

## **PERSONNEL MANAGEMENT**

### **802.00 RETIREES AS PROFESSIONAL SUBSTITUTES**

#### **EMPLOYMENT OF RETIRED SUBSTITUTE TEACHERS IN**

##### **AREAS OF CRITICAL NEED AND SHORTAGE**

The Mingo County Board of Education utilizes substitute teachers to maintain the continuity of its instructional programs. The purpose of this policy is to address the insufficient number of substitute teachers in Mingo County who hold certification/training in certain areas, and to comply with the requirements of West Virginia Code § 18A-2-3, in order to provide for the employment of retired teachers as substitute teachers on an expanded basis so as to fill the gap in the number of available substitute teachers in areas of critical need and shortage. This policy is applicable to the employment of any retired teacher as a substitute teacher on an expanded basis in an area of critical need and shortage.

Definitions. As used herein: "Area of critical need and shortage," shall mean 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. "Days worked" shall mean the number of days a retired substitute teacher works as calculated by the formula found at W. Va. Code §18A-7A-38(c). "Expanded basis," refers to the employment of retired teachers as substitute teachers for an unlimited number of days beyond 140 days. "Substitute Teacher" shall mean any teacher who is assigned (1) to fill the temporary absence of any teacher or the unexpired school term made vacant by the resignation, death, suspension or dismissal of any teacher, (2) to fill a teaching position of a regular teacher on leave of absence or (3) to perform instructional services of any teacher who is authorized by law to be absent from class with loss of pay, providing the absence is approved by the Board of Education in accordance with the law. The substitute shall be a duly certified teacher. "Superintendent," refers to the Superintendent of the Board of Education of the County of Mingo.

Based on the projected need for substitute teachers and the number of available non-retired substitute teachers, there exists in Mingo County a critical need and shortage with regard to the following areas of certification/training: 1)English; 2)Health/Physical Education; 3)Foreign Language. The critical need and shortage of available substitutes for the foregoing areas of certification/training necessitates the employment of retired teachers as substitute teachers on an expanded basis by the Board of Education.

Due to the critical need and shortage of available substitute teachers in the areas of certification/training identified above, the Mingo County Board of Education may employ retired teachers as substitutes on an expanded basis. Retired teachers may be employed as substitute teachers on an expanded basis in the areas of certification/training identified above beginning with the 2009-2010 school year only when no other non-retired teacher who holds the certification/training so identified is available and accepts the substitute assignment. "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." Nothing herein shall in any way alter, affect or otherwise limit the authority of the Board of Education to employ retired teachers as substitute teachers for periods of 140 days or less pursuant to state law.

Prior to the employment of a retired substitute teacher beyond 140 days, the Superintendent shall submit to the West Virginia Consolidated Public Retirement Board, a signed affidavit, in a form approved by the retirement board, which shall, at least: 1) state that he is employed by the West Virginia Department of Education, acting for the Mingo County Board of Education as Superintendent, 2) explain that this policy has been adopted in order to employ retired teachers as substitute teachers on an expanded basis to address an area or areas of critical need and shortage, and 3) provide the name or names of the person or persons who are to be employed pursuant to this policy.

Pursuant to W. Va. Code § 18A-2-3(c)(2)(A), the Superintendent has recommended that in order to address areas of critical need and shortage, this policy be adopted immediately and become effective beginning with the 2009-2010 school year.

This policy is subject to annual renewal by the Board of Education.

This policy shall take effect upon the date it is approved by the West Virginia Board of Education.

Legal Reference: W. Va. Code §18A-2-3; W. Va. Code § 18-7A-38

Adopted: March 10, 2010