

## **Policy 3120.13 – Areas of Critical Need and Shortage**

*1<sup>st</sup> reading*                      July 12, 2018

*2<sup>nd</sup> reading*                      July 24, 2018

*3<sup>rd</sup> reading / Adoption*    August 9, 2018

**Statutory authority**      West Virginia Code 18-7A-38, West Virginia Code 18A-2-3, West Virginia Code 18A-3-3a

### **Administrative Guidelines**

1. Process for Providing Reimbursement for Tuition and Other Costs to Professional Personnel in Areas of Critical Needs and Shortage

The Board recognizes that a lack of prospective teachers and others in certain areas of certification or endorsement poses a significant challenge to the efficient and effective operation of the County. To that end, the Board deems the follow areas of certification or endorsement to be of critical need and shortage:

- A. Mathematics (5 – 9 and 5 – Adult)
- B. General Science (5 – Adult)
- C. Chemistry (9 – Adult)
- D. Multi-categorical Special Education (K – Adult)
- E. Autism (K – Adult)
- F. Counselor (PK – Adult)
- G. Principal (PK – Adult)

### *Retired Teachers as Substitutes in Areas of Critical Need and Shortage*

This list shall be considered the same as is defined in West Virginia Code 18A-2-3 for the employment of retired teachers as substitutes in these areas except those which are not defined as “teachers” in the same. The Board shall review and readopt this policy at least annually and amend as necessary, and submit the same to the state board of education for approval as required by West Virginia Code 18A-2-3 (c) (2) paragraphs (E) and (F).

A retired teacher who serves as a substitute in an area of critical need and shortage may serve as such without limit, provided he or she satisfies the conditions listed in West Virginia Code 18A-2-3 (c) (3). The Superintendent shall ensure that the necessary conditions are met, including proper posting of any vacancy, submission of the necessary affidavit to the state board of education, etc., as required.

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 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 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 at least 20 days prior to school 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.

When a retired teacher is employed as a substitute to fill a vacant position, the 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 Superintendent shall forward a copy of this policy annually to the State Superintendent 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 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.

Any contract of employment for such retired teacher 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 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.

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.

#### *Tuition Reimbursement*

The Board authorizes the reimbursement of actual costs and expenses for teachers who serve in areas of critical need and shortage, provided the same can be documented and proven by such a teacher on a sworn affidavit with supporting documentation.

The Superintendent shall develop administrative guidelines to detail the process under which reimbursement for these costs may be requested and the extent to which these costs may be reimbursed. These guidelines may provide for the reimbursement of costs if and only if a teacher serves in an area of critical need and shortage, and may require such a teacher to commit to teaching in that area for a specified period of time, provided that the teacher is not involuntarily transferred from that area or terminated due to reduction-in-force under the provisions of West Virginia Code 18A-2-7 and/or 18A-4-7a. These guidelines may also provide that such a teacher be required to return reimbursement(s) if he / she voluntarily leaves employment with the County or seeks to transfer voluntarily to an area not included in the list of areas of critical need and shortage.