

Book	Policy Manual
Section	Ready for Board June 3, 2025
Title	Copy of EMPLOYMENT OF SUBSTITUTES
Code	po3120.04
Status	
Legal	WV Code 18A-2-3, 18A-4-7, 18A-4-14, 18A-4-7a, 18A-2-12, 18-29-2, 16-3D-3 WV Code 61-10-15
Adopted	September 4, 2007
Last Revised	March 15, 2016

3120.04 - **EMPLOYMENT OF SUBSTITUTES**

The Board of Education recognizes the need to procure the services of substitutes in order to continue the operation of the schools as a result of the absence of regular personnel.

The County Superintendent, subject to approval of the Board, may employ and assign substitute teachers to any of the following duties:

- A. to fill the temporary absence of any teacher or an unexpired school term made vacant by resignation, death, suspension or dismissal;
- B. to fill a teaching position of a regular teacher on leave of absence; and
- C. to perform the instructional services of any teacher who is authorized by law to be absent from class without loss of pay, providing the absence is approved by the Board in accordance with the law. The substitute shall be a duly certified teacher.

Persons whose names do not already appear on the substitute list may attain that status only by making application in response to a posted notice of vacancy for the substitute list. The posting process, and the selection of candidates from among the applicants, shall follow the procedures set forth in WV Code 18A-4-7a.

All applications for employment shall be referred to the Professional Personnel Office.

The spouse of the Superintendent or a Board member may not be employed by the Board in any substitute professional position of employment except as substitute classroom teacher and substitute principal. If a Board member's spouse is being considered for such employment, the Board member must not participate in any way in the discussion or vote and must leave the Board meeting during such discussion and vote. If the Superintendent's spouse is being considered, the Superintendent must not participate in the discussion.

The Board will not employ as substitute professionals the unemancipated children or, except for a spouse, a dependent (IRS criteria) of the Superintendent or any member of the Board. Otherwise, the Board may employ the Superintendent's or a member's relatives, including his/her parent or parent-in-law, brother or sister, brother-in-law or sister-in-law, child, son-in-law or daughter-in-law, grandparent, or grandchild. When any such relative of the Superintendent or a Board member is employed as a substitute professional employee, the related Superintendent or Board member shall not participate in any way in the discussion on the employment. The Board member shall not vote and shall leave the Board meeting during the discussion and vote. Thereafter, the Board member may not vote on a personnel matter involving such a person unless the matter affects the Board member's relative as a member of a profession or occupation, or as a member of a class of at least five (5) persons.

Any person who intentionally misstates facts material to his/her qualifications for employment or the determination of salary shall be subject to dismissal by the Board.

Applications for employment will not be accepted from any current Board member. If a Board member wishes to apply for a position, his/her resignation must be accepted by the Board prior to submitting an application and circumstances must be such as to avoid the Board member's apparent use of his/her authority or influence as a Board member to secure the employment position. Employment, as used herein, shall not include volunteer positions for which no compensation is payable or paid.

No candidate for employment as a substitute professional staff member shall receive recommendation for such employment without having proffered visual evidence of proper licensing or that application for such licensing is in process. Said licensing shall meet the minimum requirements of State law for the position for which s/he is being recommended. The Superintendent shall request an appropriate criminal background checks **(All vendors used for background checks shall be the approved vendor by the WV State Police)** regarding the prospective employee prior to making any recommendation to the Board.

Long-term substitute means a substitute employee who fills a vacant position that the Superintendent expects to extend for a least thirty (30) consecutive days, and is either:

- A. listed in the job posting as a long-term substitute position of over thirty (30) days; or
- B. listed in a job posting as a regular, full-time position and:
 - 1. is not filled by a regular, full-time employee; and
 - 2. is filled by a substitute employee.

For the purposes of eligibility for PEIA benefits, a long-term substitute does not include a retired employee hired to fill the vacant position.

A substitute teacher who has been assigned as a classroom teacher in the same classroom continuously for more than one-half (1/2) of a grading period and whose assignment remains in effect two (2) weeks prior to the end of the grading period, shall remain in the assignment until the grading period has ended, unless the principal of the school certifies that the regularly employed teacher has communicated with and assisted the substitute with the preparation of lesson plans and monitoring student progress or has been approved to return to work by his/her physician. For the purposes of this policy, teacher and substitute teacher means professional educator as defined in WV Code 18A-1-1.

Upon completion of 133 days of employment in any one (1) school year, substitute teachers, except retired teachers and other retired professional educators employed as substitutes, shall accrue seniority exclusively for the purpose of applying for employment as a permanent, full-time professional employee. Employment of 133 days or more as a substitute teacher shall be prorated and shall vest as a fraction of the school year worked by the permanent, full-time teacher.

The pay of a substitute teacher shall not be less than eighty percent (80%) of the daily rate of the State basic salary paid to teachers; however, any substitute teacher who teaches in excess of ten (10) consecutive instructional days in the same position shall, thereafter, not be paid less than eighty percent (80%) of the daily rate of the State advanced salary based upon teaching experience. Any substitute teacher who teaches in excess of thirty (30) days in the same position shall be paid the daily rate of the advanced salary schedule in the county.

A substitute shall have standing to file a grievance only on matters related to days worked or when there is a violation, misapplication or misinterpretation of a statute, policy, rule or written agreement relating to such substitute.

Substitute teachers shall be evaluated in accordance with State and local policies.

Substitute teachers may be utilized to assist with classroom responsibilities in order to provide for planning time for a regular employee; however, any substitute teacher who is employed to teach a minimum of two (2) consecutive days in the same position shall be granted a planning period.

Daily substitutes shall not earn sick leave and shall not be paid for days when students are not required to attend school.

Revised 6/3/08

Revised 5/4/09

Revised 3/15/10

