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SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989

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## ENROLLED

Com. Sub. for  
HOUSE BILL No. 2326

(By Mr. *Speaker, M. Chambers, Del. R. Bank*)  
[By Request of the Executive]

— ● —

Passed *April 8,* 1989

In Effect *July 1, 1989* ~~Passage~~

**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
**FOR**  
**H. B. 2326**

(By MR. SPEAKER, MR. CHAMBERS, and DELEGATE R. BURK)  
[By request of the Executive]

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[Passed April 8, 1989; in effect July 1, 1989.]

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AN ACT to amend and reenact sections six, twenty-six and twenty-nine, article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to further amend said article by adding thereto a new section, designated section thirty; to amend and reenact section two, article two-e of said chapter; to further amend said article by adding thereto three new sections, designated sections three-a, three-b and seven; to amend and reenact sections four, eighteen-a and eighteen-c article five of said chapter; to amend and reenact sections two, four, five-a, six-a, seven, eight, nine, ten, thirteen-b and twenty-two, article nine-a of said chapter; to amend and reenact section one, article twenty of said chapter; to further amend said article by adding thereto a new section, designated section nine; to amend and reenact sections one, two, five-a, five-b, five-c, and eight-a, article four, chapter eighteen-a of said code; and to further amend said article by adding thereto a new section, designated section eight-d, all relating to the curriculum and instructional improvement; providing for the granting of certificates of proficiency to eligible high school graduates; providing for regional educational service agencies to conduct a

study for performing certain services and functions for public schools and school districts in the region and protecting certain employees; requiring each regional educational service agency to evaluate school services in its region and requiring each school to evaluate its regional educational service agency services; providing for awarding competitive grants to schools to implement exemplary and innovative programs to improve instruction; providing for establishment of a statewide curriculum technology resource center to facilitate access to and expedite acquisition of materials; providing for regional educational service agencies to serve as depository and distribution centers for curriculum technology resource materials; clarifying intent of readiness evaluations; providing criteria for use in the development of an evaluation model; requiring a criterion referenced test to be given to first and second graders in reading and math with third and fourth graders being tested in reading, composition and math; providing for honors and advanced placement courses in grades nine through twelve by school year one thousand nine hundred ninety—ninety-one; defining honors and advanced placement; establishing curriculum offered in honors and advanced placement and providing for the instruction thereof; providing for the phase-in of honors and advanced placement; providing that certain students in grades nine through twelve may be served in honors and advanced placement; requiring state board of education to designate an employee who is an expert in financial assistance to inform students of the availability of financial assistance to attend college; providing for high quality basic skills development and remediation in the public schools; changing the time requirement for when a county board must hold a public hearing concerning the preliminary operating budget; providing for additional compensation for elementary teachers whose number of pupils have exceeded the maximum class size; creating the early childhood program to replace the transitional or developmental kindergarten program; revising the definitions of professional instructional personnel, adjusted enrollment and basic resources per pupil; providing that

attrition, early retirement and other methods shall be utilized before implementing reduction in force procedures; permitting waiver of ratio of foundation allowance for professional educators and service personnel to net enrollment for a limited period; changing the gradual phase-in of the teachers retirement factor schedule from three and one half percent to the full fifteen percent; increasing school bus replacement cycle to ten years; increasing the foundation allowance for administrative cost to provide additional funding for regional educational service agencies; increasing the allowance for current expense; resetting base in foundation allowance to improve instructional programs; increasing the minimum amount of funds allocated to each county on the basis of adjusted enrollment from one hundred thousand to one hundred fifty thousand; changing the distribution of funds recaptured due to adjusted enrollment in allowances for remedial and accelerated education programs and salary equity; eliminating certain standards for education quality; revising exceptional children program and defining exceptional gifted; requiring caseload review of various programs in certain grades; establishing requirements for in-field master's degrees earned after a certain date; increasing by five percent the state minimum salary schedule for teachers effective the second half of the employment term and establishing in-field master's salary schedule; removing the limits placed on benefits that counties may provide for teachers and service personnel; requiring certain study relating to service personnel salaries; increasing the service personnel state minimum pay scale to reflect an approximate aggregate five percent increase effective the second half of the employment term; and providing for consolidation of services and seniority rights for administrative personnel.

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

That sections six, twenty-six and twenty-nine, article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that said article be further amended by adding

thereto a new section, designated section thirty; that section two, article two-e of said chapter be amended and reenacted; that said article be further amended by adding thereto three new sections, designated sections three-a, three-b and seven; that sections four, eighteen-a and eighteen-c, article five of said chapter be amended and reenacted; that sections two, four, five-a, six-a, seven, eight, nine, ten, thirteen-b and twenty-two, article nine-a of said chapter be amended and reenacted; that section one, article twenty of said chapter be amended and reenacted; that said article twenty be further amended by adding thereto a new section, designated section nine; that sections one, two, five-a, five-b, five-c, eight-a, article four, chapter eighteen-a of said code be amended and reenacted; and that said article be further amended by adding thereto a new section, designated section eight-d, all to read as follows:

## CHAPTER 18. EDUCATION.

### ARTICLE 2. STATE BOARD OF EDUCATION.

#### §18-2-6. Training of teachers; accreditation, classification and standardization of schools; standards for degrees and diploma.

1 (a) The education of teachers in the state shall be  
2 under the general direction and control of the state  
3 board of education after consultation with the board of  
4 regents, which shall, through the state superintendent  
5 of schools, exercise supervisory control over teacher  
6 preparation including (1) those programs in all institu-  
7 tions of higher education, including student teaching in  
8 the public schools; and (2) any alternative training  
9 programs leading to licensure, in accordance with  
10 standards for program approval stated in writing by the  
11 board. Such standards shall include a provision for the  
12 study of multicultural education.

13 As used in this section, multicultural education means  
14 the study of the pluralistic nature of American society  
15 including its values, institutions, organizations, groups,  
16 status positions and social roles.

17 (b) To give prospective teachers the teaching expe-  
18 rience needed to demonstrate competence, as a prereq-

19 uisite to licensure, the state board of education may  
20 enter into an agreement with county boards of education  
21 for the use of the public schools. Such agreement shall  
22 recognize student teaching as a joint responsibility of  
23 the teacher preparation institution and the cooperating  
24 public schools and shall include (1) the minimum  
25 qualifications for the employment of public school  
26 teachers selected as supervising teachers; (2) the  
27 remuneration to be paid public school teachers by the  
28 state board, in addition to their contractual salaries, for  
29 supervising student teachers; and (3) minimum stand-  
30 ards to guarantee adequacy of facilities and program of  
31 the public school selected for student teaching. The  
32 student teacher, under the direction and supervision of  
33 the supervising teacher, shall exercise the authority of  
34 a substitute teacher.

35 Institutions of higher education approved for teacher  
36 preparation may cooperate with each other and with one  
37 or more county boards of education in the organization  
38 and operation of centers to provide selected phases of the  
39 teacher preparation program such as student teaching  
40 or internship programs, instruction in methodology,  
41 seminar programs for college students, first year  
42 teachers and supervising teachers.

43 Such institutions of higher education and participat-  
44 ing county boards of education may budget and expend  
45 funds for the operation of such centers through pay-  
46 ments to the appropriate fiscal office of the county  
47 designated by mutual agreement of participating county  
48 school boards and higher education institutions to serve  
49 as the administering agency of the center.

50 The provisions of this section shall not be construed  
51 to require the discontinuation of an existing student  
52 teacher training center or school which meets the  
53 standards of the state board of education.

54 All institutions of higher education approved for  
55 teacher preparation in the school year of one thousand  
56 nine hundred sixty-two—sixty-three shall continue to  
57 hold that distinction so long as they meet the minimum  
58 standards for teacher preparation. Nothing contained

59 herein shall infringe upon the rights granted to any  
60 institution by charter given according to law previous  
61 to the adoption of this code.

62 (c) Notwithstanding any other provision of this article  
63 to the contrary, the state board of education is autho-  
64 rized to develop alternative training programs leading  
65 to licensure in accordance with rules and regulations  
66 adopted by the state board of education after consulta-  
67 tion with the board of regents: *Provided*, That no teacher  
68 shall be permanently certified who has not completed a  
69 core curriculum, as determined by the state board after  
70 consultation with the board of regents, in an approved  
71 teacher preparation or improvement program of an  
72 accredited institution of higher education.

73 The state board shall also develop and implement a  
74 beginning teacher internship program by the first day  
75 of July, one thousand nine hundred ninety.

76 (d) The state board shall make rules for the accred-  
77 itation, classification and standardization of all schools  
78 in the state, except institutions of higher education, and  
79 shall determine the minimum standards for the grant-  
80 ing of diplomas and certificates of proficiency by those  
81 schools. Not later than the school year one thousand nine  
82 hundred ninety—ninety-one, certificates of proficiency  
83 including specific information regarding the graduate's  
84 skills, competence, and readiness for employment or  
85 honors and advanced education shall be granted, along  
86 with the diploma, to every eligible high school graduate.  
87 No institution of less than collegiate or university status  
88 may grant any diploma or certificate of proficiency on  
89 any basis of work or merit below the minimum stand-  
90 ards prescribed by the state board.

91 No charter or other instrument containing the right  
92 to issue diplomas or certificates of proficiency shall be  
93 granted by the state of West Virginia to any institution  
94 or other associations or organizations of less than  
95 collegiate or university status within the state until the  
96 condition of granting or issuing such diplomas or other  
97 certificates of proficiency has first been approved in  
98 writing by the state board.

**§18-2-26. Establishment of multi-county regional educational service agencies; purposes; authority to implement regional services.**

1 (a) In order to consolidate and administer more  
2 effectively existing educational programs and services  
3 so individual districts will have more discretionary  
4 moneys for educational improvement and in order to  
5 equalize and extend educational opportunities, the state  
6 board of education shall establish multi-county regional  
7 educational service agencies for the purpose of provid-  
8 ing high quality, cost effective educational programs  
9 and services to the county school systems, and shall  
10 make such rules as may be necessary for the effective  
11 administration and operation of such agencies.

12 (b) In furtherance of these purposes, it is the duty of  
13 the board of directors of each regional educational  
14 service agency to continually explore possibilities for the  
15 delivery of services on a regional basis which will  
16 facilitate equality in the educational offerings among  
17 counties in its service area, permit the delivery of high  
18 quality educational programs at a lower per student  
19 cost, strengthen the cost effectiveness of education  
20 funding resources, reduce administrative and/or opera-  
21 tional costs, including the consolidation of administra-  
22 tive, coordinating and other county level functions into  
23 region level functions, and promote the efficient  
24 administration and operation of the public school  
25 systems generally.

26 Technical, operational, programmatic or professional  
27 services would be among the types of services approp-  
28 riate for delivery on a regional basis.

29 (c) In addition to performing the services and func-  
30 tions required by the provisions of this or any other  
31 section of this code, a regional educational service  
32 agency may implement regional programs and services  
33 by a majority vote of its board of directors. When said  
34 vote is not unanimous, the board of directors shall file  
35 a plan for the service or program delivery with the state  
36 board describing the program or service, the manner of  
37 delivery and the projected savings and/or the improved



38 quality of the program or service. The state board shall  
39 promulgate rules requiring a county board that declines  
40 to participate in such programs or services to show just  
41 cause for not participating and the estimated savings  
42 accruing to the county therefrom. If a county board fails  
43 to show that savings will accrue to the county or that  
44 the quality of the program will be significantly and  
45 positively affected as a result of its decision not to  
46 participate, the state board shall withhold from the  
47 county's foundation allowance for administrative cost  
48 the lesser of the amount of the estimated savings or the  
49 allocation for the county's foundation allowance for  
50 administrative cost.

