

**Areas of Critical Need and Shortage Policy**

**Clay County Schools**

**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. Findings**

The Clay County Board of Education hereby finds and determines that there presently exists within Clay County, West Virginia, a critical need for substitute teachers in certain areas.

- a. For the 2024-2025 school year the areas of critical need and shortage are as follows: Mathematics 5-AD, Mathematics 5-9, Special Education: Multi-cat K-AD, and Career and Technical Education.
- b. These areas are subject to change annually and should be updated annually by recommendation of the County Superintendent of Schools and by approval of the Clay County Board of Education.
- c. There is also a shortage of certified substitutes available to cover these areas of critical need, and the Superintendent has recommended the Board adopt a policy permitting retired teachers to substitute for an unlimited number of days to help alleviate these critical needs shortages.

**3. Area of Critical Need and Shortage**

- a. "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 holds certification and training in that area and who are not retired is insufficient to meet the projected need for substitute teachers.
- b. Areas of critical need and shortage are as follows: Mathematics 5-AD, Mathematics 5-9, Special Education: Multi-cat K-AD, and Career and Technical Education.

#### **4. Policy**

The Clay County Board of Education hereby adopts a policy to permit retired teachers to substitute for an unlimited number of days in the school year, without affecting such retiree's monthly retirement benefit, to alleviate the critical needs and shortages identified above, all in accordance with the provisions of W.Va. Code §18A-2-3. 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. The areas of critical need and shortage will be determined on an annual basis as required by Section 2b above.

#### **5. Limitations**

- a. 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.
- 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 before the first day of July preceding at least the fiscal year during which he or she is employed as a critical needs 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. The position will be posted electronically to the Clay County Schools website at [claycountyschools.org](http://claycountyschools.org).
- e. When a retired teacher is employed as a critical needs substitute to fill a vacant position, the position vacancy shall be posted and easily accessible to prospective employees.

#### **6. Effective Dates**

This policy shall be effective for the school year 2024-2025, and the areas of critical need and shortage will be updated annually as required by Section 2b.

#### **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 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.

Update Presented to the Clay County Board of Education: September 3, 2024

Approved by the Clay County Board of Education:

Approved by the West Virginia Board of Education: