

Veto-1670

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

— ● —

## ENROLLED

Committee Substitute for  
HOUSE BILL No. 1670

(By ☒ Delegate Sattes & Delegate Phillips

— ● —

Passed March 8, 1986

In Effect July 1, 1986 Passage

**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
**FOR**

**H. B. 1670**

(By DELEGATE SATTES and DELEGATE PHILLIPS)

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[Passed March 8, 1986; in effect July 1, 1986.]

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AN ACT to amend and reenact sections nineteen-b, twenty-two and thirty-nine, article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to further amend said article five by adding thereto a new section, designated section fifteen-b; to amend and reenact sections three and four, article eight of said chapter; to amend and reenact section three-a, article nine of said chapter; to amend and reenact section thirteen, article nine-a, of said chapter; to amend and reenact section three, article three, chapter eighteen-a of said code; to amend and reenact sections two, three, eight-a and ten, article four of said chapter; and to further amend said article four by adding thereto a new section, designated section seventeen, all relating to education, public school support and the rights, duties and compensation of certain school personnel; providing for the establishment by county boards of education of programs for the prevention of child abuse and neglect and child assault; providing for the regulation and funding thereof; requiring county boards to request certain criminal conviction records of future employees; providing for the employment of temporary teachers for adult education classes and programs; limiting the rights and benefits accruing to such temporary teachers; providing min-

imum ratios for the employment of school nurses or the contracting of equivalent department of health services for certain grade levels; providing for reduced tuition for summer school; providing for minimum pay for teachers of certain summer school courses; providing guidelines for the mandatory employment of county school attendance directors; providing for the duties of such directors; extending the time in which county boards shall publish annual financial statements; continuing the allowance for loss reduction for one year at one third the current amount; providing for permanent certification of teachers after two renewals; increasing the state minimum salary for teachers, principals and assistant principals, and school service personnel; authorizing county boards to establish personal leave banks in accordance with the section and regulations of the state board; and providing minimum salaries and certain benefits for department of education employees at certain state institutions.

*Be it enacted by the Legislature of West Virginia:*

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

## **CHAPTER 18. EDUCATION.**

### **ARTICLE 5. COUNTY BOARD OF EDUCATION.**

**§18-5-15b. County boards of education; training in prevention of child abuse and neglect and child assault; regulations; funding.**

1 (a) In recognition of the findings of the Legislature as  
2 set forth in section one, article six-c, chapter forty-nine  
3 of this code, the Legislature further finds that public  
4 schools are able to provide a special environment for the  
5 training of children, parents and school personnel in the  
6 prevention of child abuse and neglect and child assault  
7 and that child abuse and neglect prevention and child  
8 assault prevention programs in the public schools are an  
9 effective and cost-efficient method of reducing the  
10 incidents of child abuse and neglect, promoting a  
11 healthy family environment and reducing the general  
12 vulnerability of children.

13 (b) County boards of education shall be required, to  
14 the extent funds are provided, to establish programs for  
15 the prevention of child abuse and neglect and child  
16 assault. Such programs shall be provided to pupils,  
17 parents and school personnel as deemed appropriate.  
18 Such programs shall be in compliance with regulations  
19 to be developed by the state board of education with the  
20 advice and assistance of the state department of human  
21 services and the department of public safety: *Provided,*  
22 That any such programs which substantially comply  
23 with the regulations adopted by the board and were in  
24 effect prior to the adoption of the regulations may be  
25 continued.

26 (c) Funds for implementing the child abuse and  
27 neglect prevention and child assault prevention pro-  
28 grams may be allocated to the county boards of  
29 education from the children's trust fund established  
30 pursuant to the provisions of article six-c, chapter forty-  
31 nine of this code or appropriated for such purpose by  
32 the Legislature.

33 (d) County boards of education shall request from the  
34 state criminal identification bureau the record of any  
35 and all criminal convictions relating to child abuse, sex-  
36 related offenses or possession of controlled substances  
37 with intent to deliver same for all of its future em-  
38 ployees. This request shall be made immediately after  
39 the effective date of this section, and thereafter as  
40 warranted.

**§18-5-19b. Adult education classes and programs; tuition; authority of county boards to contract with federal agencies.**

1 The board of education of any county shall have  
2 authority to provide classes and programs for adult  
3 education and to charge tuition for members of such  
4 classes and/or programs, such tuitions not to exceed in  
5 any case the actual cost of operation of such classes  
6 and/or programs. The county board of education shall  
7 also have authority to enter into contracts of agreement  
8 with authorized agencies of the federal government for  
9 the education of adults and to provide, assemble and  
10 house materials and equipment for efficient instruction  
11 in any and all such classes and/or programs, contract  
12 for instruction for the term of the class and/or program  
13 to be offered, and to use school facilities by way of  
14 buildings and equipment under the control of said  
15 board. Any funds accruing from such tuitions shall be  
16 credited to adult education in the current expense fund  
17 of the county board of education and reported each year  
18 as of June thirtieth in the manner required for other  
19 financial reports of the board.