51 (d) The state board, in conjunction with the various  
52 regional educational service agencies, shall develop an  
53 effective model for the regional delivery of instruction  
54 in subjects where there exists low student enrollment or  
55 a shortage of certified teachers or where such delivery  
56 method substantially improves the quality of an instruc-  
57 tional program. Such model shall incorporate an  
58 interactive electronic classroom approach to instruction.  
59 To the extent funds are appropriated or otherwise  
60 available, county boards or regional educational service  
61 agencies may adopt and utilize the model for the  
62 delivery of such instruction.

63 (e) Each regional educational service agency shall  
64 conduct a study setting forth how the following services  
65 and functions may be performed by the agency for  
66 public schools and school districts within the region  
67 without terminating the employment of personnel  
68 employed by school districts prior to the effective date  
69 of this subsection: Accounting, purchasing, food service,  
70 transportation, delivery of high cost services to low  
71 incidence student populations, audiovisual material  
72 distribution, facilities planning, federal program  
73 coordination, personnel recruiting and an integrated  
74 regional computer information system. On or before the  
75 tenth day of January, one thousand nine hundred ninety,  
76 each regional educational service agency shall submit  
77 the study to the state board, to the standing committees  
78 on education and finance of the West Virginia Senate

79 and House of Delegates, and to the secretary of  
80 education and the arts: *Provided*, That in the event such  
81 study is implemented those individuals employed prior  
82 to the effective date thereof shall not have their  
83 employment terminated as a result of the study.

84 (f) Each regional educational service agency shall  
85 submit a report and evaluation of the services provided  
86 and utilized by the schools within each respective  
87 region. Furthermore, each school shall submit an  
88 evaluation of the services provided by the regional  
89 educational service agency, which shall include an  
90 evaluation of the regional educational service agency  
91 program, suggestions as to how to improve utilization  
92 and the individual school's plan as to development of  
93 new programs and enhancement of existing programs.  
94 The reports shall be due by the first day of January of  
95 each year commencing with the year one thousand nine  
96 hundred ninety-one and shall be made available to the  
97 state board of education, standing committees on  
98 education of the West Virginia senate and house of  
99 delegates and to the secretary of education and the arts.

100 (g) A regional board shall be empowered to receive  
101 and disburse funds from the state and federal govern-  
102 ments, member counties, gifts and grants.

**§18-2-29. Competitive grant program for selected schools  
and school districts.**

1 The state board shall establish no later than the school  
2 year one thousand nine hundred eighty-nine—ninety, a  
3 competitive grant program whereby schools may be  
4 awarded grants to implement exemplary and innovative  
5 programs designed to improve instruction.

6 Applications for awarding competitive grants which  
7 include one or more of the following considerations shall  
8 be given priority: (a) whether local community resources  
9 have been committed to work in partnership with the  
10 school to implement the program, (b) whether the  
11 program involves extending the school year, (c) whether  
12 the program is for remediation, (d) whether the proposal  
13 will implement an early childhood program pursuant to  
14 section eighteen-c, article five of this chapter, (e)

15 whether the proposal will implement a beginning  
16 teacher assistance program, (f) whether the school has  
17 probationary or nonapproval accreditation status, and,  
18 (g) how the program will be evaluated based on  
19 measurable performance criteria such as: student  
20 achievement gain; student attendance; teacher attend-  
21 ance; parent participation; reduction in the amount of  
22 paperwork required of teachers; and any other factor  
23 promoting the attainment of full accreditation for the  
24 school or the school district.

25 The state board shall promulgate rules which ensure  
26 that the school or school district utilizes these funds  
27 appropriately. The state board shall encourage the  
28 donation of funds from private and other sources to  
29 augment state funding for the program.

**§18-2-30. Statewide curriculum technology resource  
center established; distribution of materials  
by regional educational service agencies.**

1 There shall be established a statewide curriculum  
2 technology resource center to facilitate access to and,  
3 expedite the acquisition of, audiovisual materials to  
4 assist in the continued enrichment of the school curric-  
5 ulum. The state board shall designate the statewide  
6 center. The legislative intent is that appropriations for  
7 the said resource center be designated primarily for  
8 supportive materials to be made available for use by  
9 teachers: *Provided*, That no more than five percent of  
10 the moneys allocated for fiscal year one thousand nine  
11 hundred eighty-nine—ninety be used for capital outlay  
12 and improvements on any structure used to house said  
13 resource center. The center shall develop a program of  
14 services for public school teachers in the fields of  
15 curricular development, instructional resources and  
16 technology. The center shall also undertake projects to  
17 describe systematically and evaluate curriculum mate-  
18 rials and instruction resources, provide for dissemina-  
19 tion of software and programs to teachers, provide  
20 leadership in the areas of instructional resources and  
21 provide training to increase skills in the use of technol-  
22 ogy and other instructional resources.

23 The center shall be a centralized purchasing agent for  
 24 audiovisual materials requested for use in the public  
 25 schools. The center shall utilize curriculum teams of  
 26 classroom teachers and other professional educators  
 27 representing all regional educational service agency  
 28 regions to assist in the materials selection process. The  
 29 center may obtain authorization to duplicate such  
 30 materials and may duplicate such materials when  
 31 duplication is justified by cost and need and when  
 32 appropriate authorization has been obtained. The center  
 33 shall maintain a central library of all original materials  
 34 duplicated and shall compile no later than the first day  
 35 of July, one thousand nine hundred ninety, a statewide  
 36 catalog of all audiovisual materials available. The center  
 37 shall make the statewide catalog accessible to teachers  
 38 through electronic or other means.

39 Each regional educational service agency shall serve  
 40 as a depository and distribution center for the audiov-  
 41 isual materials available to the public schools in its  
 42 region. Each regional educational service agency shall  
 43 survey audiovisual material currently held in the public  
 44 schools in its region and submit the list to the statewide  
 45 center for possible inclusion in the statewide catalog:  
 46 *Provided*, That nothing in this section shall be construed  
 47 to change ownership by any county board of any  
 48 materials which are included in the catalog. Whenever  
 49 the regional educational service agency receives a  
 50 request for material not listed in the statewide catalog,  
 51 the agency shall submit a request to the statewide center  
 52 for review by one of the curriculum teams and, if  
 53 appropriate, purchase and distribute the material.

#### ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.

##### **§18-2E-2. Statewide testing of educational progress program (WV-STEP); purposes, development and implementation of program.**

1 (a) The state board shall establish a program for the  
 2 statewide testing of the educational progress of public  
 3 school students in attaining a high quality education,  
 4 hereinafter referred to as the WV-STEP program.

5 The WV-STEP program shall provide information to:

6       (1) Assess the overall academic progress of students,  
7 including (i) identifying individual students' academic  
8 weaknesses and readiness, and (ii) identifying students  
9 who may need remediation;

10       (2) Assist the teacher in determining student  
11 promotion;

12       (3) Compare achievement of students in West Virgi-  
13 nia to achievement of students on a national basis;

14       (4) Assess the strengths and weaknesses of school  
15 performance;

16       (5) Assess the effects of state and local educational  
17 programs;

18       (6) Make decisions at the state and local level with  
19 regard to educational matters, including (i) the need for  
20 new or revised educational programs and the need to  
21 terminate existing educational programs, (ii) overall  
22 curriculum development and revision activities, and (iii)  
23 teacher training and staff development activities; and

24       (7) Inform the public of the overall quality of educa-  
25 tion in individual schools and school districts.

26       (b) The state board shall prepare detailed design  
27 specifications for the WV-STEP program which ac-  
28 complish the following:

29       (1) Take into account the state learning outcome  
30 statements in the basic skill areas of reading, composi-  
31 tion, mathematics and other subject areas as determined  
32 by the state board; and

33       (2) Include testing of students' higher level cognitive  
34 thinking in each subject area tested.

35       "Learning outcome statements" mean statements  
36 developed and adopted by the state board which for the  
37 purposes of this article have been fully and properly  
38 field tested to insure their reliability and validity in  
39 indicating the knowledge base and skills expected of  
40 students for particular subject areas and which may be  
41 used to measure indicators of statewide standards for  
42 student progress in attaining a high quality education.

43 (c) The state board shall implement the WV-STEP  
44 program as follows:

45 (1) Beginning in the school year one thousand nine  
46 hundred ninety—ninety-one, and continuing thereafter:

47 (i) An evaluation designed to measure student read-  
48 iness to begin the formal school curriculum shall be  
49 administered to all kindergarten public school students.  
50 Such evaluation shall be used solely to assist in making  
51 policy decisions at the state and local levels with regard  
52 to educational matters as outlined in subdivision six of  
53 subsection (a) of this section, and shall not be used for  
54 individual diagnostic or placement purposes.

55 (ii) An evaluation model for children in kindergarten,  
56 first and second grades shall be developed by a  
57 committee of teachers, parents and principals selected  
58 by each regional educational service agency board  
59 within each regional educational service agency. The  
60 evaluation model shall be developed using the following  
61 criteria:

62 (a) The model shall be based on the fact that kinder-  
63 garten through second grade is educationally  
64 continuous;

65 (b) The model shall allow for variability in the  
66 achievement of children in kindergarten through second  
67 grade;

68 (c) The model shall be applied continuously to reflect  
69 assessment as a teaching tool;

70 (d) Information gathered by the evaluation model  
71 shall be used to adapt curriculum and to provide  
72 feedback to parents;

73 (e) The model shall include a measure of achievement  
74 of the state learning outcomes.

75 The evaluation model, as developed by each regional  
76 educational service agency committee, shall be made  
77 available to the state board and to the legislative  
78 oversight commission on education accountability by the  
79 first day of January, one thousand nine hundred ninety;  
80 and

81 (iii) A criterion referenced test measuring competen-  
82 cies based on the learning outcome statements shall be  
83 administered to all public school students in grades one  
84 and two to measure their academic progress in reading  
85 and mathematics; and

86 (iv) A criterion referenced test measuring competen-  
87 cies based on the learning outcome statements shall be  
88 administered to all public school students in grades  
89 three and four to measure their academic progress in  
90 reading, composition and mathematics.

91 The results of the tests shall be used to identify each  
92 student's deficiencies, aid in determining instruction  
93 needed by the student in achieving the statewide  
94 standards established for the respective grade and assist  
95 the teacher in determining student promotion.

96 (2) Beginning in the school year one thousand nine  
97 hundred ninety-one—ninety-two, and continuing  
98 thereafter:

99 (i) A criterion referenced test measuring competen-  
100 cies based on the learning outcome statements for  
101 reading, composition and mathematics in grade five  
102 shall be administered to all public school students in  
103 grade five. Each year thereafter, a criterion referenced  
104 test for these subject areas shall be administered to  
105 students in the next higher grade through grade eight;  
106 and

107 (ii) Criterion referenced testing measuring competen-  
108 cies based on the learning outcome statements in  
109 additional subject areas shall be implemented as funds  
110 are available on a schedule determined by the board.

111 (3) Beginning in the school year one thousand nine  
112 hundred ninety—ninety-one, and continuing thereafter,  
113 National Assessment of Educational Progress Program  
114 tests shall be administered in academic areas at the  
115 various grades designated by the National Assessment  
116 of Educational Progress officials to provide comparisons  
117 of West Virginia students to a national sample.

118 (d) The state board shall revise and update the  
119 learning outcome statements as necessary and shall

120 determine a schedule for the annual administration of  
121 the WV-STEP program tests. The state superintendent  
122 is responsible for the overall development, implementa-  
123 tion and monitoring of the program. The state board  
124 may establish a pilot program to implement the WV-  
125 STEP program prior to the required implementation  
126 dates under subsection (c) of this section.

127 (e) Any student who is unable to take any of the tests  
128 prescribed in this section because of absence from school  
129 and provides school authorities with a valid reason for  
130 such absence shall be given the missed test as soon as  
131 possible following the student's return to school. An  
132 exceptional child is subject to testing under the WV-  
133 STEP program only to the extent specified in that  
134 child's individualized education program (IEP).

