WEST VIRGINIA LEGISLATURE
FIRST EXTRAORDINARY SESSION, 1981

ENROLLED

SENATE BILL NO. 15

Originating in the Committee on Finance

PASSED May 11, 1981
In Effect July 1, 1981
ENROLLED

Senate Bill No. 15
(Originating in the Committee on Finance)

[Passed May 11, 1981; in effect July 1, 1981.]

AN ACT to repeal section four, article two, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to repeal section two-a, article four of said chapter eighteen-a; to amend and reenact section one, article one of said chapter eighteen-a; to amend and reenact sections five and six, article two of said chapter; to amend and reenact sections two, three, seven, eight and eight-a, article four of said chapter; to amend and reenact section four-a, article five of said chapter; to amend article nine-a, chapter eighteen by adding thereto two new sections, designated sections twenty-one and twenty-two; and to amend and reenact sections two, three, four, five, six, seven, eight, nine, ten, eleven, thirteen and fourteen, article nine-a, chapter eighteen of said code, all relating to adding and revising definitions, increasing salaries of professional educators, to combining the present two allocations for teachers’ salaries into one; providing for substitute teachers’ pay; to using the combined salary schedule in the allocation of funds for the basic foundation program; to increase the salaries of service personnel and to include all eligible basic salaries of service personnel in state aid computations to a maximum of thirty-four for each one thousand pupils in adjusted enrollment; to increase the allocation factors for fixed charges and transportation; to reduce the percentage factor in the allocation for other current expense; to revise the method of allocating moneys equalling the increases in local share to one concentrating on aiding counties having the lower average
expenditures per pupil; to assure for five years that increases in salaries for personnel are matched by increased state aid, and to aid counties having ratios of enrollment to service personnel which are higher than the state average, to provide for computation of local share, appraisal and assessment of property; to provide statewide facilities planning; and to require standards for educational quality and approval of county education programs.

Be it enacted by the Legislature of West Virginia:

That section four, article two, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; that section two-a, article four of said chapter eighteen-a be repealed; that section one, article one of said chapter eighteen-a be amended and reenacted; that sections five and six, article two of said chapter eighteen-a be amended and reenacted; that sections two, three, seven, eight and eight-a, article four of said chapter eighteen-a be amended and reenacted; that section four-a, article five of said chapter eighteen-a be amended and reenacted; that article nine-a, chapter eighteen of said code be amended by adding thereto two new sections, designated sections twenty-one and twenty-two; and that sections two, three, four, five, six, seven, eight, nine, ten, eleven, thirteen and fourteen, article nine-a, chapter eighteen of said code be amended and reenacted, all to read as follows:

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 1. GENERAL PROVISIONS.

§18A-1-1. Definitions.

1 The definitions contained in section one, article one of chapter eighteen shall be applicable to this chapter. In addition, the following words used in this chapter and in any proceedings pursuant thereto shall, unless the context clearly indicates a different meaning, be construed as follows:
2 (a) “School personnel” shall mean all personnel employed by a county board of education whether employed on a regular full-time basis, an hourly basis or otherwise. School personnel shall be comprised of two categories: professional personnel and service personnel.
3 (b) “Professional personnel” shall mean persons who meet the certification and/or licensing requirements of the state, and shall include the professional educator and other professional employees.
(c) "Professional educator" shall be synonymous with and shall have the same meaning as "teacher" as defined in section one, article one, chapter eighteen of this code. Professional educators shall be classified as:

(1) "Classroom teacher": The professional educator who has direct instructional or counseling relationship with pupils, spending the majority of his time in this capacity.

(2) "Principal": The professional educator who as agent of the board has responsibility for the supervision, management and control of a school or schools within the guidelines established by said board. The major area of such responsibility shall be the general supervision of all the school and all school activities involving pupils, teachers and other school personnel.

(3) "Supervisor": The professional educator who, whether by this or other appropriate title, is responsible for working primarily in the field with professional and/or other personnel in instructional and other school improvement.

(4) "Central officer administrator": The superintendent, associate superintendent, assistant superintendent, and other professional educators, whether by these or other appropriate titles, who are charged with the administering and supervising of the whole or some assigned part of the total program of the county-wide school system.

(d) "Other professional employee" shall mean that person from another profession who is properly licensed and is employed to serve the public schools and shall include a registered professional nurse, licensed by the West Virginia board of examiners for registered professional nurses and employed by a county board of education, who has completed either a two-year (sixty-four semester hours) or a three-year (ninety-six semester hours) nursing program.

(e) "Service personnel" shall mean those who serve the school or schools as a whole, in a nonprofessional capacity, including such areas as secretarial, custodial, maintenance, transportation, school lunch, and as aides.

ARTICLE 2. SCHOOL PERSONNEL.

§18A-2-5. Employment of service personnel.

The board is authorized to employ such service personnel as is deemed necessary for meeting the needs of the county school system. Before entering upon their duties such personnel shall execute with the board a written contract which
may be in letter form and shall state the classification and
terms of work, the employment period and pay, and shall
certify that said employment has been made a matter of mi-
nette record. The letter shall provide space for an acceptance
 provision and shall be signed and returned to the board by
the employee, or otherwise he shall forfeit his right to
employment.

Under such regulation and policy as may be established by
the county board, service personnel selected and trained for
teacher-aide classifications, such as monitor aide, clerical
aide, classroom aide and general aide, shall work under the
direction of the principal and teachers to whom assigned.

§18A-2-6. Termination of employment of service personnel.

After three years of acceptable employment, each service
personnel who enters into a new contract of employment
with the board shall be granted continuing contract status.
The continuing contract of any such employee shall remain in
full force and effect except as modified by mutual consent of
the school board and the employee, unless and until termi-
nated with written notice, stating cause or causes, to the
employee, by a majority vote of the full membership of the
board before the first day of April of the then current year, or
by written resignation of the employee before that date. The
affected employee shall have the right of a hearing before the
board, if requested, before final action is taken by the board
upon the termination of such employment.