20 The board of education of any county shall have  
21 authority to enter into contracts of agreement with  
22 temporary teachers for the purpose of teaching adult  
23 education classes or programs which do not exceed  
24 ninety days or seven hundred twenty hours. The  
25 appointment of a temporary teacher is a contract of  
26 agreement for the duration of the class or program and  
27 the temporary teacher shall not accrue benefits of  
28 retirement, personal leave, medical or life insurance,  
29 seniority rights, or any other provisions relating to  
30 salaries, wages and benefits pursuant to article four,  
31 chapter eighteen-a of this code: *Provided*, That such  
32 temporary appointment does not preclude the benefits  
33 mandated by federal law, workers' compensation and  
34 liability insurance coverage for the duration of the class  
35 or program.

**§18-5-22. Medical and dental inspection; school nurses.**

1 County boards of education shall provide proper

2 medical and dental inspections for all pupils attending  
 3 the schools of their county and shall further have the  
 4 authority to take any other action necessary to protect  
 5 the pupils from infectious diseases, including the  
 6 authority to require from all school personnel employed  
 7 in their county, certificates of good health and of  
 8 physical fitness.

9 For the school year one thousand nine hundred eighty-  
 10 six—eighty-seven, each county board of education shall  
 11 employ full-time at least one school nurse for every one  
 12 thousand eight hundred kindergarten through seventh  
 13 grade pupils in net enrollment or major fraction thereof.  
 14 For the school year one thousand nine hundred eighty-  
 15 seven—eighty-eight, and each school year thereafter,  
 16 each county board of education shall employ full-time at  
 17 least one school nurse for every one thousand five  
 18 hundred kindergarten through seventh grade pupils in  
 19 net enrollment or major fraction thereof: *Provided*, That  
 20 each county shall employ full-time at least one school  
 21 nurse: *Provided, however*, That a county board may  
 22 contract with a public health department for services  
 23 deemed equivalent to those required by this section in  
 24 accordance with a plan to be approved by the state  
 25 board: *Provided further*, That the state board shall  
 26 promulgate rules and regulations requiring the employ-  
 27 ment of school nurses in excess of the number required  
 28 by this section to ensure adequate provision of services  
 29 to severely handicapped pupils.

30 Any person employed as a school nurse shall be a  
 31 registered professional nurse properly licensed by the  
 32 West Virginia board of examiners for registered  
 33 professional nurses in accordance with article seven,  
 34 chapter thirty of this code.

**§18-5-39. Establishment of summer school programs;  
 tuition.**

1 Inasmuch as the present county school facilities for  
 2 the most part lie dormant and unused during the  
 3 summer months, and inasmuch as there are many  
 4 students who are in need of remedial instruction and  
 5 others who desire accelerated instruction, it is the

6 purpose of this section to provide for the establishment  
7 of a summer school program, which program is to be  
8 separate and apart from the full school term as  
9 established by each county.

10 The board of education of any county shall have  
11 authority to establish a summer school program utiliz-  
12 ing the public school facilities and to charge tuition for  
13 students who attend such summer school, such tuition  
14 not to exceed in any case the actual cost of operation of  
15 such summer school program: *Provided*, That any  
16 deserving pupil whose parents, in the judgment of the  
17 board, are unable to pay such tuition, may attend at a  
18 reduced charge or without charge. The county board of  
19 education shall have the authority to determine the term  
20 and curriculum of such summer schools based upon the  
21 particular needs of the individual county. The curricu-  
22 lum may include, but is not limited to, remedial  
23 instruction, accelerated instruction, and the teaching of  
24 manual arts. The term of such summer school program  
25 may not be established in such a manner as to interfere  
26 with the regular school term.

27 The county boards of education may employ as  
28 teachers for this summer school program any certified  
29 teacher. Certified teachers employed by the county  
30 board of education to teach in the summer school  
31 program shall be paid an amount to be determined by  
32 the board and shall enter into a contract of employment  
33 in such form as is prescribed by the county board of  
34 education: *Provided*, That teachers who teach summer  
35 courses of instruction which are offered for credit and  
36 which are taught during the regular school year shall  
37 be paid at the same daily rate such teacher would  
38 receive if paid in accordance with the then current  
39 minimum monthly salary in effect for teachers in that  
40 county.

41 Any funds accruing from such tuitions shall be  
42 credited to and expended within the existing framework  
43 of the general current expense fund of the county board  
44 of education.

ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.

**§18-8-3. Employment of county director of school attendance and assistants; qualifications; salary and traveling expenses; removal.**

1 The county board of education of every county, not  
2 later than the first day of August of each year, shall  
3 employ the equivalent of a full-time county director of  
4 school attendance if such county has a net enrollment  
5 of more than four thousand pupils, at least a half-time  
6 director of school attendance if such county has a net  
7 enrollment of less than four thousand pupils and such  
8 assistant attendance directors as deemed necessary.  
9 Such persons shall have the written recommendation of  
10 the county superintendent.

11 The county board of education may set up such special  
12 and professional qualifications for attendance directors  
13 and assistants as are deemed expedient and proper and  
14 are consistent with regulations of the state board of  
15 education relating thereto.