135 (f) The parent or guardian of each student tested  
136 under the WV-STEP program shall be notified in  
137 writing of the students test score, along with the average  
138 test score of all other students in the same grade at the  
139 school. The state board shall promulgate rules for the  
140 compilation of aggregate test scores by grade in such  
141 manner as to permit the comparison of student perfor-  
142 mance at different schools within and among the various  
143 school districts. The test scores of all students taking the  
144 test at each school shall be compiled by the district  
145 pursuant to such rules, shall be made available for  
146 public inspection and shall be included in the school and  
147 county report cards under section four of this article.  
148 However, no individual student's WV-STEP scores may  
149 be disclosed to the public.

150 (g) The department of education shall take necessary  
151 administrative action under section five of this article  
152 to monitor and evaluate the curriculum and instruction  
153 methods in each school district to insure compliance  
154 with the standards and purposes of this article.

**§18-2E-3a. Honors and advanced placement programs.**

1 (a) The purpose of this section is to provide honors and  
2 advanced placement programs to meet the needs of  
3 students who have the potential and desire to complete  
4 curriculum more demanding than that offered in the



5 regular classroom for their current grade level. Honors  
6 programs are those programs offering courses to expand  
7 the academic content in a given program of study and  
8 may include, but shall not be limited to, research and  
9 in-depth studies, mentorships, content-focused seminars,  
10 and extended learning outcomes instruction in the  
11 content area. Advanced placement programs are those  
12 programs offering classes which are advanced in terms  
13 of content and performance expectations of those  
14 normally available for the age/grade level of the student  
15 and providing credit toward graduation and possible  
16 college credit. Advanced placement classes also include  
17 those recognized or offered by the college board,  
18 postsecondary institutions and other recognized founda-  
19 tions corporations or institutions.

20 Curriculum approved under this section shall be  
21 designed to advance the achievement of students in the  
22 subject area or areas in which the student has achieved  
23 at least two of the following three criteria: (a) demon-  
24 strated exceptional ability and interest through past  
25 performance, (b) obtained the prerequisite knowledge  
26 and skills to perform honors or advanced placement  
27 work, and (c) recommended by the student's former or  
28 present teachers. Honors and advanced placement  
29 curriculum may include advanced placement courses  
30 offered through the college board or other public or  
31 private foundations, corporations, institutions, or  
32 businesses whose courses are generally accepted as  
33 leading to advanced placement or standing in a postse-  
34 condary institution, accelerated instructional courses  
35 offered via satellite and other courses and arrange-  
36 ments, approved by the state board, which provide  
37 students an opportunity to advance their learning above  
38 that offered through the regular curriculum. To the  
39 maximum extent possible, honors and advanced place-  
40 ment courses shall be taught by a regular classroom  
41 teacher. Such classroom teacher shall have adequate  
42 knowledge in the subject area for the instruction of such  
43 course. If a teacher, licensed by the state board, with  
44 adequate knowledge in the advanced subject area is not  
45 available, an adjunct teacher or other qualified person  
46 may be employed, contracted for, or shared between

47 schools to instruct such course: *Provided*, That the  
48 position shall be posted annually prior to the beginning  
49 of the school year immediately following the school year  
50 in which the adjunct teacher or other qualified person  
51 is employed. The state board may grant waivers to  
52 existing certification requirements for an adjunct  
53 teacher or other qualified person who has an earned  
54 bachelors degree and has demonstrated competence in  
55 the subject to be taught.

56 (b) The honors and advanced placement curriculum  
57 shall be phased-in in accordance with the following  
58 schedule:

59 (1) Prior to the first day of June, one thousand nine  
60 hundred eighty-nine, the state board shall establish a  
61 program coordinated through the colleges and univer-  
62 sities or some other entity, to provide training to  
63 teachers in the instruction of honors and advanced  
64 placement courses: *Provided*, That the state board shall  
65 not establish an additional certification area for the  
66 teaching of honors or advanced placement courses;

67 (2) To assist in the implementation of teacher training  
68 for honors and advanced placement instruction, there  
69 shall be an appropriation to the state board;

70 (3) On or before the first day of June, one thousand  
71 nine hundred eighty-nine, and each year thereafter,  
72 teachers shall be selected to teach honors and advanced  
73 placement courses based upon the teacher's qualifica-  
74 tions and academic interests and the needs of the  
75 students. The county boards of education shall, if  
76 necessary, make arrangements for the teachers to attend  
77 a training program;

78 (4) Beginning in the school year one thousand nine  
79 hundred ninety—ninety-one, each county board shall  
80 provide in grades nine through twelve honors and  
81 advanced placement courses as provided under subsec-  
82 tion (a) of this section.

83 (c) The state board shall designate one employee who  
84 is an expert in the area of higher education financial  
85 aid, including, but not limited to, loans, grants and work

86 studies, to work on a full-time continuous basis with  
87 high school counselors to ensure that all high school  
88 students are informed of the availability of financial  
89 assistance to attend college.

**§18-2E-3b. Placement advisory committee established.**

1 Gifted students in grades nine through twelve may be  
2 served in honors and advanced placement programs as  
3 described in section three of this article, pursuant to the  
4 student's individualized education program and set  
5 forth in the student's four year education plan. Prior to  
6 the end of grade eight, a placement advisory committee  
7 shall convene for the purpose of determining whether a  
8 student should be placed in an honors or advanced  
9 placement program pursuant to the placement criteria  
10 set forth in section three-a of this article. Upon a  
11 determination that placement in one of the programs  
12 would be appropriate, the placement advisory committee shall write a four year education plan which will  
13 designate honors or advanced placement courses and/or  
14 offerings appropriate and agreed to by the school,  
15 parent and student.  
16

17 The four year education plan must be reviewed  
18 annually and approved by the parent, student and  
19 school. Schools shall be required to deliver the individualized education program as stated in the four year  
20 education plan.  
21

**§18-2E-7. Providing for high quality basic skills development and remediation in all public schools.**

1 The legislature finds that teachers must be provided  
2 the support, assistance and teaching tools necessary to  
3 meet individual student instructional needs on a daily  
4 basis in a classroom of students who differ in learning  
5 styles, learning rates and in motivation to learn. The  
6 legislature further finds that attaining a solid foundation in the basic skills of reading, composition and  
7 arithmetic is essential for advancement in higher  
8 education, occupational and avocational pursuits and  
9 that computers are an effective tool for the teacher in  
10 corrective, remedial and enrichment activities.  
11 Therefore, the state board shall develop a plan which  
12

13 specifies the resources to be used to provide services to  
14 students in the earliest grade level and moving upward  
15 as resources become available based on a plan developed  
16 by each individual school team.

17 This plan must provide for standardization of compu-  
18 ter hardware and software for the purposes of achieving  
19 economies of scale, facilitating teacher training, permit-  
20 ting the comparison of achievement of students in  
21 schools and counties utilizing the hardware and soft-  
22 ware, and facilitating the repair of equipment, and  
23 insuring appropriate utilization of the hardware and  
24 software purchased for remediation and basic skills  
25 development.

26 The state board shall determine the computer hard-  
27 ware and software specifications after input from  
28 practicing teachers at the appropriate grade levels and  
29 with the assistance of educational computer experts and  
30 the curriculum technology resource center.

31 Computer hardware and software shall be purchased  
32 either directly or through a lease purchase arrangement  
33 pursuant to the provisions of article three, chapter five-  
34 a of this code in the amount equal to anticipated  
35 revenues being appropriated.

36 The state board shall develop and provide through the  
37 state curriculum technology resource center a program  
38 to insure adequate teacher training, continuous teacher  
39 support, and updates.

**§18-5-4. Meetings; employment and assignment of  
teachers; budget hearing; compensation of  
members; affiliation with state and national  
associations.**

1 The board shall meet on the first Monday of January,  
2 except that in the year one thousand nine hundred  
3 eighty-two, and every year thereafter, the board shall  
4 meet on the first Monday of July, and upon the dates  
5 provided by law for the laying of levies, and at such  
6 other times as the board may fix upon its records. At  
7 any meeting as authorized above and in compliance with  
8 the provisions of article four of this chapter, the board

9 may employ such qualified teachers, or those who will  
10 qualify by the time of entering upon their duties,  
11 necessary to fill existing or anticipated vacancies for the  
12 current or next ensuing school year. At a meeting of the  
13 board, on or before the first Monday of May, the  
14 superintendent shall furnish in writing to the board a  
15 list of those teachers to be considered for transfer and  
16 subsequent assignment for the next ensuing school year;  
17 all other teachers not so listed shall be considered as  
18 reassigned to the positions held at the time of this  
19 meeting. Such list of those recommended for transfer  
20 shall be included in the minute record and the teachers  
21 so listed shall be notified in writing, which notice shall  
22 be delivered in writing, by certified mail, return receipt  
23 requested, to such teachers' last-known addresses within  
24 ten days following said board meeting, of their having  
25 been so recommended for transfer and subsequent  
26 assignment.

27 Special meetings may be called by the president or  
28 any three members, but no business shall be transacted  
29 other than that designated in the call.

30 In addition, a public hearing shall be held concerning  
31 the preliminary operating budget for the next fiscal  
32 year not less than ten days after such budget has  
33 received tentative approval by the West Virginia board  
34 of education and at such hearing reasonable time shall  
35 be granted to any person or persons who wish to speak  
36 regarding parts or all of such budget. Notice of such  
37 hearing shall be published as a Class I legal advertise-  
38 ment in compliance with the provisions of article three,  
39 chapter fifty-nine of this code.

40 A majority of the members shall constitute the  
41 quorum necessary for the transaction of official  
42 business.

43 Board members may receive compensation at a rate  
44 not to exceed eighty dollars per meeting attended. But  
45 they shall not receive pay for more than fifty-two  
46 meetings in any one fiscal year.

47 Members shall also be paid, upon the presentation of  
48 an itemized sworn statement, for all necessary traveling

49 expenses, including all authorized meetings, incurred on  
50 official business, at the order of the board.

51 When, by a majority vote of its members, a county  
52 board of education deems it a matter of public interest,  
53 such board may join the West Virginia school board  
54 association and the national school board association,  
55 and may pay such dues as may be prescribed by said  
56 associations and approved by action of the respective  
57 county boards. Membership dues and actual traveling  
58 expenses of board members for attending meetings of  
59 the West Virginia school board association may be paid  
60 by their respective county boards of education out of  
61 funds available to meet actual expenses of the members,  
62 but no allowance shall be made except upon sworn  
63 itemized statements.

**§18-5-18a. Maximum teacher-pupil ratio.**

1 County boards of education shall provide, by the  
2 school year one thousand nine hundred eighty-three—  
3 eighty-four, and thereafter, sufficient personnel, equip-  
4 ment and facilities as will ensure that each first and  
5 second grade classroom, or classrooms having two or  
6 more grades that include either the first or second  
7 grades shall not have more than twenty-five pupils for  
8 each teacher of the grade or grades and shall not have  
9 more than twenty pupils for each kindergarten teacher  
10 per session, unless the state superintendent has excepted  
11 a specific classroom upon application therefor by a  
12 county board.

13 County boards shall provide by the school year one  
14 thousand nine hundred eighty-four—eighty-five, and  
15 continue thereafter, sufficient personnel, equipment and  
16 facilities as will ensure that each third, fourth, fifth and  
17 sixth grade classroom, or classrooms having two or more  
18 grades that include one or more of the third, fourth, fifth  
19 and sixth grades, shall not have more than twenty-five  
20 pupils for each teacher of the grade or grades.

21 Beginning with the school year one thousand nine  
22 hundred eighty-six—eighty-seven, and thereafter, no  
23 county shall maintain a greater number of classrooms  
24 having two or more grades that include one or more of

25 the grade levels referred to in this section than were in  
26 existence in said county as of the first day of January,  
27 one thousand nine hundred eighty-three: *Provided*, That  
28 for the prior school years, and only if there is insuffi-  
29 cient classroom space available in the school or county,  
30 a county may maintain one hundred ten percent of such  
31 number of classrooms.

32 During the school year one thousand nine hundred  
33 eighty-four—eighty-five, and thereafter, the state  
34 superintendent is authorized, consistent with sound  
35 educational policy, (a) to permit on a statewide basis, in  
36 grades four through six, more than twenty-five pupils  
37 per teacher in a classroom for the purposes of instruc-  
38 tion in physical education, and (b) to permit more than  
39 twenty pupils per teacher in a specific kindergarten  
40 classroom and twenty-five pupils per teacher in a  
41 specific classroom in grades one through six during a  
42 school year in the event of extraordinary circumstances  
43 as determined by the state superintendent after appli-  
44 cation by a county board of education.

45 The state board shall establish guidelines for the  
46 exceptions authorized in this section, but in no event  
47 shall the superintendent except classrooms having more  
48 than three pupils above the pupil-teacher ratio as set  
49 forth in this section.

50 The requirement for approval of an exception to  
51 exceed the twenty pupils per kindergarten teacher per  
52 session limit or the twenty-five pupils per teacher limit  
53 in grades one through six is waived in schools where the  
54 schoolwide pupil-teacher ratio is twenty-five or less in  
55 grades one through six: *Provided*, That a teacher shall  
56 not have more than three pupils above the teacher/pupil  
57 ratio as set forth in this section. Any kindergarten  
58 teacher who has more than twenty pupils per session  
59 and any classroom teacher of grades one through six  
60 who has more than twenty-five pupils shall be paid  
61 additional compensation based on the affected classroom  
62 teacher's average daily salary divided by twenty for  
63 kindergarten teachers or twenty-five for teachers of  
64 grades one through six for every day times the number  
65 of additional pupils enrolled up to the maximum pupils

66 permitted in the teacher's classroom. All such additional  
67 compensation shall be paid from county funds  
68 exclusively.

69 No provision of this section is intended to limit the  
70 number of pupils per teacher in a classroom for the  
71 purpose of instruction in choral, band or orchestra  
72 music.

73 Each school principal shall assign students equitably  
74 among the classroom teachers, taking into consideration  
75 reasonable differences due to subject areas and/or grade  
76 levels.

77 The state board shall collect from each county board  
78 of education information on class size and the number  
79 of pupils per teacher for all classes in grades seven  
80 through twelve. The state board shall report such  
81 information to the legislative oversight commission on  
82 education accountability before the first day of January  
83 of each year.

**§18-5-18c. Early childhood programs; eligibility and  
standards for placement; guidelines and  
criteria.**

1 County boards shall provide by the school year one  
2 thousand nine hundred eighty-nine—ninety, and contin-  
3 uing thereafter, programs and instructional procedures  
4 that recognize the variability in achievement, develop-  
5 ment, and background experience of the early childhood  
6 years.

7 Such programs and instructional procedures may  
8 include, but shall not be limited to, developmental  
9 kindergarten, developmental first grade, early first  
10 grade, transitional first grade, and/or developmental  
11 second grade.

12 Placement of children in any of the aforementioned  
13 early childhood programs shall be based on the judg-  
14 ment of the teacher and other professional personnel  
15 after consultation with the parent or guardian and in  
16 accordance with the evaluation model for children as set  
17 forth in section two, article two-e of this chapter.  
18 Counties may designate one or more classes or schools



19 for such early childhood programs and may transport  
20 children to these schools.

21 Provisions shall be made for early childhood teachers  
22 to communicate on a regular basis with other teachers,  
23 professional personnel and representatives of other  
24 appropriate agencies.

25 The state board shall establish and prescribe guide-  
26 lines and criteria relating to the establishment, opera-  
27 tion and successful completion of early childhood  
28 programs in accordance with the other provisions of this  
29 section and high quality educational programs.

**ARTICLE 9A. PUBLIC SCHOOL SUPPORT.**

**§18-9A-2. Definitions.**

1 For the purpose of this article:

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

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

6 "Professional salaries" means the state legally man-  
7 dated salaries of the professional educators as provided  
8 in article four, chapter eighteen-a of this code.

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

12 "Professional instructional personnel" means a profes-  
13 sional educator whose regular duty is as that of a  
14 classroom teacher, librarian, counselor, attendance  
15 director, school psychologist or school nurse with a  
16 bachelors degree and who is licensed by the West  
17 Virginia board of examiners for registered professional  
18 nurses. A professional educator having both instruc-  
19 tional and administrative or other duties shall be  
20 included as professional instructional personnel for that  
21 ratio of the school day for which he is assigned and  
22 serves on a regular full-time basis in appropriate  
23 instruction, library, counseling, attendance, psychologist  
24 or nursing duties.

25 "Service personnel salaries" shall mean the state  
26 legally mandated salaries for service personnel as  
27 provided in section eight-a, article four, chapter  
28 eighteen-a of this code.

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

41 "Net enrollment" means the number of pupils enrolled  
42 in special education programs, kindergarten programs  
43 and grades one to twelve, inclusive, of the public schools  
44 of the county. Commencing with the school year  
45 beginning on the first day of July, one thousand nine  
46 hundred eighty-eight, net enrollment further shall  
47 include adults enrolled in regular secondary vocational  
48 programs existing as of the effective date of this section:  
49 *Provided*, That net enrollment shall include no more  
50 than one thousand such adults counted on the basis of  
51 full-time equivalency and apportioned annually to each  
52 county in proportion to the adults participating in  
53 regular secondary vocational programs in the prior year  
54 counted on the basis of full-time equivalency: *Provided*,  
55 *however*, That no tuition or special fees beyond that  
56 required of the regular secondary vocational student is  
57 charged for such adult students.

58 "Adjusted enrollment" means the net enrollment plus  
59 twice the number of pupils enrolled for special educa-  
60 tion Commencing with the school year beginning on the  
61 first day of July, one thousand nine hundred ninety,  
62 adjusted enrollment means the net enrollment plus  
63 twice the number of pupils enrolled for special educa-  
64 tion, including exceptional gifted, plus the number of  
65 pupils in grades nine through twelve enrolled for honors

66 and advanced placement programs, plus the number of  
67 pupils enrolled on the first day of July, one thousand  
68 nine hundred eighty-nine in the gifted program in  
69 grades nine through twelve: *Provided*, That commencing  
70 with the school year beginning on the first day of  
71 July, one thousand nine hundred ninety, no more than  
72 four percent of net enrollment of grades one through  
73 eight may be counted as enrolled in gifted education and  
74 no more than six percent of net enrollment of grades  
75 nine through twelve may be counted as enrolled in  
76 gifted education, exceptional gifted education (subject to  
77 the limitation set forth in section one, article twenty of  
78 this chapter) and honors and advanced placement  
79 programs for the purpose of determining adjusted  
80 enrollment within a county: *Provided, however*, That  
81 nothing herein shall be construed to limit the number  
82 of students who may actually enroll in gifted, honors or  
83 advanced placement education programs in any county:  
84 *Provided further*, That until the school year beginning  
85 on the first day of July, one thousand nine hundred  
86 ninety-two, the preceding percentage limitations shall  
87 not restrict the adjusted enrollment definition for a  
88 county to the extent that those limitations are exceeded  
89 by students enrolled in gifted education programs on the  
90 first day of July, one thousand nine hundred eighty-nine:  
91 *And provided further*, That no pupil may be counted  
92 more than three times for the purpose of determining  
93 adjusted enrollment. Such enrollment shall be adjusted  
94 to the equivalent of the instructional term and in  
95 accordance with such eligibility requirements and rules  
96 as established by the state board. No pupil shall be  
97 counted more than once by reason of transfer within the  
98 county or from another county within the state, and no  
99 pupil shall be counted who attends school in this state  
100 from another state.

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

106 "Basic resources per pupil" for the state and the

107 several counties means the total of (a) property tax  
 108 revenues computed at the maximum regular levy rates  
 109 as provided by section six-c, article eight, chapter eleven  
 110 of this code, at a uniform rate of ninety-five percent, but  
 111 excluding revenues from increased levies as provided in  
 112 section ten, article X of the Constitution of West  
 113 Virginia, and (b) basic state aid as provided in sections  
 114 twelve and thirteen of this article, but excluding the  
 115 foundation allowance to improve instructional programs  
 116 as provided in section ten of this article, and excluding  
 117 any funds appropriated for the purpose of achieving  
 118 salary equity among county board employees, this total  
 119 divided by the number of students in adjusted enrol-  
 120 lment: *Provided*, That beginning with the school year  
 121 commencing on the first day of July, one thousand nine  
 122 hundred ninety-one, and thereafter, the foundation  
 123 allowance for transportation cost as provided in section  
 124 seven of this article shall also be excluded and the total  
 125 shall be divided by the number of students in net  
 126 enrollment: *Provided, however*, That any year's alloca-  
 127 tions to the counties of the eighty percent portion of the  
 128 foundation allowance to improve instructional pro-  
 129 grams, as provided in section ten of this article, shall  
 130 be determined on the basis of the immediately preceding  
 131 school year's basic resources per pupil.

**§18-9A-4. Foundation allowance for professional educators.**

1 The basic foundation allowance to the county for  
 2 professional educators shall be the amount of money  
 3 required to pay the state minimum salaries, in accor-  
 4 dance with provisions of article four, chapter eighteen-  
 5 a of the code, to such personnel employed: *Provided*,  
 6 That in making this computation no county shall receive  
 7 an allowance for such personnel which number is in  
 8 excess of fifty-five professional educators to each one  
 9 thousand students in adjusted enrollment: *Provided*,  
 10 *however*, That any county not qualifying under the  
 11 provision of section fourteen of this article shall be  
 12 eligible for a growth rate in professional personnel in  
 13 any one year not to exceed twenty percent of its total  
 14 potential increase under this provision, except that in no

15 case shall such limit be fewer than five professionals:  
16 *Provided further*, That the number of and the allowance  
17 for personnel paid in part by state and county funds  
18 shall be prorated: *And provided further*, That where two  
19 or more counties join together in support of a vocational  
20 or comprehensive high school or any other program or  
21 service, the professional educators for such school or  
22 program may be prorated among the participating  
23 counties on the basis of each one's enrollment therein  
24 and that such personnel shall be considered within the  
25 above-stated limit: *And provided further*, That in the  
26 school year beginning the first day of July, one thousand  
27 nine hundred eighty-eight, and the succeeding school  
28 year, each county board shall establish and maintain a  
29 minimum ratio of fifty professional instructional  
30 personnel per one thousand students in adjusted  
31 enrollment, and in the school year beginning the first  
32 day of July, one thousand nine hundred ninety, and for  
33 each succeeding school year, each county board shall  
34 establish and maintain a minimum ratio of fifty-one  
35 professional instructional personnel per one thousand  
36 students in adjusted enrollment. Any county board  
37 which does not establish and maintain this minimum  
38 ratio shall suffer a pro rata reduction in the allowance  
39 for professional educators under this section, and,  
40 further, any county board which does not establish and  
41 maintain this minimum ratio shall utilize any and all  
42 allocations to it by provision of section fourteen of this  
43 article solely to employ professional instructional  
44 personnel until the minimum ratio is attained: *And*  
45 *provided further*, That for the fiscal year commencing  
46 on the first day of July, one thousand nine hundred  
47 eighty-eight, only, the foundation allowance for profes-  
48 sional educators for a county board of education shall  
49 be equal to the amount allowable based upon the actual  
50 ratio of professional educators per one thousand students  
51 in net enrollment for which the county board of  
52 education received state reimbursement during the  
53 school year one thousand nine hundred eighty-seven—  
54 eighty-eight, except that this provision shall not apply  
55 to those counties whose percent rate of special education  
56 enrollment to net enrollment is less than sixteen and two

57 tenths percent. No person employed prior to the first  
 58 day of July, one thousand nine hundred eighty-eight,  
 59 shall have their employment terminated because of a  
 60 reduction in force resulting from the provisions of this  
 61 section. Every county shall utilize methods other than  
 62 reductions in force, such as attrition and early retire-  
 63 ment, before implementing their reductions in force  
 64 policy to comply with the limitations of this section.

**§18-9A-5a. Ratio of foundation allowances for profes-  
 sional educators and service personnel to  
 net enrollment.**

1 (a) The purpose of this section is to establish maxi-  
 2 mum ratios between the numbers of professional  
 3 educators and service personnel in the counties which  
 4 are funded through the public school support plan and  
 5 the net enrollment in the counties, such ratios are in  
 6 addition to the ratios provided for in sections four and  
 7 five of this article. It is the intent of the Legislature to  
 8 adjust these ratios pursuant to legislative act as may be  
 9 appropriate when additional personnel are needed to  
 10 perform additional duties.

11 (b) Commencing with the school year one thousand  
 12 nine hundred eighty-nine—ninety, and each year  
 13 thereafter, in computing the basic foundation allowance  
 14 to a county for professional educators and the basic  
 15 foundation allowance to a county for service personnel  
 16 under sections four and five of this article, a county shall  
 17 not receive an allowance for such personnel which  
 18 number per one thousand students in net enrollment is  
 19 in excess of the number of professional educators and  
 20 the number of service personnel in the county computed  
 21 as follows:

22		Maximum professional	Maximum service
23		educators per 1000	personnel per 1000
24	For the	net enrollment the	net enrollment the
25	school year	preceding year	preceding year
26	1989-90	76.5	45.5
27	1990-91	76.0	45.0
28	1991-92	75.5	44.5
29	1992-93	75.0	44.0

30	1993-94	74.5	43.75
31	1994-95 and	74.0	43.5
32	thereafter		

33 (c) No person employed prior to the first day of July,  
34 one thousand nine hundred eighty-eight, will be laid off  
35 because of a reduction in force resulting from the  
36 provisions of this section. Every county shall utilize  
37 methods other than reductions in force, such as attrition  
38 and early retirement, before implementing their  
39 reductions in force policy to comply with the limitations  
40 of this section.

41 (d) For the school years one thousand nine hundred  
42 eighty-nine—ninety and one thousand nine hundred  
43 ninety—ninety-one only, if a school district loses more  
44 than six percent of the number chargeable for the  
45 previous school year for professional educator positions  
46 or service personnel positions, due to the maximum  
47 ratios established in subsection (b) of this section, it may  
48 apply to the state board for a waiver of said ratios to  
49 the extent that the loss exceeds either six percent of its  
50 professional educators or service personnel: *Provided,*  
51 That the county board of education establishes and  
52 maintains a minimum ratio of fifty professional instruc-  
53 tional personnel per one thousand students in adjusted  
54 enrollment for the school year beginning the first day  
55 of July one thousand nine hundred eighty-nine and fifty-  
56 one professional instructional personnel per one thou-  
57 sand students in adjusted enrollment for the school year  
58 one thousand nine hundred ninety—ninety-one as  
59 required in section four of this article. Waivers shall be  
60 determined on a case by case basis according to rules  
61 adopted by the state board and granted to the extent  
62 funds are appropriated by the Legislature for this  
63 purpose. Prior to the adoption of such rules, the state  
64 board shall conduct a thorough review of the staffing  
65 patterns in each county. Any personnel positions funded  
66 as a result of a waiver granted under the provisions of  
67 this subsection shall not be included in the computations  
68 set forth in sections four and five of this article.

**§18-9A-6a. Teachers retirement fund allowance.**

1 The total teachers retirement fund allowance shall be  
 2 the sum of the basic foundation allowance for profes-  
 3 sional educators and the basic foundation allowance for  
 4 service personnel, as provided in sections four and five  
 5 of this article; all salary equity appropriations autho-  
 6 rized in section five, article four of chapter eighteen-a;  
 7 and such amounts as are to be paid by the counties  
 8 pursuant to sections five-a and five-b of said article to  
 9 the extent such county salary supplements are equal to  
 10 the amount distributed for salary equity among the  
 11 counties, multiplied by fifteen percent.

12 The teachers retirement fund allowance amounts shall  
 13 be accumulated in the employers accumulation fund of  
 14 the state teachers retirement system pursuant to section  
 15 eighteen, article seven-a of this chapter, and shall be in  
 16 lieu of the contribution required of employers pursuant  
 17 to subsection (b) of said section eighteen as to all  
 18 personnel included in the allowance for state aid in  
 19 accordance with sections four and five of this article.

**§18-9A-7. Foundation allowance for transportation cost.**

1 The allowance in the foundation school program for  
 2 each county for transportation shall be the sum of the  
 3 following computations:

4 (1) Eighty percent of the transportation cost within  
 5 each county for maintenance, operation and related  
 6 costs, exclusive of all salaries;

7 (2) The total cost, within each county, of insurance  
 8 premiums on buses, buildings and equipment used in  
 9 transportation: *Provided*, That such premiums were  
 10 procured through competitive bidding;

11 (3) For the school year beginning the first day of July,  
 12 one thousand nine hundred eighty-nine and thereafter,  
 13 an amount equal to ten percent of the current replace-  
 14 ment value of the bus fleet within each county as  
 15 determined by the state board, such amount to be used  
 16 only for the replacement of buses;

17 (4) Eighty percent of the cost of contracted transpor-  
 18 tation services and public utility transportation with  
 19 each county; and



20 (5) Aid in lieu of transportation equal to the state  
21 average amount per pupil for each pupil receiving such  
22 aid within each county.

23 The total state share for this purpose shall be the sum  
24 of the county shares: *Provided*, That no county shall  
25 receive an allowance which is greater than one third  
26 above the computed state average allowance per mile  
27 multiplied by the total mileage in the county.

**18-9A-8. Foundation allowance for administrative cost.**

1 The allowance for administrative cost shall be equal  
2 to one and twenty-five one hundredths percent of the  
3 allocation for professional educators, as determined in  
4 section four of this article.

5 Distribution of the computed allowance shall be made  
6 as follows:

7 (1) Fifty-six percent of the allowance shall be distrib-  
8 uted to the counties in equal amounts; and

9 (2) Forty-four percent of the allowance shall be  
10 distributed to the regional educational service agencies  
11 in accordance with rules adopted by the state board. The  
12 allowance for regional educational service agencies shall  
13 be excluded from the computation of total basic state aid  
14 as provided for in section twelve of this article.

**§18-9A-9. Foundation allowance for other current ex-  
pense and substitute employees.**

1 The total allowance for other current expense and  
2 substitute employees shall be the sum of the following:

3 (1) For current expense, for the year one thousand  
4 nine hundred eighty-nine—ninety only, ten percent of  
5 the sum of the computed state allocation for professional  
6 educators and service personnel as determined in  
7 sections four and five of this article, and thereafter the  
8 rate shall be ten and six-tenths percent. Distribution to  
9 the counties shall be made proportional to the average  
10 of each county's average daily attendance for the  
11 preceding year and the county's second month net  
12 enrollment; plus

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

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

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

1 (a) Commencing with the school year beginning on  
2 the first day of July, one thousand nine hundred eighty-  
3 nine, and thereafter, twenty-eight million eight hundred  
4 thousand dollars, in addition to funds which accrue from  
5 allocations due to increase in total local share above that  
6 computed for the school year beginning on the first day  
7 of July, one thousand nine hundred eighty-nine, from  
8 balances in the general school fund, or from appropri-  
9 ations for such purpose shall be allocated to increase  
10 state support of counties as follows:

11 (1) Twenty percent of these funds shall be allocated  
12 to the counties proportional to adjusted enrollment; and

13 (2) Each county whose allocation in subsection (1) is  
14 less than one hundred fifty thousand dollars in any fiscal  
15 year shall then receive an amount which equals the  
16 difference between such amount received and one  
17 hundred fifty thousand dollars.

18 (b) The remainder of these funds shall be allocated  
19 according to the following plan for progress toward  
20 basic resources per pupil equity:

21 Beginning with the county which has the lowest basic  
22 resources per pupil and progressing through the  
23 counties successively to and beyond the county with the  
24 highest basic resources per pupil, the funds available  
25 shall be allocated in amounts necessary to increase

26 moneys available to the county or counties to the basic  
27 resources per pupil level, as nearly as is possible, of the  
28 county having the next higher basic resources per pupil:  
29 *Provided*, That to be eligible for its allocation under this  
30 section, a county board shall lay the maximum regular  
31 tax rates set out in section six-c, article eight, chapter  
32 eleven of this code: *Provided, however*, That moneys  
33 allocated by provision of this section shall be used to  
34 improve instructional programs according to a plan for  
35 instructional improvement which the affected county  
36 board shall file with the state board by the first day of  
37 August of each year, to be approved by the state board  
38 by the first day of September of that year if such plan  
39 substantially complies with standards to be adopted by  
40 the state board: *Provided further*, That no part of this  
41 allocation may be used to employ professional educators  
42 in counties until and unless all applicable provisions of  
43 sections four and fourteen of this article have been fully  
44 utilized. Such instructional improvement plan shall be  
45 made available for distribution to the public at the office  
46 of each affected county board.

47 (c) Commencing with the school year beginning on the  
48 first day of July, one thousand nine hundred eighty-  
49 eight, and thereafter, fifty percent of the funds which  
50 accrue due to an increase in local share above that  
51 computed for the school year beginning on the first day  
52 of July, one thousand nine hundred eighty-seven, shall  
53 be paid into the school building capital improvements  
54 fund created by section six, article nine-d of this  
55 chapter, and shall be used solely for the purposes of said  
56 article nine-d.

57 (d) There shall be appropriated seven million four  
58 hundred ten thousand six hundred sixty-eight dollars  
59 for aid to counties which may be expended by the county  
60 boards for the initiation, and/or improvements of special  
61 education programs including employment of new  
62 special education professional personnel solely serving  
63 exceptional children; instructional programs which  
64 utilize state of the art technology; training of educa-  
65 tional personnel to work with exceptional children; and  
66 supportive costs such as materials, transportation,

67 contracted services, minor renovations and other costs  
 68 directly related to the special education delivery process  
 69 prescribed by the state board. The appropriation may  
 70 also be used for nonpersonnel costs associated with the  
 71 maintenance of special education programs in accor-  
 72 dance with such rules as established by the state board.  
 73 The appropriation includes out-of-state instruction and  
 74 may be expended to provide instruction, care and  
 75 maintenance for educable persons who are severely  
 76 handicapped and for whom the state provides no  
 77 facilities.

78 (e) There shall be appropriated two million one  
 79 thousand seven hundred thirty-two dollars to be used by  
 80 the state department of education which may be  
 81 expended for the purposes of paying staff and operating  
 82 costs of both administrative/program personnel and  
 83 instructional personnel delivering education to handi-  
 84 capped children in facilities operated by the state  
 85 department of health; paying state department of  
 86 education staff, current expenses and equipment;  
 87 supporting a gifted summer camp; and supporting  
 88 special state projects including but not limited to (1) an  
 89 instructional materials center for visually handicapped  
 90 children at the West Virginia Schools for the Deaf and  
 91 the Blind, (2) the state special olympics program, (3) the  
 92 West Virginia advisory council for the education of  
 93 exceptional children at the West Virginia College of  
 94 Graduate of Studies, (4) statewide training activities or  
 95 other programs benefiting exceptional children, and (5)  
 96 the state very special arts program.

**§18-9A-13b. Allowances for remedial and accelerated  
 education programs and salary equity.**

1 For the fiscal years commencing on the first day of  
 2 July, one thousand nine hundred eighty-eight and  
 3 eighty-nine, only, the total state appropriation for the  
 4 basic foundation program shall be no less than the state  
 5 appropriation for the fiscal year which began on the  
 6 first day of July, one thousand nine hundred eighty-  
 7 seven.

8 For the school year beginning on the first day of July,

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9 one thousand nine hundred eighty-eighty, and the school  
10 beginning on the first day of July, one thousand nine  
11 hundred eighty-nine, funds which accrue from alloca-  
12 tions due to changes in adjusted enrollment above that  
13 computed for the school year beginning on the first day  
14 of July, one thousand nine hundred eighty-seven, or  
15 from appropriations for such purpose, shall be allocated  
16 to increase state support for salary equity and to develop  
17 and implement remedial and accelerated programs in  
18 the following manner:

19 Sixty percent of these funds shall be allocated for the  
20 purpose of attaining salary equity among the counties  
21 pursuant to section five, article four, chapter eighteen-  
22 a; and

23 Forty percent of these funds shall be allocated to  
24 implement remedial and accelerated programs as  
25 developed under guidelines of the state board: *Provided,*  
26 That for the school year one thousand nine hundred  
27 eighty-nine—ninety only, funds which accrue from  
28 allocations due to changes in adjusted enrollment above  
29 that computed for the school year beginning on the first  
30 day of July, one thousand nine hundred eighty-seven,  
31 shall be distributed for the purpose of achieving equity  
32 within the state basic foundation program.

33 Commencing with the school year beginning on the  
34 first day of July, one thousand nine hundred ninety, and  
35 thereafter funds which accrue from allocations due to  
36 changes in adjusted enrollment above that computed for  
37 the school year beginning on the first day of July, one  
38 thousand nine hundred eighty-seven, or from appropri-  
39 ations for such purpose, shall be allocated to increase  
40 state support for salary equity and to develop and  
41 implement remedial and accelerated programs in the  
42 following manner:

43 Eighty percent of these funds shall be allocated for the  
44 purpose of attaining salary equity among the counties  
45 pursuant to section five, article four, chapter eighteen-  
46 a; and

47 Twenty percent of these funds shall be allocated to  
48 implement remedial and accelerated programs as

*year  
of  
should be app  
to h.*

49 developed under guidelines of the state board.

**§18-9A-22. Standards for educational quality.**

1 (a) The purpose of this section is to declare the intent  
2 of the Legislature to provide a thorough and efficient  
3 system of education for West Virginia public school  
4 students. High quality educational standards shall be  
5 provided all public school students on an equal educa-  
6 tional opportunity basis. A system for the review of  
7 county educational plans and the on-site reviews of  
8 county educational programs shall provide assurances  
9 that the high quality standards, established pursuant to  
10 this section, are being met.

11 On or before January one, one thousand nine hundred  
12 eighty-five, the state board of education shall establish  
13 and adopt high quality educational standards and shall  
14 provide each county board of education a copy thereof.

15 On or before July one, one thousand nine hundred  
16 eighty-five, and each July one thereafter, each county  
17 board of education shall file an annual specific program  
18 plan with the state department of education. The  
19 program plan shall, at a minimum, meet the statewide  
20 high quality educational standards as established by the  
21 state board of education.

22 The purpose of the program plan is to allow county  
23 boards of education flexibility in developing school  
24 improvement programs structured around locally  
25 identified needs, but in compliance with the high quality  
26 standards adopted by the state board of education. High  
27 quality standards must be met in curriculum, finance,  
28 transportation, special education, facilities, textbooks,  
29 personnel qualifications and other such areas as  
30 determined by the state board of education.

31 The state department of education shall review the  
32 plans annually and conduct an on-site review of each  
33 county's educational program every fourth year. The  
34 state board of education shall have authority to issue  
35 four types of recognition status: (1) full approval, (2)  
36 substantial approval, (3) probationary and (4)  
37 nonapproval.

38 Full approval status may be granted to a county board  
39 of education whose educational program has undergone  
40 an on-site evaluation by representatives of the state  
41 department of education and has met the high quality  
42 standards adopted by the state board of education. Full  
43 approval status shall be for a period not to exceed four  
44 years.

45 Substantial approval status may be granted to a  
46 county board of education whose educational program  
47 has satisfied all conditions identified under full approval  
48 status, with the exception of an on-site review, or all  
49 conditions identified under full approval have been  
50 satisfied except that one or more of the high quality  
51 standards have not been met but will be attained within  
52 one year, as described in an acceptable plan of action.

53 Probationary status is given to a county board of  
54 education whose educational program has not met the  
55 high quality standards. Probationary status is a warn-  
56 ing that the county board of education must make  
57 specified improvements. If progress is not made toward  
58 meeting the high quality standards during the succeed-  
59 ing year, the county board of education is automatically  
60 placed on nonapproval status.

61 Nonapproval status is given to a county board of  
62 education which fails to submit an annual program  
63 plan, fails to give evidence of meeting the high quality  
64 standards or has not demonstrated a reasonable effort  
65 to meet such standards.

66 (b) After the thirty-first day of December, one  
67 thousand nine hundred eighty-eight, the approval of  
68 educational programs based on high quality educational  
69 standards established by the state board shall be in  
70 accordance with the provisions of article two-e of this  
71 chapter and the provisions of this section shall expire.

#### ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.

##### **§18-20-1. Establishment of special programs and teaching services for exceptional children.**

1 In accordance with the following provisions, county

2 boards of education throughout the state shall establish  
3 and maintain for all exceptional children between five  
4 and twenty-three years of age special educational  
5 programs, including, but not limited to, special schools,  
6 classes, regular classroom programs, home-teaching or  
7 visiting-teacher services for any type or classification as  
8 the state board shall approve. Provisions shall be made  
9 for educating exceptional children (including the  
10 handicapped and the gifted) who differ from the  
11 average or normal in physical, mental or emotional  
12 characteristics, or in communicative or intellectual  
13 deviation characteristics, or in both communicative and  
14 intellectual deviation characteristics, to the extent that  
15 they cannot be educated safely or profitably in the  
16 regular classes of the public schools or to the extent that  
17 they need special educational provisions within the  
18 regular classroom in order to educate them in accor-  
19 dance with their capacities, limitations and needs:  
20 *Provided*, That commencing with the school year  
21 beginning on the first day of July, one thousand nine  
22 hundred ninety, provisions shall be made for educating  
23 exceptional children, including the handicapped, the  
24 gifted in grades one through eight, the pupils enrolled  
25 on the first day of July, one thousand nine hundred  
26 eighty-nine in the gifted program in grades nine  
27 through twelve and the exceptional gifted in grades nine  
28 through twelve. The term "exceptional gifted" means  
29 those students in grades nine through twelve identified  
30 as gifted and at least one of the following: behavior  
31 disorder, specific learning disabilities, psychological  
32 adjustment disorder, underachieving, or economically  
33 disadvantaged. Exceptional gifted children shall be  
34 referred for identification pursuant to recommendation  
35 by a school psychologist, school counselor, principal,  
36 teacher, parent or by self-referral, at which time the  
37 placement process, including development of an individ-  
38 ualized education program, and attendant due process  
39 rights, shall commence. Exceptional gifted children, for  
40 purposes of calculating adjusted enrollment pursuant to  
41 section two, article nine-a of this chapter, shall not  
42 exceed one percent of net enrollment in grades nine  
43 through twelve. Nothing herein shall be construed to



44 limit the number of students identified as exceptional  
45 gifted and who receive appropriate services. Each  
46 county board of education is mandated to provide gifted  
47 education to its students according to guidelines  
48 promulgated by the state board and consistent with the  
49 provisions of this chapter. Upon the recommendation of  
50 a principal, counselor, teacher and parent, a student  
51 who does not meet the gifted eligibility criteria may  
52 participate in any school program deemed appropriate  
53 for the student provided that classroom space is availa-  
54 ble. In addition, county boards of education may  
55 establish and maintain other educational services for  
56 exceptional children as the state superintendent of  
57 schools may approve.

58 By the school year beginning on the first day of July,  
59 one thousand nine hundred seventy-four, county boards  
60 of education shall establish and maintain these special  
61 educational programs, including, but not limited to,  
62 special schools, classes, regular class programs, home-  
63 teaching and visiting-teacher services. After the first  
64 day of July, one thousand nine hundred eighty-three, the  
65 special education programs shall include home-teaching  
66 or visiting-teacher services for children who are  
67 homebound due to injury or who for any other reason  
68 as certified by a licensed physician are homebound for  
69 a period that has lasted or will last more than three  
70 weeks: *Provided*, That pupils receiving such homebound  
71 or visiting-teacher services shall not be included when  
72 computing adjusted enrollment as defined in section  
73 two, article nine-a, chapter eighteen of this code. The  
74 state board shall adopt rules and regulations to advance  
75 and accomplish this program and to assure that all  
76 exceptional children in the state, including children in  
77 mental health facilities, residential institutions and  
78 private schools, will receive an education in accordance  
79 with the mandates of state and federal laws.

80 Nothing in this section shall be construed to prevent  
81 county boards of education from providing special  
82 educational programs, including, but not limited to,  
83 special schools, classes, regular class programs, home-  
84 teaching or visiting-teacher services for such excep-

85 tional children who are three years of age or older.

**§18-20-9. Gifted education caseload review.**

1 Notwithstanding any other provision of this code, to  
 2 the contrary, the teacher-student ratio for gifted, honors,  
 3 and advanced placement education in grades nine  
 4 through twelve shall be the same as regular classroom  
 5 education and not as required for special education of  
 6 exceptional children: *Provided*, That this shall not apply  
 7 to education of exceptional gifted, as defined in section  
 8 one, article twenty of this chapter. The state board shall  
 9 review class sizes and enrollment percentages of  
 10 students in gifted, exceptional gifted, honors, and  
 11 advanced placement programs in grades nine through  
 12 twelve and report its findings to the standing education  
 13 committees of the Senate and House of Delegates by the  
 14 tenth day of January, one thousand nine hundred ninety-  
 15 one.

**CHAPTER 18A. SCHOOL PERSONNEL.**

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

**§18A-4-1. Definitions.**

1 For the purpose of this section, salaries shall be  
 2 defined as: (a) "Basic salaries" which shall mean the  
 3 salaries paid to teachers with zero years of experience  
 4 and in accordance with the classification of certification  
 5 and of training of said teachers; and (b) "advanced  
 6 salaries" which shall mean the basic salary plus an  
 7 experience increment based on the allowable years of  
 8 experience of the respective teachers in accordance with  
 9 the schedule established herein for the applicable  
 10 classification of certification and of training of said  
 11 teachers.

12 "Classification of certification" means the class or type  
 13 of certificate issued by the state superintendent of  
 14 schools under the statutory provisions of this chapter.  
 15 "Classification of training" means the number of  
 16 collegiate or graduate hours necessary to meet the  
 17 requirements stipulated in the definitions set forth in  
 18 the next paragraph in items (2) to (10) inclusive.

19     The column heads of the state minimum salary  
20     schedule set forth in section two of this article are  
21     defined as follows:

22     (1) "Years of experience" means the number of years  
23     the teacher has been employed in the teaching profes-  
24     sion, including active work in educational positions  
25     other than the public schools, and service in the armed  
26     forces of the United States if the teacher were under  
27     contract to teach at the time of induction. For a  
28     registered professional nurse employed by a county  
29     board of education, "years of experience" means the  
30     number of years the nurse has been employed as a  
31     public school health nurse, including active work in a  
32     nursing position related to education, and service in the  
33     armed forces if the nurse was under contract with the  
34     county board at the time of induction. For the purpose  
35     of section two of this article, the experience of a teacher  
36     or a nurse shall be limited to that allowed under their  
37     training classification as found in the minimum salary  
38     schedule.