Those employees who have completed three years of ac-
ceptable employment as of the effective date of this legisla-
tion shall be granted continuing contract status.
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On and after the first day of July, one thousand nine hundred eighty-one, each teacher shall receive the amount prescribed in the “state minimum salary schedule” as set forth in this section, specific additional amounts prescribed in this article, and any county supplement in effect in a county during the contract year.

§18A-4-3. Salary increments for principals.
In addition to the present recommended salary schedules in each county for principals, the following schedule of monthly salary increments for principals shall be paid from state funds appropriated therefor, beginning with the fiscal year commencing on the first day of July, one thousand nine hundred eighty-one.

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§18A-4-7. Substitute teachers pay.
The pay of a substitute teacher shall not be less than eighty-five percent of the daily rate of the state basic salary paid to teachers: Provided, That any substitute teacher who teaches in excess of five consecutive instructional days in the
same position shall, thereafter, not be paid less than eighty-five percent of the daily rate of the state advanced salary to which his teaching experience entitles him: Provided, however, That any substitute teacher who teaches in excess of thirty days in the same position shall be paid the daily rate of the advanced salary, within his county, to which his teaching experience entitles him, retroactive to the sixth day of employment.

§18A-4-8. Employment term and class titles of service personnel; definitions.

The purpose of this section is to establish an employment term and class titles for service personnel. The employment term for service personnel shall be no less than ten months, a month being defined as twenty employment days: Provided, that the county board of education may contract with all or part of these personnel for a longer term. The beginning and closing dates of the ten-month term shall not exceed forty-three weeks. Service personnel employed on a yearly or twelve-month basis may be employed by calendar months. Whenever there is a change in job assignment during the school year, the minimum pay scale and any county supplement shall be applicable.

Service personnel employed in the same classification for more than the two hundred day minimum employment term shall be paid for additional employment at a daily rate of not less than the daily rate paid for the two hundred day minimum employment term.

No service employee, without his agreement, shall be required to report for work more than five days per week and no part of any working day may be accumulated by the employer for future work assignments, unless the employee agrees thereto.

Custodians required to work a daily work schedule that is interrupted, that is, who do not work a continuous period in one day, shall be paid additional compensation which shall be equal to at least one eighth of their total salary as provided by their state minimum salary and any county pay supplement, and payable entirely from county funds.

Upon the change in classification or upon meeting the requirements of an advanced classification of or by any employee, his salary shall be made to comply with the requirements of this article, and to any county salary
schedule in excess of the minimum requirements of this article, based upon his advanced classification and allowable years of employment.

An employee's contract as provided in sections four and five, article two of this chapter shall state the appropriate monthly salary the employee is to be paid based on the class title as provided in this article and any county salary schedule in excess of the minimum requirements of this article.

The column heads of the state minimum pay scale and class titles, set forth in section eight-a of this article, are defined as follows:

"Pay grade" means the monthly salary applicable to class titles of service personnel.

"Years of employment" means the number of years which an employee classified as service personnel has been employed by a board of education in any position prior to or subsequent to the effective date of this section and including service in the armed forces of the United States if the employee were employed at the time of his induction. For the purpose of section eight-a of this article, years of employment shall be limited to the number of years shown and allowed under the state minimum pay scale as set forth in section eight-a of this article.

"Class title" means the name of the position or job held by service personnel.

"Accountant I" means personnel employed to maintain payroll records and reports and perform one or more operations relating to a phase of the total payroll.

"Accountant II" means personnel employed to maintain accounting records and to be responsible for the accounting process associated with billing, budgets, purchasing and related operations.

"Accountant III" means personnel who are employed in the county board of education office to manage and supervise accounts payable and/or payroll procedures.

"Aide I" means those personnel selected and trained for teacher-aide classifications such as monitor aide, clerical aide, classroom aide or general aide.

"Aide II" means those personnel referred to in the "Aide I" classification who have completed a training program approved by the state board of education, or who hold a high school diploma or have received a general educational development certificate.
“Aide III” means those personnel referred to in the “Aide I” classification who hold a high school diploma or a general educational development certificate, and have completed six semester hours of college credit at a higher educational institution.

“Audiovisual technician” means personnel employed to perform minor maintenance on audiovisual equipment, films, supplies and the filling of requests for equipment.

“Bus operator” means personnel employed to operate school buses and other school transportation vehicles as provided by the state board of education.

“Buyer” means personnel employed to review and write specifications, negotiate purchase bids and recommend purchase agreements for materials and services that meet predetermined specifications at the lowest available costs.

“Cabinet maker” means personnel employed to construct cabinets, tables, bookcases and other furniture.

“Cafeteria manager” means personnel employed to direct the operation of a food services program in a school, including assigning duties to employees, approving requisitions for supplies and repairs, keeping inventories, inspecting areas to maintain high standards of sanitation, preparing financial reports and keeping records pertinent to food services of a school.

“Carpenter I” means personnel classified as a carpenter’s helper.

“Carpenter II” means personnel classified as a journeyman carpenter.

“Chief mechanic” means personnel employed to be responsible for directing activities which ensure that student transportation or other board-owned vehicles are properly and safely maintained.

“Clerk I” means personnel employed to perform clerical tasks.

“Clerk II” means personnel employed to perform general clerical tasks, prepare reports and tabulations and operate office machines.

“Computer operator” means qualified personnel employed to operate computers.

“Cook I” means personnel employed as a cook’s helper.

“Cook II” means personnel employed to interpret menus, to prepare and serve meals in a food service program of a school and shall include personnel who have been employed
as a "Cook I" for a period of four years, if such personnel have not been elevated to this classification within that period of time.

"Cook III" means personnel employed to prepare and serve meals, make reports, prepare requisitions for supplies, order equipment and repairs for a food service program of a school system.

"Crew leader" means personnel employed to organize the work for a crew of maintenance employees to carry out assigned projects.

"Custodian I" means personnel employed to keep buildings clean and free of refuse.

"Custodian II" means personnel employed as a watchman or groundsman.

"Custodian III" means personnel employed to keep buildings clean and free of refuse, to operate the heating or cooling systems and to make minor repairs.

