# Superintendent’s Memo #069-19


**COMMONWEALTH of VIRGINIA
Department of Education**

DATE: March 29, 2019

TO: Division Superintendents

FROM: James F. Lane, Ed.D., Superintendent of Public Instruction

## SUBJECT: Retired VRS Employees Returning to Critical Shortage Areas

The purpose of this memorandum is to remind school divisions of their ability to re-employ retired instructional or administrative employees under certain circumstances, with no impact to the individual’s retirement benefits.

Section [51.1-155](https://law.lis.virginia.gov/vacode/51.1-155/)(B)(3) of the *Code of Virginia* provides that a retired member of the Virginia Retirement System (VRS) with previous service as a local school board instructional or administrative employee may be hired by a school division to fill a vacancy in a critical shortage area with no interruption of retirement benefits, if specified requirements are met.

The critical shortage areas that may be filled in accordance with these provisions include:

* Any position for which a school division receives three or fewer qualified (i.e. licensed or license-eligible) candidates; and
* Any position in the top ten [statewide critical shortage areas](http://www.doe.virginia.gov/teaching/workforce_data/index.shtml) by subject, which currently include:
1. Special Education
2. Elementary Education PreK-6
3. Middle Education Grades 6-8
4. Career and Technical Education
5. Mathematics Grades 6-12 (including Algebra 1)
6. School Counselor PreK-12
7. English (Secondary)
8. Science (Secondary)
9. Foreign Language PreK-12
10. Health and Physical Education PreK-12

A retiree may continue to receive VRS benefits while serving as an instructional or administrative employee in a designated critical shortage position, provided the retiree:

* is licensed and endorsed by the Virginia Board of Education for the position he or she will hold;
* has a break in service of at least 12 consecutive months between the retirement date and the date of hire (this break means not working in any full-time, part-time, or temporary position with any VRS-participating employer);
* has not retired with a reduced VRS benefit under an early retirement incentive program (ERIP);
* has not taken a refund of member contributions and interest or deferred retirement; and
* had no pre-employment commitment, either verbal or written, with the school division prior to the VRS retirement date.

At the time of employment and by **November 1** of each school year, school divisions that are employing critical shortage personnel must submit a [Certification of Eligibility Form](http://www.varetire.org/pdf/forms/vrs-160.pdf) to VRS for each critical shortage teacher and administrator employed.

Again, please note that this opportunity is available for any position in the top ten academic disciplines identified as having shortages or any position for which three or fewer qualified candidates applied, subject to the conditions set forth above.

School divisions should consult with their VRS program representative regarding any questions relating to the eligibility of individual retirees or VRS certification requirements. Other questions may be directed to the Policy Office for the Virginia Department of Education, at policy@doe.virginia.gov or 804-225-2092.

JFL/emm