

No: 146

WEST VIRGINIA LEGISLATURE

FIRST EXTRAORDINARY SESSION, 1986



ENROLLED

HOUSE BILL No. 146

(By ~~Mr.~~ Del. Satter & Del Phillips)



Passed May 22, 1986

In Effect July 1, 1986 Passage

ENROLLED
H. B. 146

(By DELEGATE SATTES and DELEGATE PHILLIPS)

[Passed May 22, 1986; in effect July 1, 1986.]

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 thirteen, article nine-a, of said chapter; to further amend said article nine-a by adding thereto a new section, designated section six-a; to amend and reenact section three, article three, chapter eighteen-a of said code; to amend and reenact sections two, three, four, 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 minimum 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; reducing the foundation allowance for fixed charges for the fiscal year beginning on the first day of July, one thousand nine hundred eighty-six, only; 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; providing for advanced salary classification for certain teachers with vocational certificates; providing for service personnel pay during any week which contains a school holiday; 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 thirteen, article nine-a of said chapter be amended and reenacted; that said article nine-a be further amended by adding thereto a new section, designated section six-a; that section three, article three, chapter eighteen-a of said code be amended and reenacted; that sections two, three, four, 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 9A. PUBLIC SCHOOL SUPPORT.

**§18-9A-6a. Foundation Allowance for Fixed Charges for
1986-87.**

1 For the fiscal year beginning on the first day of July,
2 one thousand nine hundred eighty-six, only, the multip-
3 lier for the portion of the foundation allowance for fixed
4 charges for professional educators and for other
5 personnel pursuant to subsection two of section six of
6 this article shall be three percent.

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

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

CHAPTER 18A. SCHOOL PERSONNEL.

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 educa-
23 tion accredited to offer the master's degree and in a
24 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.	A.B.	M.A.	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 equival-
46 ency basis: *Provided*, That due to a change in circum-
47 stances because of consolidation or catastrophe, the
48 county board of education shall determine what is a
49 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-4-4. Minimum salary schedule for teachers having
specialized training.**

1 The state board of education shall establish the
2 minimum salary schedule for teachers where specialized
3 training may be required for vocational, technical and
4 adult education, and such other permits as may be
5 authorized by said board.

6 On and after the first day of July, one thousand nine
7 hundred eighty-five, any vocational industrial, technical,
8 occupational home economics, or health occupations
9 teacher who is required to hold a vocational certificate
10 and is paid a salary equivalent to the amount prescribed
11 for "A.B. + 15" training classification in the state
12 minimum salary schedule for teachers under section two
13 of this article shall, upon application therefor, receive

14 advanced salary classification and be entitled to
15 increased compensation on and after such date in
16 respect to and based upon additional semester hours,
17 approved by the state board of education and completed
18 either prior to or subsequent to such date. All such hours
19 earned must be from a regionally accredited institution
20 of higher education.

21 The advanced salary classification shall be as follows:

22 (1) Those who have earned fifteen such additional
23 semester hours shall receive an amount equal to that
24 prescribed for the "M.A." training classification under
25 section two of this article.

26 (2) Those who have earned thirty such additional
27 semester hours shall receive an amount equal to that
28 prescribed for the "M.A. + 15" training classification
29 under section two of this article.

30 (3) Those who have earned forty-five such additional
31 semester hours shall receive an amount equal to that
32 prescribed for the "M.A. + 30" training classification
33 under section two of this article.

34 Any such teacher who has a permanent vocational
35 certificate and who has earned or earns a bachelor's
36 degree prior or subsequent to the issuance of such
37 certificate shall be entitled to receive the amount
38 prescribed for the "M.A. + 30" training classification
39 upon application therefor, such advanced salary to take
40 effect immediately upon qualification therefor: *Pro-*
41 *vided*, That any vocational teacher receiving the amount
42 prescribed for the "M.A. + 30" training classification
43 under prior enactments of this section who have not
44 been issued a permanent vocational certificate shall not
45 have such salary reduced as a result of this section:
46 *Provided, however*, That any teacher with a vocational
47 certificate and under contract for the school year one
48 thousand nine hundred eighty-five — eighty-six who has
49 earned a bachelor's degree prior to the end of such
50 school year shall be entitled to receive the amount
51 prescribed for the "M.A. + 30" training classification,
52 upon application therefor, for the school year beginning
53 on the first day of July, one thousand nine hundred

54 eighty-six, and thereafter.

55 No teacher holding a valid professional certificate
 56 shall incur a salary reduction resulting from assignment
 57 out of the teacher's field by the superintendent, with the
 58 approval of the county board, under any authorization
 59 or regulation of the state board.

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

1 STATE MINIMUM PAY SCALE PAY GRADE										
2	3									
4	Years of Em- ployment	A	B	C	D	E	F	G	H	
5	0	822	842	882	932	982	1,042	1,072	1,142	
6	1	842	862	902	952	1,002	1,062	1,092	1,162	
7	2	862	882	922	972	1,022	1,082	1,112	1,182	
8	3	882	902	942	992	1,042	1,102	1,132	1,202	
9	4	902	922	962	1,012	1,062	1,122	1,152	1,222	
10	5	922	942	982	1,032	1,082	1,142	1,172	1,242	
11	6	942	962	1,002	1,052	1,102	1,162	1,192	1,262	
12	7	962	982	1,022	1,072	1,122	1,182	1,212	1,282	
13	8	982	1,002	1,042	1,092	1,142	1,202	1,232	1,302	
14	9	1,002	1,022	1,062	1,112	1,162	1,222	1,252	1,322	
15	10	1,022	1,042	1,082	1,132	1,182	1,242	1,272	1,342	
16	11	1,042	1,062	1,102	1,152	1,202	1,262	1,292	1,362	
17	12	1,062	1,082	1,122	1,172	1,222	1,282	1,312	1,382	
18	13	1,082	1,102	1,142	1,192	1,242	1,302	1,332	1,402	
19	14	1,102	1,122	1,162	1,212	1,262	1,322	1,352	1,422	
20	15	1,122	1,142	1,182	1,232	1,282	1,342	1,372	1,442	
21	16	1,142	1,162	1,202	1,252	1,302	1,362	1,392	1,462	
22	17	1,162	1,182	1,222	1,272	1,322	1,382	1,412	1,482	
23	18	1,182	1,202	1,242	1,292	1,342	1,402	1,432	1,502	
24	19	1,202	1,222	1,262	1,312	1,362	1,422	1,452	1,522	
25	20	1,222	1,242	1,282	1,332	1,382	1,442	1,472	1,542	
26	21	1,242	1,262	1,302	1,352	1,402	1,462	1,492	1,562	
27	22	1,262	1,282	1,322	1,372	1,422	1,482	1,512	1,582	
28	23	1,282	1,302	1,342	1,392	1,442	1,502	1,532	1,602	
29	24	1,302	1,322	1,362	1,412	1,462	1,522	1,552	1,622	
30	25	1,322	1,342	1,382	1,432	1,482	1,542	1,572	1,642	
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.

**§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.

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

Bruce O. Williams
.....
Chairman Senate Committee

Floyd Fulbe
.....
Chairman House Committee

Originating in the House.

Takes effect July 1, 1986.

Todd C. Wuh
.....
Clerk of the Senate

Donald A. Stog
.....
Clerk of the House of Delegates

Sam Tolson
.....
President of the Senate

Joseph P. Allright
.....
Speaker of the House of Delegates

The within *approved* this the *28th*
May
day of, 1986.

Archie Brown Jr.
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 5/23/86

Time 4:33 p.m.

RECEIVED

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Department of Commerce