16 The attendance director or assistant director shall be  
17 paid a monthly salary as fixed by the county board.  
18 Before receiving such monthly salary, the attendance  
19 director or assistant director shall file with the county  
20 superintendent a certified statement showing the  
21 activities in school attendance service for the month and  
22 the number of days actually spent in the performance  
23 of such duties.

24 The county board of education shall reimburse such  
25 employees for their necessary traveling expenses upon  
26 presentation of a monthly, itemized, sworn statement  
27 approved by the county superintendent.

28 The power of removal of the county attendance  
29 director or an assistant attendance director shall rest  
30 with the county board of education: *Provided*, That  
31 reasons for contemplated dismissal shall be reduced to  
32 writing, a copy of which shall be furnished the director  
33 in question with opportunity to be heard in his own  
34 behalf by the county board of education. The decision  
35 of the county board of education shall be final.

**§18-8-4. Duties of attendance director and assistant**



**directors; complaints, warrants and hearings.**

1     The county attendance director and the assistants  
2     shall diligently promote regular school attendance. They  
3     shall ascertain reasons for inexcusable absences from  
4     school of pupils of compulsory school age as defined  
5     under this article, and shall take such steps as are, in  
6     their discretion, best calculated to correct attitudes of  
7     parents and pupils which result in absences from school  
8     even though not clearly in violation of law.

9     If it is found that absence from school is in violation  
10    of law, the attendance director or assistant, in the case  
11    of first offense that school year, shall serve written  
12    notice to the parent, guardian or custodian of such child  
13    that the attendance of such child at school is required  
14    and that within ten days of receipt of such notice the  
15    parent, guardian or custodian, accompanied by the child  
16    if possible, shall report in person to the school the child  
17    attends for a conference with the principal or other  
18    designated representative of the school in order to  
19    discuss and correct the circumstances causing the  
20    inexcusable absences of the child; and if the parent,  
21    guardian or custodian does not comply with the provi-  
22    sions of this article, then the attendance director or  
23    assistant shall make complaint against such parent,  
24    guardian or custodian before a magistrate of the county:  
25    *Provided*, That for a subsequent offense in any school  
26    year no such notice shall be required. If it appears from  
27    the complaint that there is probable cause to believe that  
28    an offense has been committed and that the accused has  
29    committed it, a warrant for the arrest of the accused  
30    shall issue to any officer authorized by law to arrest  
31    persons charged with offenses against the state. More  
32    than one warrant may be issued on the same complaint.  
33    The warrant shall be executed within ten days of its  
34    issuance or as soon thereafter as the accused can be  
35    found.

36    The magistrate court clerk, or the clerk of the circuit  
37    court performing the duties of the magistrate court  
38    clerk as authorized in section eight, article one, chapter  
39    fifty of this code, shall assign the case to a magistrate  
40    within ten days of execution of the warrant. The hearing

41 shall be held within twenty days of the assignment to  
42 the magistrate, subject to lawful continuance. The  
43 magistrate shall provide to the accused at least ten days'  
44 advance notice of the date, time and place of the  
45 hearing.

46 When any doubt exists as to the age of a child absent  
47 from school, the attendance director shall have authority  
48 to require a properly attested birth certificate or an  
49 affidavit from the parent, guardian or custodian of such  
50 child, stating age of such child. The county attendance  
51 director or assistant shall, in the performance of his  
52 duties, have authority to take without warrant any child  
53 absent from school in violation of the provisions of this  
54 article and to place such child in the school in which  
55 such child is or should be enrolled.

56 The county attendance director shall devote such time  
57 as is required by section three of this article to the duties  
58 of attendance director in accordance with this section  
59 during the instructional term and at such other times  
60 as the duties of an attendance director are required. All  
61 attendance directors hired for more than two hundred  
62 days may be assigned other duties determined by the  
63 superintendent during the period in excess of two  
64 hundred days. The county attendance director shall be  
65 responsible under direction of the county superintendent  
66 for the efficient administration of school attendance in  
67 the county. In addition to those duties directly relating  
68 to the administration of attendance, the county attend-  
69 ance director and assistant directors shall also perform  
70 the following duties:

71 (a) Assist in directing the taking of the school census  
72 to see that it is taken at the time and in the manner  
73 provided by law;

74 (b) Advise with principals and teachers on the  
75 comparison of school census and enrollment for the  
76 detection of possible nonenrollees;

77 (c) Cooperate with existing state and federal agencies  
78 charged with enforcement of child labor laws;

79 (d) Prepare a report for submission by the county

80 superintendent to the state superintendent of schools on  
81 school attendance, at such times and in such detail as  
82 may be required; also, file with the county superintend-  
83 ent and county board of education at the close of each  
84 month a report showing activities of the school attend-  
85 ance office and the status of attendance in the county  
86 at the time;

87 (e) Promote attendance in the county by the compila-  
88 tion of data for schools and by furnishing suggestions  
89 and recommendations for publication through school  
90 bulletins and the press, or in such manner as the county  
91 superintendent may direct;

92 (f) Participate in school teachers' conferences with  
93 parents and students;

94 (g) Assist in such other ways as the county superin-  
95 tendent may direct for improving school attendance.