"Custodian IV" means personnel employed as head custodians. In addition to providing services as defined in "Custodian III," their duties may include supervising other custodian personnel.

"Director or coordinator of services" means personnel not defined as professional personnel or professional educators in section one, article one of this chapter, who are assigned to direct a department or division.

"Draftsman" means personnel employed to plan, design and produce detailed architectural/engineering drawings.

"Electrician I" means personnel employed as an apprentice electrician helper or who holds an electrician helper license issued by the state fire marshal.

"Electrician II" means personnel employed as an electrician journeyman or who holds a journeyman electrician license issued by the state fire marshal.

"Electronic technician I" means personnel employed at the apprentice level to repair and maintain electronic equipment.

"Electronic technician II" means personnel employed at the journeyman level to repair and maintain electronic equipment.

"Executive secretary" means personnel employed as the county school superintendent's secretary or as a secretary who is assigned to a position characterized by significant administrative duties.
“Food services supervisor” means qualified personnel not defined as professional personnel or professional educators as in section one, article one of this chapter, employed to manage and supervise a county school system's food service program. The duties would include preparing in-service training programs for cooks and food service employees, instructing personnel in the areas of quantity cooking with economy and efficiency, and keeping aggregate records and reports.

“Foreman” means skilled persons employed for supervision of personnel who work in the areas of repair and maintenance of school property and equipment.

“General maintenance” means personnel employed as helpers to skilled maintenance employees and to perform minor repairs to equipment and buildings of a county school system.

“Glazier” means personnel employed to replace glass or other materials in windows and doors and to do minor carpentry tasks.

“Graphic artist” means personnel employed to prepare graphic illustrations.

“Groundsmen” means personnel employed to perform duties that relate to the appearance, repair and general care of school grounds in a county school system. Additional assignments may include the operation of a small heating plant and routine cleaning duties in buildings.

“Handyman” means personnel employed to perform routine manual tasks in any operation of the county school system.

“Heating and air conditioning mechanic I” means personnel employed at the apprentice level to install, repair and maintain heating and air conditioning plants and related electrical equipment.

“Heating and air conditioning mechanic II” means personnel employed at the journeyman level to install, repair and maintain heating and air conditioning plants and related electrical equipment.

“Heavy equipment operator” means personnel employed to operate heavy equipment.

“Inventory supervisor” means personnel who are employed to supervise or maintain operations in the receipt, storage, inventory and issuance of materials and supplies.
“Key punch operator” means qualified personnel employed to operate key punch machines or verifying machines.

“Locksmith” means personnel employed to repair and maintain locks and safes.

“Lubrication man” means personnel employed to lubricate and service gasoline or diesel-powered equipment of a county school system.

“Machinist” means personnel employed to perform machinist tasks which include the ability to operate a lathe, planer, shaper, threading machine and wheel press. Such personnel should also have ability to work from blueprints and drawings.

“Maintenance clerk” means personnel employed to maintain and control a stocking facility to keep adequate tools and supplies on hand for daily withdrawal for all school maintenance crafts.

“Mason” means personnel employed to perform tasks connected with brick and block laying and carpentry tasks related to such laying.

“Mechanic” means personnel employed who can independently perform skilled duties in the maintenance and repair of automobiles, school buses and other mechanical and mobile equipment to use in a county school system.

“Mechanic assistant” means personnel employed as a mechanic apprentice and helper.

“Office equipment repairman I” means personnel employed as an office equipment repairman apprentice or helper.

“Office equipment repairman II” means personnel responsible for servicing and repairing all office machines and equipment. Personnel shall be responsible for parts being purchased necessary for the proper operation of a program of continuous maintenance and repair.

“Painter” means personnel employed to perform duties of painting, finishing and decorating of wood, metal and concrete surfaces of buildings, other structures, equipment, machinery and furnishings of a county school system.

“Plumber I” means personnel employed as an apprentice plumber and helper.

“Plumber II” means personnel employed as a journeyman plumber.
“Printing operator” means personnel employed to operate duplication equipment, and as required, to cut, collate, staple, bind and shelve materials.

“Printing supervisor” means personnel employed to supervise the operation of a print shop.

“Programmer” means personnel employed to design and prepare programs for computer operation.

“Roofing/sheet metal mechanic” means personnel employed to install, repair, fabricate and maintain roofs, gutters, flashing and duct work for heating and ventilation.

“Sanitation plant operator” means personnel employed to operate and maintain a water or sewage treatment plant to ensure the safety of the plant's effluent for human consumption or environmental protection.

“School bus supervisor” means qualified personnel employed to assist in selecting school bus operators and routing and scheduling of school buses, operate a bus when needed, relay instructions to bus operators, plan emergency routing of buses and promoting good relationships with parents, pupils, bus operators and other employees.

“Secretary I” means personnel employed to transcribe from notes or mechanic equipment, receive callers, perform clerical tasks, prepare reports and operate office machines.

“Secretary II” means personnel employed in any elementary, secondary, kindergarten, nursery, special education, vocational or any other school as a secretary. The duties may include performing general clerical tasks, transcribing from notes or stenotype or mechanical equipment or a sound-producing machine, preparing reports, receiving callers and referring them to proper persons, operating office machines, keeping records and handling routine correspondence. There is nothing implied herein that would prevent such employees from holding or being elevated to a higher classification.

“Secretary III” means personnel assigned to the county board of education office administrators in charge of various instructional, maintenance, transportation, food services, operations and health departments, federal programs or departments with particular responsibilities of purchasing and financial control.

“Supervisor of maintenance” means skilled personnel not defined as professional personnel or professional educators as in section one, article one of this chapter. His
responsibilities would include directing the upkeep of buildings and shops, issuing instructions to subordinates relating to cleaning, repairs and maintenance of all structures, mechanical and electrical equipment of a board of education.

"Supervisor of transportation" means qualified personnel employed to direct school transportation activities, properly and safely, and to supervise the maintenance and repair of vehicles, buses, and other mechanical and mobile equipment used by the county school system.