39     (2) "Fourth class" means all certificates previously  
40     identified as (a) "certificates secured by examination,"  
41     and (b) "other first grade certificates."

42     (3) "Third class" means all certificates previously  
43     identified as (a) "standard normal certificates" and (b)  
44     "third class temporary (sixty-four semester hours)  
45     certificates."

46     (4) "Second class" means all certificates previously  
47     identified as "second class temporary certificates based  
48     upon the required ninety-six hours of college work."

49     (5) "A.B." means a bachelor's degree, from an accre-  
50     dited institution of higher education, which has been  
51     issued to, or for which the requirements for such have  
52     been met by, a person who qualifies for or holds a  
53     professional certificate or its equivalent. A registered  
54     professional nurse with a bachelor's degree, who is  
55     licensed by the West Virginia board of examiners for  
56     registered professional nurses and employed by a county  
57     board of education, shall be within this classification for  
58     payment in accordance with sections two and two-a of

59 this article.

60 (6) "A.B. plus 15" means a bachelor's degree as  
61 defined above plus fifteen hours of graduate work, from  
62 an accredited institution of higher education certified to  
63 do graduate work, in an approved planned program at  
64 the graduate level which requirements have been met  
65 by a person who qualifies for or holds a professional  
66 certificate or its equivalent.

67 (7) "M. A." means a master's degree, earned in an  
68 institution of higher education approved to do graduate  
69 work, which has been issued to, or the requirements for  
70 such have been met by, a person who qualifies for or  
71 holds a professional certificate or its equivalent.

72 (8) "M. A. plus 15" means the above-defined master's  
73 degree plus fifteen hours of graduate work, earned in  
74 an institution of higher education approved to do  
75 graduate work, if the person is qualified for or holds a  
76 professional certificate or its equivalent.

77 (9) "M. A. plus 30" means the above-defined master's  
78 degree plus thirty graduate hours, earned in an  
79 institution approved to do graduate work, if the person  
80 is qualified for or holds a professional certificate or its  
81 equivalent.

82 (10) "Doctorate" means a doctor's degree, earned from  
83 a university qualified and approved to confer such a  
84 degree, which has been issued to or the requirements for  
85 such have been met by a person who qualifies for or  
86 holds a professional certificate or its equivalent.

87 Notwithstanding the requirements set forth in subdivi-  
88 sions (6), (8) and (9) of this section relating to hours  
89 of graduate work at an institution certified to do such  
90 work, fifteen undergraduate credit hours from a  
91 regionally accredited institution of higher education,  
92 earned after the effective date of this section, may be  
93 utilized for advanced salary classification if such hours  
94 are in accordance with (a) the teacher's current  
95 classification of certification and of training, (b) a  
96 designated instructional shortage area documented by  
97 the employing county superintendent, or (c) an identi-

98    fied teaching deficiency documented through the state  
99    approved county personnel evaluation system.

100    Any professional educator earning a master's degree  
101    shall be entitled to any "MA" classifications of training  
102    for purposes of compensation pursuant to the provisions  
103    of the in-field master's salary schedule set forth in  
104    section two of this article only if a minimum of two-  
105    thirds of the course work for such degree is in the field  
106    in which the professional educator holds certification  
107    and is employed: *Provided*, That the classroom teacher  
108    who holds multiple certifications or a certification in  
109    elementary education and has obtained an in-field  
110    master's in one of those certification areas shall be  
111    compensated at the level commensurate with the in-field  
112    provisions.

113    Upon request for a specific master's degree program,  
114    the appropriate governing board of higher education  
115    shall provide all of the course work needed to obtain a  
116    master's degree in the requested program. The course  
117    work for such program shall be initiated no later than  
118    two years from the date requested and shall be provided  
119    in its entirety within each regional educational service  
120    agency area in which the request has been made as  
121    follows: (1) via satellite instruction; (2) via public  
122    television home instruction; or (3) in a manner pres-  
123    cribed by such governing board. If a governing board  
124    fails to initiate the course work within the above time  
125    period, an individual shall be compensated at the  
126    appropriate level of years of experience on the in-field  
127    master's salary schedule whenever the individual has  
128    obtained any master's degree related to the public school  
129    program.

130    The governing boards of higher education shall  
131    develop a plan to provide "MA" classification programs  
132    to professional educators throughout this state by the  
133    first day of January, one thousand nine hundred ninety-  
134    one with the objective being to provide course work  
135    enabling professional educators to achieve an "MA"  
136    degree classification in their teaching field.

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

1	STATE MINIMUM SALARY SCHEDULE I						
2	(1)	(2)	(3)	(4)	(5)	(6)	(7)
3	Years	4th	3rd	2nd		A.B.	
4	Exp.	Class	Class	Class	A.B.	+15	M.A.
5	0	11,253	11,860	12,103	13,255	13,955	14,655
6	1	11,459	12,066	12,309	13,636	14,336	15,036
7	2	11,665	12,272	12,515	14,017	14,717	15,417
8	3	11,871	12,478	12,721	14,398	15,098	15,798
9	4	12,302	12,909	13,152	15,004	15,704	16,404
10	5	12,508	13,115	13,358	15,385	16,085	16,785
11	6	12,714	13,321	13,564	15,766	16,466	17,166
12	7		13,527	13,770	16,147	16,847	17,547
13	8		13,733	13,976	16,528	17,228	17,928
14	9			14,182	16,909	17,609	18,309
15	10			14,388	17,290	17,990	18,690
16	11				17,671	18,371	19,071
17	12				18,052	18,752	19,452
18	13				18,433	19,133	19,833
19	14						20,214
20	15						20,595
21	16						20,976
22	17						
23	18						
24	19						
25					(8)	(9)	(10)
26	Years				M.A.	M.A.	Doc-
27	Exp.				+15	+30	torate
28	0				15,355	16,055	16,755
29	1				15,736	16,436	17,136
30	2				16,117	16,817	17,517
31	3				16,498	17,198	17,898
32	4				17,104	17,804	18,504
33	5				17,485	18,185	18,885
34	6				17,866	18,566	19,266
35	7				18,247	18,947	19,647
36	8				18,628	19,328	20,028
37	9				19,009	19,709	20,409
38	10				19,390	20,090	20,790
39	11				19,771	20,471	21,171
40	12				20,152	20,852	21,552

41	13	20,533	21,233	21,933
42	14	20,914	21,614	22,314
43	15	21,295	21,995	22,695
44	16	21,676	22,376	23,076
45	17		22,757	23,457
46	18		23,138	23,838
47	19		23,519	24,219

48 STATE MINIMUM SALARY SCHEDULE II

49	(1)	(2)	(3)	(4)	(5)	(6)	(7)
50	Years	4th	3rd	2nd		A.B.	
51	Exp.	Class	Class	Class	A.B.	+15	M.A.
52	0	11,816	12,453	12,708	13,918	14,653	15,388
53	1	12,032	12,669	12,924	14,318	15,053	15,788
54	2	12,248	12,886	13,141	14,718	15,453	16,188
55	3	12,465	13,102	13,357	15,118	15,853	16,588
56	4	12,917	13,554	13,810	15,754	16,489	17,224
57	5	13,133	13,771	14,026	16,154	16,889	17,624
58	6	13,350	13,987	14,242	16,554	17,289	18,024
59	7		14,203	14,459	16,954	17,689	18,424
60	8		14,420	14,675	17,354	18,089	18,824
61	9			14,891	17,754	18,489	19,224
62	10			15,107	18,155	18,890	19,625
63	11				18,555	19,290	20,025
64	12				18,955	19,690	20,425
65	13				19,355	20,090	20,825
66	14						21,225
67	15						21,625
68	16						22,025
69	17						
70	18						
71	19						

72		(8)	(9)	(10)
73	Years	M.A.	M.A.	Doc-
74	Exp.	+15	+30	torate
75	0	16,123	16,858	17,593
76	1	16,523	17,258	17,993
77	2	16,923	17,658	18,393
78	3	17,323	18,058	18,793
79	4	17,959	18,694	19,429
80	5	18,359	19,094	19,829

81	6	18,759	19,494	20,229
82	7	19,159	19,894	20,629
83	8	19,559	20,294	21,029
84	9	19,959	20,694	21,429
85	10	20,360	21,095	21,830
86	11	20,760	21,495	22,230
87	12	21,160	21,895	22,630
88	13	21,560	22,295	23,030
89	14	21,960	22,695	23,430
90	15	22,360	23,095	23,830
91	16	22,760	23,495	24,230
92	17		23,895	24,630
93	18		24,295	25,030
94	19		24,695	25,430

## 95 STATE IN-FIELD MASTER'S SALARY SCHEDULE

96	(1)	(2)	(3)	(4)
97	Years		M.A.	M.A.
98	of Exp.	M.A.	+15	+30
99	0	16,388	17,123	17,858
100	1	16,788	17,523	18,258
101	2	17,188	17,923	18,658
102	3	17,588	18,323	19,058
103	4	18,224	18,959	19,694
104	5	18,624	19,359	20,094
105	6	19,024	19,759	20,494
106	7	19,424	20,159	20,894
107	8	19,824	20,559	21,294
108	9	20,224	20,959	21,694
109	10	20,625	21,360	22,095
110	11	21,025	21,760	22,495
111	12	21,425	22,160	22,895
112	13	21,825	22,560	23,295
113	14	22,225	22,960	23,695
114	15	22,625	23,360	24,095
115	16	23,025	23,760	24,495
116	17			24,895
117	18			25,295
118	19			25,695

119 On and after the first day of July, one thousand nine  
120 hundred ninety-four, each teacher who has met the in-  
121 field master's requirements set forth in section one of



122 this article shall receive the amount prescribed in the  
123 "state in-field master's salary schedule" in lieu of the  
124 "state minimum salary schedule II" and any other  
125 compensation otherwise provided for in this section.

126 On and after the first day of July, one thousand nine  
127 hundred eighty-six, each teacher shall receive the  
128 amount prescribed in the "state minimum salary  
129 schedule I" as set forth in this section, specific additional  
130 amounts prescribed in this section or article, and any  
131 county supplement in effect in a county pursuant to  
132 section five-a of this article during the contract year:  
133 *Provided*, That on and after the first day of the second  
134 half of the teacher's employment term in the school year  
135 one thousand nine hundred eighty-nine—ninety, each  
136 teacher shall receive the amount prescribed in the "state  
137 minimum salary schedule II" as set forth in this section,  
138 specific additional amounts prescribed in this section or  
139 article, and any county supplement in effect in a county  
140 pursuant to section five-a of this article during the  
141 contract year.

142 Six hundred dollars shall be paid annually to each  
143 classroom teacher who has at least twenty years of  
144 teaching experience. Such payments shall be in addition  
145 to any amounts prescribed in the "state minimum salary  
146 schedule," shall be paid in equal monthly installments,  
147 and shall be deemed a part of the state minimum  
148 salaries for teachers.

**§18A-4-5a. County salary supplements for teachers.**

1 County boards of education in fixing the salaries of  
2 teachers shall use at least the state minimum salaries  
3 established under the provisions of this article. The  
4 board may establish salary schedules which shall be in  
5 excess of the state minimums fixed by this article, such  
6 county schedules to be uniform throughout the county  
7 as to the above stipulated training classifications,  
8 experience, responsibility and other requirements,  
9 except that no such county schedule may exceed one  
10 hundred two and one-half percent of a schedule which  
11 incorporates the state minimum salary for teachers in  
12 effect on the first day of July, one thousand nine

13 hundred eighty-four, and adopts a supplement which  
14 equals the highest supplement provided by a county on  
15 the first day of January, one thousand nine hundred  
16 eighty-four, so as to assist the state in meeting its  
17 objective of salary equity among the counties: *Provided*,  
18 That all teachers in the state shall be entitled to any  
19 increases in the minimum salary schedules established  
20 under the provisions of this article, and when a county  
21 schedule changes due to said increase in the state  
22 minimum salary taking effect after the first day of July,  
23 one thousand nine hundred eighty-four, it shall not be  
24 deemed to exceed the maximum salary schedule pres-  
25 cribed herein.