#### ARTICLE 9. SCHOOL FINANCES.

##### **§18-9-3a. Preparation, publication and disposition of financial statements by county boards of education.**

1 The county board of education of every county, within  
2 ninety days after the beginning of each fiscal year, shall  
3 prepare on a form to be prescribed by the state tax  
4 commissioner and the state superintendent of free  
5 schools, and cause to be published a statement revealing  
6 (a) the receipts and expenditures of the board during the  
7 previous fiscal year arranged under descriptive  
8 headings, (b) the name of each firm, corporation, and  
9 person who received more than fifty dollars in the  
10 aggregate from all funds during the previous fiscal  
11 year, together with the aggregate amount received from  
12 all funds and the purpose for which paid: *Provided*, That  
13 such statement shall not include the name of any person  
14 who has entered into a contract with this board  
15 pursuant to the provisions of sections two, three, four  
16 and five, article two, chapter eighteen-a of this code, and  
17 (c) all debts of the board, the purpose for which each  
18 debt was contracted, its due date, and to what date the  
19 interest thereon has been paid. Such statement shall be

20 published as a Class I-0 legal advertisement in com-  
 21 pliance with the provisions of article three, chapter fifty-  
 22 -nine of this code, and the publication area for such  
 23 publication shall be the county. The county board of  
 24 education shall pay the cost of publishing such state-  
 25 ment from the maintenance fund of the board.

26 As soon as is practicable following the close of the  
 27 fiscal year, a copy of the published statement herein  
 28 required shall be filed by the county board of education  
 29 with the state tax commissioner and with the state  
 30 superintendent of free schools.

31 The county board of education shall transmit to any  
 32 resident of the county requesting the same a copy of the  
 33 published statement for the fiscal year designated,  
 34 supplemented by a list of the names of all school  
 35 personnel employed by the board during such fiscal year  
 36 showing the amount paid to each, and a list of the names  
 37 of each firm, corporation and person who received less  
 38 than fifty dollars from any fund during such fiscal year  
 39 showing the amount paid to each and the purpose for  
 40 which paid.

#### ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

##### §18-9A-13. Allowance for loss reduction.

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

6 In order to determine which counties are entitled to  
 7 such allowance, and the amount of such allowance, the  
 8 state board shall first compute the amount to be  
 9 received by each county from the regular state aid  
 10 appropriation for the fiscal year beginning on the first  
 11 day of July, one thousand nine hundred eighty-one,  
 12 allocated as provided in section twelve of this article.  
 13 The state board shall then compare such amount with  
 14 the state aid which each such county would have  
 15 received from the plan in effect during the fiscal year  
 16 one thousand nine hundred eighty-one thousand nine

17 hundred eighty-one. The state board shall then compute  
18 the amount of each county's salary increase for  
19 professional educators and for service personnel to  
20 which it adds an amount for fixed charges computed as  
21 provided in section six of this article and the increase  
22 allowed for bus fleet replacement. The state board shall  
23 then determine which counties' salary increase plus  
24 allocated fixed charges and increase allowed for bus  
25 fleet replacement exceeds the difference in state aid  
26 from the cited years and the amount of this excess found  
27 shall be allocated to the affected counties from funds  
28 appropriated for this purpose for the fiscal years  
29 beginning the first day of July, one thousand nine  
30 hundred eighty-one, eighty-two, eighty-three, eighty-  
31 four and eighty-five.

32 For the fiscal year beginning the first day of July, one  
33 thousand nine hundred eighty-six only, an amount equal  
34 to one third of the amount received pursuant to this  
35 section for the fiscal year beginning the first day of July,  
36 one thousand nine hundred eighty-five, shall be distrib-  
37 uted to those counties receiving such allowance for loss  
38 reduction.

### ARTICLE 3. TRAINING, CERTIFICATION, LICENSING.

#### §18A-3-3. Renewal of certificates; permanent certification.

1 Until the person qualifies for a permanent certificate,  
2 any professional or first class certificate based upon a  
3 bachelor's degree shall be renewable provided the  
4 holder: (1) Files application on a prescribed form with  
5 the state department of education; (2) presents an  
6 official transcript of six semester hours of approved  
7 credit, as may be prescribed by the state board:  
8 *Provided*, That such renewal is completed after the  
9 beginning of the period of validity of the certificate to  
10 be renewed and within the five-year period immediately  
11 preceding the date of application for renewal; and (3)  
12 submits a recommendation based on successful teaching  
13 experience from the county superintendent of schools of  
14 the county in which he last taught or resides.

15 The holder of a professional certificate, valid for five

16 years, shall have his certificate made permanent upon  
 17 meeting either of the following requirements: (1)  
 18 Completion of the second renewal, in accordance with  
 19 the provisions set forth in (2) above; (2) after five years  
 20 of service in the public schools, presentation of a  
 21 transcript showing the completion of requirements for  
 22 a master's degree from an institution of higher  
 23 education accredited to offer the master's degree and in  
 24 a program relevant to the public school program or  
 25 completes the fifth year of training leading to a  
 26 bachelor's degree in library science from a school fully  
 27 approved by the American library association. In either  
 28 event the person must file application on a prescribed  
 29 form with the state department of education and must  
 30 submit a recommendation from the county superintend-  
 31 ent of schools of the county in which he last taught or  
 32 resides.

33 All certificates and permits, other than the profes-  
 34 sional certificate, shall be renewed in accordance with  
 35 state board regulations.

36 If the applicant seeking renewal has cause to believe  
 37 that his county superintendent refuses to give a  
 38 recommendation without just cause, he shall have the  
 39 right, in such case, to appeal to the state superintendent  
 40 of schools whose responsibility it shall be to investigate  
 41 the matter and issue a certificate if, in his opinion, the  
 42 county superintendent's recommendation was withheld  
 43 arbitrarily.

44 A person who has reached the age of sixty and holds  
 45 a renewable certificate, as provided in this section, need  
 46 not present renewal credit but shall meet all other  
 47 renewal requirements.

#### ARTICLE 4. SALARIES, WAGES, AND OTHER BENEFITS.

##### §18A-4-2. State minimum salaries for teachers.

###### 1 STATE MINIMUM SALARY SCHEDULE

2	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
3	Years	4th	3rd	2nd		A.B.		M.A.	M.A.	Doc-
4	Exp.	Class	Class	Class	A.B.	+15	M.A.	+15	+30	torate
5	0	11,253	11,860	12,103	13,255	13,955	14,655	15,355	16,055	16,755

6	1	11,459	12,066	12,309	13,636	14,336	15,036	15,736	16,436	17,136
7	2	11,665	12,272	12,515	14,017	14,717	15,417	16,117	16,817	17,517
8	3	11,871	12,478	12,721	14,398	15,098	15,798	16,498	17,198	17,898
9	4	12,302	12,909	13,152	15,004	15,704	16,404	17,104	17,804	18,504
10	5	12,508	13,115	13,358	15,385	16,085	16,785	17,485	18,185	18,885
11	6	12,714	13,321	13,564	15,766	16,466	17,166	17,866	18,566	19,266
12	7		13,527	13,770	16,147	16,847	17,547	18,247	18,947	19,647
13	8		13,733	13,976	16,528	17,228	17,928	18,628	19,328	20,028
14	9			14,182	16,909	17,609	18,309	19,009	19,709	20,409
15	10			14,388	17,290	17,990	18,690	19,390	20,090	20,790
16	11				17,671	18,371	19,071	19,771	20,471	21,171
17	12				18,052	18,752	19,452	20,152	20,852	21,552
18	13				18,433	19,133	19,833	20,533	21,233	21,933
19	14						20,214	20,914	21,614	22,314
20	15						20,595	21,295	21,995	22,695
21	16						20,976	21,676	22,376	23,076
22	17							22,757	23,457	
23	18							23,138	23,838	
24	19							23,519	24,219	

25 On and after the first day of July, one thousand nine  
 26 hundred eighty-six, each teacher shall receive the  
 27 amount prescribed in the "state minimum salary  
 28 schedule" as set forth in this section, specific additional  
 29 amounts prescribed in this section or article, and any  
 30 county supplement in effect in a county pursuant to  
 31 section five-a of this article during the contract year.

32 On and after the first day of July, one thousand nine  
 33 hundred eighty-six, six hundred dollars shall be paid  
 34 annually to each classroom teacher who has at least  
 35 twenty years of teaching experience. Such payments  
 36 shall be in addition to any amounts prescribed in the  
 37 "state minimum salary schedule," shall be paid in equal  
 38 monthly installments, and shall be deemed a part of the  
 39 state minimum salaries for teachers.

**§18A-4-3. State minimum annual salary increments for principals and assistant principals.**

1 In addition to any salary increments for principals  
 2 and assistant principals, in effect on the first day of  
 3 January, one thousand nine hundred eighty-six and paid  
 4 from local funds, and in addition to the county schedule

5 in effect for teachers, the county board shall pay each  
 6 principal a principal's salary increment and each  
 7 assistant principal an assistant principal's salary  
 8 increment as prescribed by this section commencing on  
 9 the first day of July, one thousand nine hundred eighty-  
 10 six, from state funds appropriated therefor.

11 State funds for this purpose shall be paid within the  
 12 West Virginia public school support plan in accordance  
 13 with article nine—a, chapter eighteen of this code.

14 The salary increment herein for each principal shall  
 15 be determined by multiplying the basic salary for  
 16 teachers in accordance with the classification of  
 17 certification and of training of said principal as  
 18 prescribed in this article, by the appropriate percentage  
 19 rate prescribed herein according to the number of  
 20 teachers supervised.

21 **STATE MINIMUM SALARY**  
 22 **INCREMENT RATES FOR PRINCIPALS**

23	No. of Teachers	
	Supervised	Rates
24	1 - 7	5.0%
25	8 - 14	5.5%
26	15 - 24	6.0%
27	25 - 38	6.5%
28	39 - 57	7.0%
29	58 and up	7.5%

30 The salary increment herein for each assistant  
 31 principal shall be determined in the same manner as  
 32 that for principals, utilizing the number of teachers  
 33 supervised by the principal under whose direction the  
 34 assistant principal works, except that the percentage  
 35 rate shall be fifty percent of the rate prescribed for said  
 36 principal.

37 Salaries for employment beyond the minimum em-  
 38 ployment term shall be at the same daily rate as the  
 39 salaries for the minimum employment terms.

40 For the purpose of determining the number of  
 41 teachers supervised by a principal, the county board  
 42 shall use data for the second school month of the prior



43 school term and the number of teachers shall be  
 44 interpreted to mean the total number of professional  
 45 educators assigned to each school on a full-time  
 46 equivalency basis: *Provided*, That due to a change in  
 47 circumstances because of consolidation or catastrophe,  
 48 the county board of education shall determine what is  
 49 a reasonable number of supervised teachers in order to  
 50 establish the appropriate increment percentage rate.

51 No county shall reduce local funds allocated for salary  
 52 increments for principals and assistant principals in  
 53 effect on the first day of January, one thousand nine  
 54 hundred eighty-six, and used in supplementing the state  
 55 minimum salaries as provided for in this article, unless  
 56 forced to do so by defeat of a special levy, or a loss in  
 57 assessed values or events over which it has no control  
 58 and for which the county board has received approval  
 59 from the state board prior to making such reduction.

60 Nothing herein shall prevent a county board from  
 61 providing, in a uniform manner, salary increments  
 62 greater than those required by this section.

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

1	STATE MINIMUM PAY SCALE PAY GRADE								
2	Years								
3	of Em-								
4	ployment	A	B	C	D	E	F	G	H
5	0	812	832	872	922	972	1,032	1,062	1,132
6	1	832	852	892	942	992	1,052	1,082	1,152
7	2	852	872	912	962	1,012	1,072	1,102	1,172
8	3	872	892	932	982	1,032	1,092	1,122	1,192
9	4	892	912	952	1,002	1,052	1,112	1,142	1,212
10	5	912	932	972	1,022	1,072	1,132	1,162	1,232
11	6	932	952	992	1,042	1,092	1,152	1,182	1,252
12	7	952	972	1,012	1,062	1,112	1,172	1,202	1,272
13	8	972	992	1,032	1,082	1,132	1,192	1,222	1,292
14	9	992	1,012	1,052	1,102	1,152	1,212	1,242	1,312
15	10	1,012	1,032	1,072	1,122	1,172	1,232	1,262	1,332
16	11	1,032	1,052	1,092	1,142	1,192	1,252	1,282	1,352
17	12	1,052	1,072	1,112	1,162	1,212	1,272	1,302	1,372
18	13	1,072	1,092	1,132	1,182	1,232	1,292	1,322	1,392
19	14	1,092	1,112	1,152	1,202	1,252	1,312	1,342	1,412

20	15	1,112	1,132	1,172	1,222	1,272	1,332	1,362	1,432
21	16	1,132	1,152	1,192	1,242	1,292	1,352	1,382	1,452
22	17	1,152	1,172	1,212	1,262	1,312	1,372	1,402	1,472
23	18	1,172	1,192	1,232	1,282	1,332	1,392	1,422	1,492
24	19	1,192	1,212	1,252	1,302	1,352	1,412	1,442	1,512
25	20	1,212	1,232	1,272	1,322	1,372	1,432	1,462	1,532
26	21	1,232	1,252	1,292	1,342	1,392	1,452	1,482	1,552
27	22	1,252	1,272	1,312	1,362	1,412	1,472	1,502	1,572
28	23	1,272	1,292	1,332	1,382	1,432	1,492	1,522	1,592
29	24	1,292	1,312	1,352	1,402	1,452	1,512	1,542	1,612
30	25	1,312	1,332	1,372	1,422	1,472	1,532	1,562	1,632

31	CLASS TITLE	PAY GRADE
32	Accountant I .....	D
33	Accountant II.....	E
34	Accountant III.....	F
35	Aide I.....	A
36	Aide II .....	B
37	Aide III .....	C
38	Aide IV .....	D
39	Audiovisual Technician.....	C
40	Auditor .....	G
41	Bus Operator .....	D
42	Buyer .....	F
43	Cabinetmaker .....	G
44	Cafeteria Manager.....	D
45	Carpenter I.....	E
46	Carpenter II.....	F
47	Chief Mechanic .....	G
48	Clerk I .....	B
49	Clerk II .....	C
50	Computer Operator .....	E
51	Cook I.....	A
52	Cook II .....	B
53	Cook III .....	C
54	Crew Leader.....	F
55	Custodian I .....	A
56	Custodian II .....	B
57	Custodian III .....	C
58	Custodian IV .....	D
59	Director or Coordinator of Services .....	H
60	Draftsman .....	D