"Switchboard operator-receptionist" means personnel employed to refer incoming calls, to assume contact with the public, to direct and to give instructions as necessary, to operate switchboard equipment and to provide clerical assistance.

"Truck driver" means personnel employed to operate light or heavy duty gasoline and diesel-powered vehicles.

"Warehouse clerk" means personnel employed to be responsible for receiving, storing, packing and shipping goods.

"Watchman" means personnel employed to protect school property against damage or theft. Additional assignments may include operation of a small heating plant and routine cleaning duties.

"Welder" means personnel employed to provide acetylene or electric welding services for a school system.

In addition to the compensation provided for in section eight-a of this article, for service personnel, each service employee shall, notwithstanding any provisions in this code to the contrary, be entitled to all service personnel employee rights, privileges and benefits provided under this or any other chapter of this code without regard to such employee's hours of employment or the methods or sources of compensation.

Service personnel whose years of employment exceed the number of years shown and provided for under the state minimum pay scale set forth in section eight-a of this article, may not be paid less than the amount shown for the maximum years of employment shown and provided for in the classification in which he is employed.

The county board of education may establish salary schedules which shall be in excess of the state minimum fixed by this article, these county schedules to be uniform throughout the county with regard to any training
classification, experience, years of employment, responsibility, duties, pupil participation, pupil enrollment, size of buildings, operation of equipment or other requirements. Uniformity shall apply to any additional salary increments or compensation for all persons performing like assignments and duties within the county.

In establishing such local salary schedules, no county, after the first day of July, one thousand nine hundred eighty-one, shall reduce the amount of money that is the difference between the existing state minimum pay scale and the county's pay scale as of the first day of January, one thousand nine hundred eighty-one, except that a county's pay scale may be reduced when such pay scale is provided from excess levy funds and such excess levy is not renewed.

The county boards shall review each service personnel employee job classification annually and shall reclassify all service employees as required by such job classifications. The state superintendent of schools is hereby authorized to withhold state funds appropriated pursuant to this article for salaries for service personnel who are improperly classified by such county boards. Further, he shall order county boards to correct immediately any improper classification matter and with the assistance of the attorney general shall take any legal action necessary against any county board to enforce such order.

The state board of education is authorized to establish other class titles of service personnel positions and jobs not listed in this section. The state board of education is further authorized to provide appropriate pay grades for such positions and jobs but pay shall be established within the minimum salary scale in section eight-a of this article.

No service employee, without his written consent, may be reclassified by class title or relegated to any condition of employment which would result in a reduction of his salary, rate of pay, compensation or benefits earned during the current fiscal year or which would result in a reduction of his salary, rate of pay, compensation or benefits for which he would qualify by continuing in the same job position and classification held during said fiscal year.

Any board failing to comply with the provisions of this article may be compelled to do so by mandamus, and shall be liable to any party prevailing against the board for court costs.
and his reasonable attorney fee, as determined and established by the court.
The new provisions of this section shall become effective the first day of July, one thousand nine hundred eighty-one.

§18A-4-8a. Service personnel minimum monthly salaries.

STATE MINIMUM PAY SCALE

<table>
<thead>
<tr>
<th>PAY GRADE</th>
<th>CLASS TITLE</th>
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<tbody>
<tr>
<td>A</td>
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</tr>
<tr>
<td>C</td>
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<td>F</td>
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<tr>
<td>D</td>
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<td>F</td>
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<td>C</td>
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<tr>
<td>G</td>
<td>Audiovisual Technician</td>
<td>C</td>
</tr>
<tr>
<td>H</td>
<td>Bus Operator</td>
<td>D</td>
</tr>
<tr>
<td>I</td>
<td>Buyer</td>
<td>F</td>
</tr>
<tr>
<td>J</td>
<td>Cabinet Maker</td>
<td>G</td>
</tr>
<tr>
<td>K</td>
<td>Cafeteria Manager</td>
<td>D</td>
</tr>
<tr>
<td>L</td>
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<td>Director or Coordinator of Services</td>
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<td>27</td>
<td>Draftsman</td>
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<td>28</td>
<td>Electrician I</td>
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<td>31</td>
<td>Electronic Technician II</td>
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<td>32</td>
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<td>37</td>
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<td>Office Equipment Repairman I</td>
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<td>53</td>
<td>Office Equipment Repairman II</td>
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<td>54</td>
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<tr>
<td>Service Employee</td>
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<td>School Bus Supervisor</td>
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<td>Supervisor of Maintenance</td>
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<td>Supervisor of Transportation</td>
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<td>Warehouse Clerk</td>
<td>C</td>
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<td>Watchman</td>
<td>B</td>
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<tr>
<td>Welder</td>
<td>F</td>
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</tbody>
</table>

On and after the first day of July, one thousand nine hundred seventy-nine, the minimum monthly pay for each service employee whose employment is for a period of more than three and one-half hours a day shall be at least the amounts indicated in the "state minimum pay scale" as set forth in this section, and the minimum monthly pay for each service employee whose employment is for a period of three and one-half hours or less a day shall be at least one half the amount indicated in the "state minimum pay scale" set forth in this section.

Any service employee required to work on any legal holiday shall be paid at a rate one and one-half times his usual hourly rate.

§18A-5-4a. Educational or service meetings.

A county board of education may approve the attendance of any or all service personnel at educational conventions, conferences, or school service meetings of service personnel on school days when in the judgment of the superintendent it is necessary or desirable. Attendance at such meetings may be substituted for an equal amount of employment and service personnel so attending shall not suffer loss of pay. Further, the board is authorized to pay all or any part of expenses of any personnel whom it may designate to represent the board at any such educational conventions,
conferences or school service meetings or in visitation to another school system.

CHAPTER 18. EDUCATION.

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.


For the purpose of this article:

"State board" means the West Virginia board of education.

"County board" or "board" means a county board of education.

"Professional salaries" means the state legal-mandated salaries of the professional educators as provided in article four, chapter eighteen-a of this code.

"Professional educator" shall be synonymous with and shall have the same meaning as "teacher" as defined in section one, article one, chapter eighteen of this code.

"Professional instructional personnel" means a professional educator whose regular duty is as that of a classroom teacher, librarian or counselor. A professional educator having both instructional and administrative or other duties shall be included as professional instructional personnel for that ratio of the school day for which he is assigned and serves on a regular full-time basis in appropriate instruction, library or counseling duties.

"Service personnel salaries" shall mean the state legal-mandated salaries for service personnel as provided in section eight-a, article four, chapter eighteen-a of the code.

"Service personnel" shall mean all personnel as provided for in section eight, article four, chapter eighteen-a of this code. For the purpose of computations under this article of ratios of service personnel to adjusted enrollment, a service employee shall be counted as that number found by dividing his number of employment days in a fiscal year by two hundred: Provided, however, That the computation for any such person employed for three and one-half hours or less per day as provided in section eight-a, article four, chapter eighteen-a of this code, shall be calculated as one half an employment day.

"Net enrollment" means the number of pupils enrolled in special education programs, early childhood programs and grades one to twelve, inclusive, of the public schools of the county.
"Adjusted enrollment" means the net enrollment plus twice the number of pupils enrolled for special education, all adjusted to the equivalent of the instructional term and in accordance with such eligibility requirements and regulations as established by the state board, but no pupil shall be counted more than once by reason of transfer within the county or from another county within the state, and no pupil shall be counted who attends school in this state from another state.

"Levies for general current expense purposes" means on each hundred dollars of valuation, twenty-two and five-tenths cents on Class I property, forty-five cents on Class II property, and ninety cents on Classes III and IV property.

"Average expenditure per pupil" for the state and the several counties means the total of (a) expenditures from, (b) transfers from and (c) current year outstanding obligations of a county's current expense fund budget plus (d) current year's property tax revenues collected for the permanent improvement fund minus (a) any expenditure, transfer or current year's outstanding obligation of federal funds and (b) revenues from increased levies approved by voters as provided in section ten, article X of the constitution of West Virginia in the current expense fund which net expenditure found is divided by the number of students in adjusted enrollment. The data used for such computation shall be that of the second preceding school year.

§18-9A-3. Total state basic foundation program.
1 The total basic foundation program for the state for any year shall be the sum of the computed costs for the counties in aggregate, as hereinafter determined, for the following:
2 (1) Allowance for professional educators;
3 (2) Allowance for service personnel;
4 (3) Allowance for fixed charges;
5 (4) Allowance for transportation cost;
6 (5) Allowance for administrative cost;
7 (6) Allowance for other current expense and substitute employees; and
8 (7) Allowance to improve instructional programs.

§18-9A-4. Foundation allowance for professional educators.
1 The basic foundation allowance to the county for professional educators shall be the amount of money required to pay the state minimum salaries, in accordance
with provisions of article four, chapter eighteen-a of the code, to such personnel employed: Provided, That in making this computation no county shall receive an allowance for such personnel which number is in excess of fifty-five professional educators to each one thousand students in adjusted enrollment: Provided, however, That any county not qualifying under the provision of section fourteen of this article shall be eligible for a growth rate in professional personnel in any one year not to exceed twenty percent of its total potential increase under this provision, except that in no case shall such limit be fewer than five professionals: Provided further, That the number of and the allowance for personnel paid in part by state and county funds shall be prorated: And provided further, That where two or more counties join together in support of a vocational or comprehensive high school or any other program or service, the professional educators for such school or program may be prorated among the participating counties on the basis of each one's enrollment therein and that such personnel shall be considered within the above-stated limit: And provided further, That in the school year beginning the first day of July, one thousand nine hundred eighty-two, and for each succeeding school year each county board shall establish and maintain a minimum ratio of forty-nine professional instructional personnel per one thousand students in adjusted enrollment and any county board which does not establish and maintain this minimum ratio shall suffer a pro rata reduction in the allowance for professional educators under this section, and, further, any county board which does not establish and maintain this minimum ratio shall utilize any and all allocations to it by provision of section fourteen of this article solely to employ professional instructional personnel until the minimum ratio is attained.

§18-9A-5. Foundation allowance for service personnel.

The basic foundation allowance to the county for service personnel shall be the amount of money required to pay the annual state minimum salaries in accordance with the provisions of article four, chapter eighteen-a of the code, to such service personnel employed: Provided, That no county shall receive an allowance for an amount in excess of thirty-four service personnel per one thousand students in adjusted enrollment; for any county which has in excess of
thirty-four service personnel per one thousand students in adjusted enrollment, such allowance shall be computed based upon the average state minimum pay scale salary of all service personnel in such county: Provided, however, That for any county having fewer than thirty-four service personnel per one thousand students in adjusted enrollment in any one year, the number of service personnel used in making this computation may be increased the succeeding year by no more than ten percent of its total potential increase under this provision, except that in no case shall such limit be fewer than two service personnel until the county attains the maximum ratio set forth: Provided further, That where two or more counties join together in support of a vocational or comprehensive high school or any other program or service, the service personnel for such school or program may be prorated among the participating counties on the basis of each one's enrollment therein and that such personnel shall be considered within the above-stated limit.

§18-9A-6. Foundation allowance for fixed charges.

The total allowance for fixed charges shall be the sum of the following:

1. The sum of the foundation allowance for professional educators and the foundation allowance for other personnel, as determined in sections four and five above, multiplied by the current social security rate of contribution; plus

2. The sum of the foundation allowance for professional educators and the foundation allowance for other personnel, as determined in sections four and five above, multiplied by the current rate of unemployment compensation contribution set out in section five, article five, chapter twenty-one-a, for employers who have been employers for less than thirty-six months, plus the rate set out in paragraph (b), section five, article five, chapter twenty-one-a, as long as said additional tax shall continue; plus

3. The sum of the foundation allowance for professional educators and the foundation allowance for other personnel, as determined in sections four and five above, multiplied by the rate which is derived by dividing the total contributions for workman's compensation for professional educators and other personnel by the total of the state minimum salaries. The computation of this rate shall be determined by using data of the most recent year for which available.
1 The allowance in the foundation school program for each county for transportation shall be the sum of the following computations:
2 (1) Eighty percent of the transportation cost within each county for maintenance, operation and related costs, exclusive of all salaries;
3 (2) The total cost, within each county, of insurance premiums on buses, buildings and equipment used in transportation: Provided, That such premiums were procured through competitive bidding;
4 (3) An amount equal to eleven and one-tenth percent of the current replacement value of the bus fleet within each county as determined by the state board, such amount to be used only for the replacement of buses: Provided, That the percentages used shall be twelve percent for the school year beginning the first day of July, one thousand nine hundred eighty-two, and twelve and five-tenths percent for the school year beginning on the first day of July, one thousand nine hundred eighty-three and thereafter;
5 (4) Eighty percent of the cost of contracted transportation services and public utility transportation with each county; and
6 (5) Aid in lieu of transportation equal to the state average amount per pupil for each pupil receiving such aid within each county.
7 The total state share for this purpose shall be the sum of the county shares: Provided, That no county shall receive an allowance which is greater than one third above the computed state average allowance per mile multiplied by the total mileage in the county.

1 The allowance for administrative cost shall be equal to seven-tenths of one percent of the allocation for professional educators, as determined in section four of this article. Distribution of the computed allowance shall be made to the counties in equal amounts.

§18-9A-9. Foundation allowance for other current expense and substitute employees.
1 The total allowance for other current expense and substitute employees shall be the sum of the following:
(1) For current expense, four percent of the sum of the computed state allocation for professional educators and service personnel as determined in sections four and five of this article. Distribution to the counties shall be made proportional to adjusted enrollment; plus

(2) For professional educator substitutes or current expense, two and five-tenths percent of the computed state allocation for professional educators as determined in section four of this article. Distribution to the counties shall be made proportional to the total county allocation for professional educators; plus

(3) For service personnel substitutes or current expense, two and five-tenths percent of the computed state allocation for service personnel as determined in section five of this article. Distribution to the counties shall be made proportional to the total county allocation for service personnel.

§18-9A-10. Foundation allowance to improve instructional programs.

Commencing with the school year beginning on the first day of July, one thousand nine hundred eighty-two, funds which accrue from allocations due to increase in total local share above that computed for the school year beginning on the first day of July, one thousand nine hundred eighty-one, from balances in the general school fund, or from appropriations for such purpose shall be allocated to increase state support of counties as follows:

Twenty percent of the accrued funds shall be allocated to the counties proportional to adjusted enrollment and eighty percent of the accrued funds shall be allocated according to the following plan for progress toward and to basic pupil-expenditure equity.

Beginning with the county which has the lowest average expenditure per pupil and progressing through the counties successively to and beyond the county with the highest average expenditure per pupil, the funds available shall be allocated in amounts necessary to increase moneys available to the county or counties to the expenditure per pupil level, as nearly as is possible, of the county having the next higher expenditure per pupil: Provided, That to be eligible for its allocation under this section, a county board shall lay the maximum regular tax rates set out in section six-c, article...
Provided, however, That moneys allocated by provision of this section shall be used to improve instructional programs according to a plan for instructional improvement which the affected county boards shall file with the state board by the first day of August of each year, to be approved by the state board by the first day of September of that year if such plan substantially complies with standards to be adopted by the state board: Provided further, That no part of this allocation may be used to employ professional educators in counties until and unless all applicable provisions of sections four and fourteen of this article have been fully utilized. Such instructional improvement plan shall be made available for distribution to the public at the office of each affected county board.


(a) On the basis of the most recent survey of property valuations in the state, completed as to all classes of property in all counties determined by the tax commissioner under present or former provisions of this article, the state board shall for each county compute by application of the levies for general current expense purposes, as defined in section two of this article, the amount of revenue which such levies would produce if levied upon one hundred percent of the appraised value of each of the several classes of property contained in the report or revised report of such value, made to it by the tax commissioner as follows: (1) The state board shall first make ninety-seven and one-half percent of the amount ascertained by applying these rates to the total assessed public utility valuation in each classification of property in the county. (2) The state board shall then apply these rates to the appraised value of other property in each classification in the county as determined by the tax commissioner and shall deduct therefrom five percent as an allowance for the usual losses in collections due to discounts, exonerations, delinquencies and the like. Fifty percent of the amount so determined shall be added to the ninety-seven and one-half percent of public utility taxes computed as provided above and this total shall be the local share of the particular county. Effective the first day of July, one thousand nine hundred eighty-two, fifty-five percent of the amount so determined shall be added to the ninety-seven and one-half percent of
public utility taxes computed as provided above and this total shall be the local share of the particular county.

(b) The tax commissioner shall make or cause to be made an appraisal in the several counties of the state of all nonutility real property and of all nonutility personal property which shall be based upon true and actual value as set forth in article three, chapter eleven of this code. In determining the value of personal property—other than all machinery, equipment, furniture and fixtures of any industrial plant, mine, quarry or installation and of any commercial, industrial or professional establishment—the tax commissioner shall prescribe accepted methods of determining such values. The tax commissioner shall in accordance with such methods determine the value of such property.

For the purpose of appraising commercial, industrial and professional properties, the tax commissioner, after consultation with the county commission, may employ a competent property appraisal firm or firms, which appraisals shall be under his supervision and direction.

In making or causing to be made such appraisal, the tax commissioner shall employ such assistance as available appropriations will permit and shall prescribe and use such accepted methods and procedures for checking property values and determining the amount of property in the several classes of property provided by law as are customarily employed for appraisal purposes.

(c) Such appraisal of all said property in the several counties shall be completed prior to the first day of July, one thousand nine hundred sixty-seven. Each year after the completion of the property appraisal in a county the tax commissioner shall maintain the appraisal by making or causing to be made such surveys, examinations, audits, maps and investigations of the value of the several classes of property in each county which should be listed and taxed under the several classifications, and shall determine the appraised value thereof. On the basis of information so ascertained, the tax commissioner shall annually revise his reports to the Legislature and to the state board concerning such appraisals, such reports to be made not later than the first day of January of each year.

