

MERCER COUNTY SCHOOLS
Policy Comment(s) / Suggestion(s)
Policy: G-23
Retirees as Professional Substitutes

Individual / Organization: _____
Title: _____
Address: _____

Comment(s) / Suggestion(s)
Please write your comments below in the sections that apply to the policy.
Use additional paper if necessary.

1.0 Purpose	Agree (reason)	Disagree (reason)
This policy is being changed to update and clarify language and to make grammatical changes.		

2.0 Definitions	Agree (reason)	Disagree (reason)

3.0 Procedures	Agree (reason)	Disagree (reason)

General Comments	Agree (reason)	Disagree (reason)

Return comments **NO LATER THAN September 29, 2020** to:
 Dr. Kristal Filipek - Director, Human Resources
 Mercer County Schools
 1403 Honaker Avenue
 Princeton, WV 24740

RETIREES AS PROFESSIONAL SUBSTITUTES

1.0 Purpose

Recognizing the need to utilize retired certified educators as substitutes during critical shortages, the Mercer County Board of Education, pursuant to West Virginia legislative action, does hereby institute this policy.

2.0 Definitions

- 2.1 Critical 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. During various times throughout the school year, Mercer County Schools experiences a critical need in the areas of 1) Administration, 2) English, 3) Science, 4) Mathematics, 5) Special Education including Gifted, 6) Foreign Language, 7) Social Studies, 8) Music, 9) Health/Physical Education, 10) Library-Media, 11) Consumer Sciences, 12) Speech/Language Pathologist, 13) Nurse, 14) Art, and 15) Elementary Education due to a shortage and/or availability of certified educators on the Mercer County Schools substitute list who hold certification and training in these areas.

3.0 Procedures

- 3.1 The county superintendent declares a critical shortage in all areas of certification listed in Section 2.1, and that, there is also a shortage of available certified substitute teachers, who are not retired, available to cover these areas of critical need.
- 3.2 Retired certified professional educators are placed on the Mercer County Schools substitute list.
- 3.3 A retired teacher may be employed as a substitute teacher in an area of critical need and shortage on an expanded basis for the ~~2019-2020~~ 2020-2021 school year beyond the 140 days when no other teacher who holds certification and training and who is not retired is available and accepts the substitute assignment.
- 3.4 Retired teachers employed to perform expanded substitute services during a period of critical shortage provided in this policy are considered day-to-day, temporary, part-time employees, and are not eligible for additional pension or other benefits paid to regularly employed employees and shall not accrue seniority.

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- 3.5 Mercer County Schools will continue to electronically post the vacant position so that it is easily accessible to prospective employees until it is filled with a regularly, fully certified employed teacher or permitted teacher for the position.
- 3.6 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 Mercer County Board of Education has adopted a policy to employ retired teachers as substitutes to address areas of critical need and shortage and the name(s) of the person(s) to be employed pursuant to this policy, the critical need and shortage area position filled by each person, the date the person gave notice to the county board of the person's intent to retire, and the effective date of the person's retirement.
- 3.7 According to the provisions in WV Code 18A-2-3, the Mercer County Board of Education shall submit for verification, compliance with the requirement for eligibility for the critical needs substitute teacher to the West Virginia Board of Education.
- 3.8 Retired teachers employed to perform expanded substitute services are 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 substitute.
- 3.9 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 substitute in that fiscal year and ending with the month following the date the retiree ceases to perform service as a substitute.
- 3.10 This policy is in effect for the ~~2019-2020~~ 2020-2021 school year upon passage and approval by the West Virginia Board of Education and must be renewed annually.

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3.11 The provisions of WV Code 18A-2-3 that authorizes this policy expire on June 30, ~~2020~~ **2021**, unless extended by the legislature; therefore, this policy shall also expire on that date.

4.0 Severability

If any portion of this policy or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this policy.

Authority: W.Va. Constitution, Article XII, §2, and W.Va. Code §§16-9A-4, 16-9A-9, 17A-1-1, 18-2-5, 18-2-5a, 18-2-7b, 18-2-9, 18-2-33, 18-2C-1 et seq., 18-5-1, 18-5-13, 18-16-1, 18A-1-1, 18A-5-1, 18A-5-1a, 60A-1-101, 60A-7-11a, 61-2-15, 61-7-2, and 61-7-11a.

Reference: West Virginia Code 18A-2-3

Date(s): 10/23/01, 5/24/05, 3/27/07, 2/26/08, 11/18/08, 12/22/09, 3/27/12, 10/09/12, 11/12/13, 4/15/15, 9/22/15, 8/09/16, 9/26/17, 11/27/18, 9/24/19, 2/25/2020