61	Electrician I.....	F
62	Electrician II.....	G
63	Electronic Technician I.....	F
64	Electronic Technician II.....	G
65	Executive Secretary.....	G
66	Food Services Supervisor.....	G
67	Foreman.....	G
68	General Maintenance.....	C
69	Glazier.....	D
70	Graphic Artist.....	D
71	Groundsman.....	B
72	Handyman.....	B
73	Heating and Air Conditioning Mechanic I.....	E
74	Heating and Air Conditioning Mechanic II.....	G
75	Heavy Equipment Operator.....	E
76	Inventory Supervisor.....	D
77	Key Punch Operator.....	B
78	Locksmith.....	G
79	Lubrication Man.....	C
80	Machinist.....	F
81	Mail Clerk.....	D
82	Maintenance Clerk.....	C
83	Mason.....	G
84	Mechanic.....	F
85	Mechanic Assistant.....	E
86	Office Equipment Repairman I.....	F
87	Office Equipment Repairman II.....	G
88	Painter.....	E
89	Plumber I.....	E
90	Plumber II.....	G
91	Printing Operator.....	B
92	Printing Supervisor.....	D
93	Programmer.....	H
94	Roofing/Sheet Metal Mechanic.....	F
95	Sanitation Plant Operator.....	F
96	School Bus Supervisor.....	E
97	Secretary I.....	D
98	Secretary II.....	E
99	Secretary III.....	F
100	Supervisor of Maintenance.....	H
101	Supervisor of Transportation.....	H
102	Switchboard Operator-Receptionist.....	D

103	Truck Driver .....	D
104	Warehouse Clerk.....	C
105	Watchman.....	B
106	Welder .....	F

107       On and after the first day of July, one thousand nine  
 108       hundred eighty-six, the minimum monthly pay for each  
 109       service employee whose employment is for a period of  
 110       more than three and one-half hours a day shall be at  
 111       least the amounts indicated in the "state minimum pay  
 112       scale" as set forth in this section, and the minimum  
 113       monthly pay for each service employee whose employ-  
 114       ment is for a period of three and one-half hours or less  
 115       a day shall be at least one half the amount indicated in  
 116       the "state minimum pay scale" set forth in this section.

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

120       Any full-time service personnel required to work in  
 121       excess of their normal working day during any week  
 122       which contains a school holiday for which they are paid  
 123       shall be paid for such additional hours or fraction  
 124       thereof at a rate of one and one-half times their usual  
 125       hourly rate and paid entirely from county board of  
 126       education funds.

127       No service employee shall have his daily work  
 128       schedule changed during the school year without his  
 129       written consent, and his required daily work hours shall  
 130       not be changed to prevent the payment of time and one-  
 131       half wages or the employment of another employee.

132       In addition to the minimum monthly salaries for  
 133       school service personnel, provided for in the state  
 134       minimum pay scale set forth in this section, every  
 135       service employee shall receive an additional amount,  
 136       payable in equal installments over such employee's  
 137       employment term, as may be necessary so that the new  
 138       total salary of such employee in the school year one  
 139       thousand nine hundred eighty-six—eighty-seven, is six  
 140       hundred dollars greater under the provisions of this  
 141       section than the employee would have been entitled to  
 142       receive for like employment in the prior school year one

143 thousand nine hundred eighty-five—eighty-six, such six  
144 hundred dollar increase to not include any increment  
145 entitlement for years of employment: *Provided*, That an  
146 service employee whose employment is for a period of  
147 three and one-half hours or less a day is entitled to  
148 receive, in the school year one thousand nine hundred  
149 eighty-six—eighty-seven, such an amount as will be  
150 three hundred dollars greater than the employee would  
151 have been entitled to receive for like employment in the  
152 prior school year one thousand nine hundred eighty-  
153 five—eighty-six, such three hundred dollar increase to  
154 not include any increment entitlement for years of  
155 employment.

**§18A-4-10. Personal leave for illness and other causes;  
leave banks; substitutes.**

1 At the beginning of the employment term, any full-  
2 time employee of a county board of education shall be  
3 entitled annually to at least one and one-half days  
4 personal leave for each employment month or major  
5 fraction thereof in the employee's employment term.  
6 Unused leave shall be accumulative without limitation  
7 and shall be transferable within the state. A change in  
8 job assignment during the school year shall in no way  
9 affect the employee's rights or benefits.

10 A regular full-time employee who is absent from  
11 assigned duties due to accident, sickness, death in the  
12 immediate family, or other cause authorized or ap-  
13 proved by the board, shall be paid the full salary from  
14 his regular budgeted salary appropriation during the  
15 period which such employee is absent, but not to exceed  
16 the total amount of leave to which such employee is  
17 entitled: *Provided*, That each such employee shall be  
18 permitted three days of such leave annually, which may  
19 be taken without regard to the cause for the absence,  
20 except that personal leave without cause may not be  
21 taken on consecutive work days unless authorized or  
22 approved by the employee's principal or immediate  
23 supervisor, as the case may be: *Provided, however*, That  
24 notice of such leave day shall be given to the employee's  
25 principal or immediate supervisor, as the case may be,  
26 at least twenty-four hours in advance, except that in the

27 case of sudden and unexpected circumstances, such  
28 notice shall be given as soon as reasonably practicable;  
29 however, the use of such day may be denied if, at the  
30 time notice is given, either fifteen percent of the  
31 employees or three employees, whichever is greater,  
32 under the supervision of the principal or immediate  
33 supervisor, as the case may be, have previously notified  
34 the principal or immediate supervisor of their intention  
35 to use that day for such leave: *Provided further*, That  
36 such leave shall not be used in connection with a  
37 concerted work stoppage or strike. Where the cause for  
38 leave had its origin prior to the beginning of the  
39 employment term, the employee shall be paid for time  
40 lost after the start of the employment term. If an  
41 employee should use personal leave which the employee  
42 has not yet accumulated on a monthly basis and  
43 subsequently leave the employment, the employee shall  
44 be required to reimburse the board for the salary or  
45 wages paid to him for such unaccumulated leave.