(d) The tax commissioner shall prescribe appropriate methods for the appraisal of the various types of property
subject to taxation as public utilities and the types of
property which are to be included in the operating property
of a public utility and thereby not subject to taxation by the
county assessor. Only parcels or other property, or portions
thereof, which are an integral part of the public utility's
function as a utility shall be included as operating property.

(e) As information from such appraisal of property in a
county under the provisions of this section becomes available
for a district, municipality and county, the tax commissioner
shall notify the county commission and the assessor of said
county that such information is available and shall make
available to said county commission and assessor all data,
records and reports or other information relating to said
work, along with a list of any properties in said district,
municipality and county which are entered on the assessment
rolls but for which no appraisal has been made, a list of any
properties which were appraised but which cannot be found
on the assessment rolls and a list of all properties carried on
the assessment rolls which have not been identified on the
map. Said list shall set forth the name of the owner and a
description of the property and the reason, if known, for its
failure to have been entered on the assessment rolls or to have
been appraised or to have been identified on the map, as the
case may be.

(f) As such appraisal of property in a county, under this
section, is completed to the extent that a total valuation for
each class of property can be determined, such appraisal shall
be delivered to the assessor and the county commission, and
in each assessment year commencing after such appraisal is
so delivered and received, the county assessor and the county
commission, sitting as a board of equalization and review,
shall use such appraised valuations as a basis for determining
the true and actual value for assessment purposes of the
several classes of property. The total assessed valuation in
each of the four classes of property shall not be less than fifty
percent nor more than one hundred percent of the appraised
valuation of each said class of property: Provided, however,
That beginning July one, one thousand nine hundred
eighty-one, the total assessed valuation in each of the four
classes of property shall not be less than sixty percent of the
appraised valuation of each said class of property.

(g) Whenever in any year a county assessor or a county
commission shall fail or refuse to comply with the provisions
of this section in setting the valuations of property for
assessment purposes in any class or classes of property in the
county, the state tax commissioner shall review the
valuations for assessment purposes made by the county
assessor and the county commission and shall direct the
county assessor and the county commission to make such
corrections in the valuations as may be necessary so that they
shall comply with the requirements of chapter eleven of this
code and this section, and the tax commissioner shall enter
the county and fix the assessments at the required ratios.
Refusal of the assessor or the county commission to make
such corrections shall constitute grounds for removal from
office.

(h) In any year in which the total assessed valuation of a
county shall fail to meet the minimum requirements above
set forth, the county commission of such county shall allocate
for such year to the county board of education from the tax
levies allowed to the county commission a sufficient portion
of its levies as will, when applied to the valuations for
assessment purposes of such property in the county, provide
a sum of money equal to the difference between the amount
of revenue which will be produced by application of the
allowable school levy rates defined in section two of this
article upon the valuations for assessment purposes of such
property and the amount of revenue which would be yielded
by the application of such levies to fifty percent of the total of
appraised valuations of such property. In the event the
county commission shall fail or refuse to make the
reallocation of levies as provided for herein, the county board
of education, the tax commissioner, the state board, or any
other interested party, shall have the right to enforce the same
by writ of mandamus in any court of competent jurisdiction.

(i) In conjunction with and as a result of the appraisal
herein set forth the tax commissioner shall have the power,
and it shall be his duty, to establish a permanent records
system for each county in the state, consisting of:

(1) Tax maps of the entire county drawn to scale or aerial
maps, which maps shall indicate all property and lot lines, set
forth dimensions or areas, indicate whether the land is
improved, and identify the respective parcels or lots by a
system of numbers or symbols and numbers, whereby the
ownership of such parcels and lots can be ascertained by
(2) Property record cards arranged geographically according to the location of property on the tax maps, which cards shall set forth the location and description thereof, the acreage or dimensions, description of improvements, if any, the owner's name, address and date of acquisition, the purchase price, if any, set forth in the deed of acquisition, the amount of tax stamps, if any, on the deed, the assessed valuation, and the identifying number or symbol and number, shown on the tax map; and

(3) Property owner's index consisting of an alphabetical listing of all property owners, setting forth brief descriptions of each parcel or lot owned and cross-indexed with the property record cards and the tax map.

(j) The tax commissioner is hereby authorized and empowered to enter into such contracts as may be necessary, and for which funds may be available, to establish the permanent records system herein provided for, or may through his staff and employees, prepare and complete such system.

All microfilm photography and original copies of tax maps created under the provisions of this section are the property of the state of West Virginia and the reproduction, copying, distribution or sale of such microfilm, photography or tax maps or any copies thereof without the written permission of the state tax commissioner is prohibited. Any person who shall violate the provisions of this paragraph shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars nor more than three hundred dollars, or imprisoned in the county jail not less than thirty days nor more than one year, or both fined and imprisoned. Magistrates shall have concurrent jurisdiction with other courts having jurisdiction for the trial of all misdemeanors arising under this paragraph.

The tax commissioner shall by uniform regulations establish a procedure for the sale of reproduction of microfilm, photography and maps and may pay for having such reproductions made from the appropriation for "property appraisal." Any funds received as a result of the sale of such reproductions shall be deposited to the appropriated account from which the payment for reproduction is made.
(k) The cost of conducting the appraisal herein provided for shall be borne jointly by the state and the several counties in the following manner and terms: There shall be appropriated from the general revenue fund annually an amount sufficient to maintain the appraisal in all counties of the state. Each county shall furnish, through its county commission, not more than ten percent of the cost of such appraisal or reappraisal and permanent records system for each county. Such county costs may be paid over a period of three years with the approval of the tax commissioner. In those instances where the cost of the appraisal, reappraisal or permanent records system required by this section has been paid by the tax commissioner from funds appropriated for these purposes, the share of such cost allocated to each county shall, upon receipt thereof by the tax commissioner, be deposited to the appropriated account from which such payments have been made. In those instances where a county has heretofore employed a professional appraisal firm to conduct an appraisal or reappraisal of all or part of nonutility property within the past seventeen years, and such appraisal has been accepted by the tax commissioner, with the county having borne in excess of ten percent of the cost of such appraisal, reappraisal, and permanent records system, monetary reimbursement of one third of such excess costs shall be made by the tax commissioner from funds appropriated for such purpose, to such county, yearly, for a period of three years, in order to establish the joint sharing of such costs as hereinbefore set forth.

