Virginia Code 18A-2-3 and the eligibility of the critical needs substitute teacher for employment beyond the post-retirement limit, the West Virginia Board of Education shall submit the affidavit to the Retirement Board. Prior to any retirant becoming employed on a temporary full-time or temporary part-time basis by the county, the county shall notify the Retirement Board and the retirant, in writing, if and when the retirant's potential temporary employment will negatively impact the retirant's retired status or benefits. Upon the retirant's acceptance of either temporary full-time or temporary part-time employment, the employer shall notify the Retirement Board, in writing, of the retirant's subsequent employment.

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 s/he is employed, 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).

When a retired teacher is employed as a substitute to fill a vacant position, the County 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. Such a posting will only be required once at the beginning of the year and once mid-year. This does not apply when filling a teaching position of a regular teacher on leave of absence, nor does it apply when a position is filled with a regularly employed teacher who is fully certified or permitted for the position, but the teacher is not available at the time s/he accepts the position.

The County Director shall forward a copy of this policy annually to the State Director 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 s/he is employed as a critical needs 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 critical needs substitute teacher in that fiscal year and ending with the month following the date the retiree ceases to perform service as a critical needs substitute teacher.

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 West Virginia Code that authorizes this policy is scheduled to expire June 30, 2030, unless extended by the legislature.

Revised 11/27/18
Revised 10/22/19
Revised 12/10/19
Revised 4/14/20
Revised 9/22/20
Revised 10/13/20
Revised 9/14/21
Revised 10/11/22
Revised 10/10/23
Revised 10/8/24
Revised 9/23/25

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WV Code 18A-2-3
WV Code 18-7A-38