46 The board may establish reasonable regulations for  
47 reporting and verification of absences for cause; and if  
48 any error in reporting absences should occur it shall  
49 have authority to make necessary salary adjustments in  
50 the next pay after the employee has returned to duty or  
51 in the final pay if the absence should occur during the  
52 last month of the employment term.

53 A county board of education may establish a personal  
54 leave bank or banks to which employees may contribute  
55 no more than two days of personal leave per school year:  
56 *Provided*, That such bank or banks be established either  
57 jointly or separately for both professional personnel and  
58 school service personnel and that a bank be available to  
59 all school personnel. Such personal leave bank shall be  
60 established and operated pursuant to rules and  
61 regulations adopted by the county board: *Provided*,  
62 *however*, That such rules and regulations may limit the  
63 maximum number of days used by an employee, shall  
64 require that leave bank days be used only by an active  
65 employee with less than five days accumulated personal  
66 leave who is absent from work due to accident or illness  
67 of such employee, and shall prohibit the use of such days

68 with the extension of insurance coverage pursuant to  
69 section twelve, article sixteen, chapter five of this code.  
70 Such rules and regulations shall require that contribu-  
71 tions shall reduce, to the extent of such contribution, the  
72 number of personal leave days to which an employee is  
73 entitled by this section: *Provided further*, That such  
74 contribution shall not reduce personal leave days  
75 without cause to which an employee is entitled. No  
76 employee may be compelled to contribute to such  
77 personal leave bank.

78 When an allowable absence does not directly affect the  
79 instruction of the pupils or when a substitute employee  
80 may not be required because of the nature of the work  
81 and the duration of the cause for the allowable absence  
82 of the regular employee, the administration, subject to  
83 board approval, may use its discretion as to the need for  
84 a substitute where limited absence may prevail.

85 If funds in any fiscal year, including transfers, are  
86 insufficient to pay the full cost of substitutes for meeting  
87 the provisions of this section, the remainder shall be  
88 paid on or before the thirty-first day of August from the  
89 budget of the next fiscal year.

90 Any board of education shall have authority to  
91 supplement such leave provisions in any manner it may  
92 deem advisable in accordance with applicable rules and  
93 regulations of the state board and the provisions of this  
94 chapter and chapter eighteen of this code.

**§18A-4-17. Health and other facility employee salaries.**

1 (a) The minimum salary scale for professional person-  
2 nel and service personnel employed by the state  
3 department of education to provide educational and  
4 support services to residents of state department of  
5 health facilities and in the West Virginia schools for the  
6 deaf and the blind shall be the same as set forth in  
7 sections two, three and eight-a of this article. Addition-  
8 ally, such personnel shall receive the equivalent of  
9 salary supplements paid to professional and service  
10 personnel employed by the county board of education in  
11 the county wherein each facility is located, as set forth  
12 in sections five-a and five-b of this article. Professional

13 personnel and service personnel in these facilities who  
14 earn advanced classification of training after the  
15 effective date of this section shall be paid such advanced  
16 salary from the date such classification of training is  
17 earned.

18 (b) Professional personnel employed by the depart-  
19 ment to provide educational service to residents in state  
20 department of health facilities or in the West Virginia  
21 schools for the deaf and the blind, shall be afforded all  
22 the rights, privileges and benefits established for such  
23 professional personnel under this article: *Provided*, That  
24 such benefits shall apply only within the facility at  
25 which employed: *Provided, however*, That under  
26 circumstances requiring a reduction in force of the  
27 professional personnel at a state department of health  
28 facility, the rights, privileges and benefits of the  
29 professional personnel at such facility shall be transfer-  
30 able for the purposes of employment at other depart-  
31 ment of health facilities.

32 (c) Nothing contained in this section shall be construed  
33 to mean that professional personnel and service person-  
34 nel employed by the department of education to provide  
35 educational and support services to residents in state  
36 department of health facilities and the West Virginia  
37 schools for the deaf and the blind are other than state  
38 employees.



Enr. Com. Sub. for H. B. 1670] 24

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Bruce O. Williams  
Chairman Senate Committee

Floyd Fuller  
Chairman House Committee

Originating in the House.

Takes effect July 1, 1986.

Ford P. Hall  
Clerk of the Senate

Donald L. Kapp  
Clerk of the House of Delegates

Sam Tankership  
President of the Senate

Joseph P. Allright  
Speaker of the House of Delegates

The within disapproved this the 26th  
March day of \_\_\_\_\_, 1986.

Arthur B. French  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/86

Time 4:39 p.m.

RECEIVED

1986 MAR 23 PM 10 59

SECRETARY OF STATE  
DEPARTMENT OF STATE

FILED IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA

THIS DATE 3/24/86