(l) The county assessor and the county commission shall comply with the provisions of chapter eleven of this code in determining the true and actual value of property for assessment purposes and shall not arbitrarily use a direct percentage application to the appraisal valuations, whether complete appraisal or spot survey, of any class of property or property within a class for such purposes.

(m) The provisions of this section shall not be construed to alter or repeal in any manner the provisions of chapter eleven of this code, but shall be construed in pari materia therewith and compliance with this section by the assessor and county commission shall be considered, pro tanto, as compliance with said chapter eleven.

For the fiscal year beginning on the first day of July, one thousand nine hundred eighty-one, and for the next four fiscal years, there shall be an allowance for loss reduction which shall be distributed as provided in this section.

In order to determine which counties are entitled to such allowance, and the amount of such allowance, the state board shall first compute the amount to be received by each county from the regular state aid appropriation for the fiscal year beginning on the first day of July, one thousand nine hundred eighty-one, allocated as provided in section twelve of this article. The state board shall then compare such amount with the state aid which each such county would have received from the plan in effect during the fiscal year one thousand nine hundred eighty-one thousand nine hundred eighty-one. The state board shall then compute the amount of each county's salary increase for professional educators and for service personnel to which it adds an amount for fixed charges computed as provided in section six of this article and the increase allowed for bus fleet replacement. The state board shall then determine which counties' salary increase plus allocated fixed charges and increase allowed for bus fleet replacement exceeds the difference in state aid from the cited years and the amount of this excess found shall be allocated to the affected counties from funds appropriated for this purpose for the fiscal years beginning the first day of July, one thousand nine hundred eighty-one, eighty-two, eighty-three, eighty-four and eighty-five.


(a) In order to encourage counties to move toward new and improved programs and to reduce class size, counties having ratios of adjusted enrollment to professional staff higher than the state average will be granted advance funds to employ sufficient additional staff to reach the state average: Provided, That in any one fiscal year no more than one half of such additional staff may be counted under this provision. Such funds shall be granted to each eligible county based on data at the end of the second month of school but only on the basis of actual staff members employed.

(b) Counties having ratios of adjusted enrollment to service personnel higher than the state average will be granted funds to employ service personnel to progress toward the state average: Provided, That in any fiscal year the
number of service personnel for which funds are allocated
shall not exceed that number of service personnel by which
the counties' computations for allocations may be increased
as provided in section five of this article.

(a) The Legislature finds that continual evaluation,
long-term planning, maintenance and improvement of
educational facilities on the basis of need on a statewide level
is necessary to provide for a thorough and efficient system of
free schools; and that the Legislature is in need of
information relative to alternative approaches for the
financing of a comprehensive, ongoing program of facility
construction and renovation.
(b) There shall be established within the state department
of education a division of facilities planning which shall be
responsible for the planning of school facility construction
and renovation on a statewide basis. Such division shall: (1)
study alternative approaches to the financing of an ongoing,
comprehensive program of school facility construction and
renovation; (2) establish standards and criteria for the
construction of educational facilities; (3) assess the facility
needs of each county and update the same as appropriate; (4)
establish procedures for the allocation of projects on the basis
of need upon receipt of, and to the extent of, funding for such
purposes; (5) provide professional planning and assistance to
improve, expand or maintain school facilities on a statewide
basis. The division shall employ an architect or such other
professional, technical and support staff as are necessary to
carry out the purposes of this section.
(c) The state board of education shall submit a report to
the Legislature on or before the fifteenth day of January, one
thousand nine hundred eighty-two, proposing alternative
methods for financing an ongoing comprehensive program of
facilities construction on the basis of need. The division of
facilities planning shall provide an annual report of its
assessments and recommendations to the state board of
education.

On or before January one, one thousand nine hundred
eighty-two, the state board of education shall establish and
adopt standards for quality education and shall provide each
county board of education a copy thereof.
On or before July one, one thousand nine hundred eighty-two, and each July one thereafter, each county board of education shall file an annual specific program plan with the state department of education. The program plan shall, at a minimum, meet the statewide standards for educational quality as established by the state board of education.

The purpose of the program plan is to allow county boards of education flexibility in developing school improvement programs structured around locally identified needs, but in compliance with the standards adopted by the state board of education. Standards must be met in curriculum, finance, transportation, special education, facilities, textbooks, personnel qualifications and other such areas as determined by the state board of education.

The state department of education shall review the plans annually and conduct an on-site review of each county's educational program every fourth year. The state board of education shall have authority to issue three types of recognition status: (1) full approval, (2) probationary and (3) nonapproval.

**Full approval status** may be granted to a county board of education whose educational program has undergone an on-site evaluation by representatives of the state department of education and has met the minimal standards adopted by the state board of education. Full approval status shall be for a period not to exceed four years.

**Probationary status** is given to a county board of education whose educational program has not met the minimal standards. Probationary status is a warning that the county board of education must make specified improvements. If progress is not made toward meeting the minimum standards during the succeeding year, the county board of education is automatically placed on nonapproval status.

**Nonapproval status** is given to a county board of education which fails to submit an annual program plan, fails to give evidence of meeting the minimal standards or has not demonstrated a reasonable effort to meet such standards.

If a county board of education receives nonapproval status for two years in succession, the state board of education shall reduce public school support as provided under this article by three percent during the second year and thereafter as long as the county board of education is on nonapproval status.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

RP Baylor  
Chairman Senate Committee

Tony E. Whitlow  
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1981.

J. Paul Wicks  
Clerk of the Senate

V.A. Blankenship  
Clerk of the House of Delegates

Warren R. McGraw  
President of the Senate

Charles H. Ludlow Jr.  
Speaker House of Delegates

The within is approved the 19 day of May, 1981.

Governor