26 Counties may fix higher salaries for teachers placed  
27 in special instructional assignments, for those assigned  
28 to or employed for duties other than regular instruc-  
29 tional duties, and for teachers of one-teacher schools,  
30 and they may provide additional compensation for any  
31 teacher assigned duties in addition to the teacher's  
32 regular instructional duties wherein such noninstruc-  
33 tional duties are not a part of the scheduled hours of the  
34 regular school day. Uniformity also shall apply to such  
35 additional salary increments or compensation for all  
36 persons performing like assignments and duties within  
37 the county: *Provided*, That in establishing such local  
38 salary schedules, no county shall reduce local funds  
39 allocated for salaries in effect on the first day of  
40 January, one thousand nine hundred eighty-four, and  
41 used in supplementing the state minimum salaries as  
42 provided for in this article, unless forced to do so by  
43 defeat of a special levy, or a loss in assessed values or  
44 events over which it has no control and for which the  
45 county board has received approval from the state board  
46 prior to making such reduction.

47 Counties may provide, in a uniform manner, benefits  
48 for teachers which require an appropriation from local  
49 funds including, but not limited to, dental, optical,  
50 health and income protection insurance, vacation time  
51 and retirement plans excluding the state teachers  
52 retirement system. Nothing herein shall prohibit the  
53 maintenance nor result in the reduction of any benefits

54 in effect on January one, one thousand nine hundred  
55 eighty-four, by any county board of education.

56 To further assist the state in meeting such objective,  
57 each county board of education shall provide to the state  
58 board of education on or before the first day of  
59 November, one thousand nine hundred eighty-nine, such  
60 information as the state board directs to assist the state  
61 superintendent of schools in preparing a report to be  
62 submitted to the Legislature on the first day of the  
63 regular session thereof in the year one thousand nine  
64 hundred ninety. Such report shall include findings,  
65 conclusions and recommendations with respect to  
66 benefits provided and meeting the objective of benefit  
67 equity among the counties.

**§18A-4-5b. County salary supplements for school service  
personnel.**

1 The county board of education may establish salary  
2 schedules which shall be in excess of the state min-  
3 imums fixed by this article, except that no such schedule  
4 may exceed one hundred two and one-half percent of a  
5 schedule which incorporates the state minimum salary  
6 for school service personnel in effect on the first day of  
7 July, one thousand nine hundred eighty-four, and adopts  
8 a monthly supplement of two hundred and five dollars  
9 for zero years of experience for all pay grades and which  
10 increases said monthly supplement by two dollars for  
11 each year of experience codified for school service  
12 personnel in this article, so as to assist the state in  
13 meeting its objective of salary equity among the  
14 counties: *Provided*, That all school service personnel in  
15 the state shall be entitled to any increases in the  
16 minimum salary for school service personnel established  
17 under the provisions of this article, and when a county  
18 schedule changes due to said increase in the state  
19 minimum salary taking effect after the first day of July,  
20 one thousand nine hundred eighty-four, it shall not be  
21 deemed to exceed the maximum salary schedule pres-  
22 cribed herein. Any county supplement for any position  
23 which, on the first day of January, one thousand nine  
24 hundred eighty-four, extends the schedule beyond the  
25 maximum prescribed herein for such position shall be

26 exempt from the maximums stated herein, subject to the  
27 approval of the state board, but no such supplement  
28 shall be increased beyond the amount received on the  
29 first day of January, one thousand nine hundred eighty-  
30 four.

31 These county schedules shall be uniform throughout  
32 the county with regard to any training classification,  
33 experience, years of employment, responsibility, duties,  
34 pupil participation, pupil enrollment, size of buildings,  
35 operation of equipment or other requirements. Further,  
36 uniformity shall apply to all salaries, rates of pay,  
37 benefits, increments or compensation for all persons  
38 regularly employed and performing like assignments  
39 and duties within the county: *Provided*, That in estab-  
40 lishing such local salary schedules, no county shall  
41 reduce local funds allocated for salaries in effect on the  
42 first day of January, one thousand nine hundred eighty-  
43 four, and used in supplementing the state minimum  
44 salaries as provided for in this article, unless forced to  
45 do so by defeat of a special levy, or a loss in assessed  
46 values or events over which it has no control and for  
47 which the county board has received approval from the  
48 state board prior to making such reduction.

49 Counties may provide, in a uniform manner, benefits  
50 for service personnel which require an appropriation  
51 from local funds including, but not limited to, dental,  
52 optical, health and income protection insurance, vaca-  
53 tion time and retirement plans excluding the state  
54 teachers retirement system. Nothing herein shall  
55 prohibit the maintenance nor result in the reduction of  
56 any benefits in effect on January one, one thousand nine  
57 hundred eighty-four, by any county board of education.

58 To further assist the state in meeting such objective,  
59 each county board of education shall provide to the state  
60 board of education on or before the first day of  
61 November, one thousand nine hundred eighty-nine, such  
62 information as the state board directs to assist the state  
63 superintendent of schools in preparing a report to be  
64 submitted to the Legislature on the first day of the  
65 regular session thereof in the year one thousand nine  
66 hundred ninety. Such report shall include findings,

67 conclusions, and recommendations with respect to  
68 benefits provided and meeting the objective of benefit  
69 equity among the counties.

**§18A-4-5c. Equity appropriation from surplus revenues.**

1 Notwithstanding the provisions of section five of this  
2 article, any moneys appropriated and expended for  
3 equity that are in addition to such amounts as were  
4 expended for such purpose prior to the effective date of  
5 this section shall be apportioned between teachers and  
6 school service personnel in such proportion as necessary  
7 to align more closely teachers and school service  
8 personnel with their counterparts in the contiguous  
9 states: *Provided*, That an adequate amount of such funds  
10 shall be reserved to finance the appropriate foundation  
11 allowances and staffing incentives provided for in  
12 article nine-a of chapter eighteen.

13 The state board shall collect information annually  
14 from contiguous states for the purpose of making a  
15 thorough and comprehensive comparison of West  
16 Virginia school service personnel salaries to those in  
17 surrounding states, which shall be used as a guide to  
18 align more closely teachers and school service personnel  
19 with their counterparts in the contiguous states.

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

20 STATE MINIMUM PAY SCALE PAY GRADE I

21	Years of								
22	Employ-								
23	ment	A	B	C	D	E	F	G	H
24	0	822	842	882	932	982	1,042	1,072	1,142
25	1	842	862	902	952	1,002	1,062	1,092	1,162
26	2	862	882	922	972	1,022	1,082	1,112	1,182
27	3	882	902	942	992	1,042	1,102	1,132	1,202
28	4	902	922	962	1,012	1,062	1,122	1,152	1,222
29	5	922	942	982	1,032	1,082	1,142	1,172	1,242
30	6	942	962	1,002	1,052	1,102	1,162	1,192	1,262
31	7	962	982	1,022	1,072	1,122	1,182	1,212	1,282
32	8	982	1,002	1,042	1,092	1,142	1,202	1,232	1,302
33	9	1,002	1,022	1,062	1,112	1,162	1,222	1,252	1,322
34	10	1,022	1,042	1,082	1,132	1,182	1,242	1,272	1,342
35	11	1,042	1,062	1,102	1,152	1,202	1,262	1,292	1,362

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36	12	1,062	1,082	1,122	1,172	1,222	1,282	1,312	1,382
37	13	1,082	1,102	1,142	1,192	1,242	1,302	1,332	1,402
38	14	1,102	1,122	1,162	1,212	1,262	1,322	1,352	1,422
39	15	1,122	1,142	1,182	1,232	1,282	1,342	1,372	1,442
40	16	1,142	1,162	1,202	1,252	1,302	1,362	1,392	1,462
41	17	1,162	1,182	1,222	1,272	1,322	1,382	1,412	1,482
42	18	1,182	1,202	1,242	1,292	1,342	1,402	1,432	1,502
43	19	1,202	1,222	1,262	1,312	1,362	1,422	1,452	1,522
44	20	1,222	1,242	1,282	1,332	1,382	1,442	1,472	1,542
45	21	1,242	1,262	1,302	1,352	1,402	1,462	1,492	1,562
46	22	1,262	1,282	1,322	1,372	1,422	1,482	1,512	1,582
47	23	1,282	1,302	1,342	1,392	1,442	1,502	1,532	1,602
48	24	1,302	1,322	1,362	1,412	1,462	1,522	1,552	1,622
49	25	1,322	1,342	1,382	1,432	1,482	1,542	1,572	1,642

50 STATE MINIMUM PAY SCALE PAY GRADE II

51	Years of								
52	Employ-								
53	ment	A	B	C	D	E	F	G	H
54	0	849	869	909	959	1,009	1,069	1,099	1,169
55	1	871	891	931	981	1,031	1,091	1,121	1,191
56	2	893	913	953	1,003	1,053	1,113	1,143	1,213
57	3	915	935	975	1,025	1,075	1,135	1,165	1,235
58	4	937	957	997	1,047	1,097	1,157	1,187	1,257
59	5	959	979	1,019	1,069	1,119	1,179	1,209	1,279
60	6	981	1,001	1,041	1,091	1,141	1,201	1,231	1,301
61	7	1,003	1,023	1,063	1,113	1,163	1,223	1,253	1,323
62	8	1,025	1,045	1,085	1,135	1,185	1,245	1,275	1,345
63	9	1,047	1,067	1,107	1,157	1,207	1,267	1,297	1,367
64	10	1,069	1,089	1,129	1,179	1,229	1,289	1,319	1,389
65	11	1,091	1,111	1,151	1,201	1,251	1,311	1,341	1,411
66	12	1,113	1,133	1,173	1,223	1,273	1,333	1,363	1,433
67	13	1,135	1,155	1,195	1,245	1,295	1,355	1,385	1,455
68	14	1,157	1,177	1,217	1,267	1,317	1,377	1,407	1,477
69	15	1,179	1,199	1,239	1,289	1,339	1,399	1,429	1,499
70	16	1,201	1,221	1,261	1,311	1,361	1,421	1,451	1,521
71	17	1,223	1,243	1,283	1,333	1,383	1,443	1,473	1,543
72	18	1,245	1,265	1,305	1,355	1,405	1,465	1,495	1,565
73	19	1,267	1,287	1,327	1,377	1,427	1,487	1,517	1,587
74	20	1,289	1,309	1,349	1,399	1,449	1,509	1,539	1,609
75	21	1,311	1,331	1,371	1,421	1,471	1,531	1,561	1,631
76	22	1,333	1,353	1,393	1,443	1,493	1,553	1,583	1,653
77	23	1,355	1,375	1,415	1,465	1,515	1,575	1,605	1,675

*See  
Enrolled 2, 10/22/  
S. M. B.*

78	24	1,377	1,397	1,437	1,487	1,537	1,597	1,627	1,697
79	25	1,399	1,419	1,459	1,509	1,559	1,619	1,649	1,719
80	26	1,421	1,441	1,481	1,531	1,581	1,641	1,671	1,741
81	27	1,443	1,463	1,503	1,553	1,603	1,663	1,693	1,763
82	28	1,465	1,485	1,525	1,575	1,625	1,685	1,715	1,785
83	29	1,487	1,507	1,547	1,597	1,647	1,707	1,737	1,807
84	30	1,509	1,529	1,569	1,619	1,669	1,729	1,759	1,829

85	CLASS TITLE	PAY GRADE
86	Accountant I .....	D
87	Accountant II.....	E
88	Accountant III.....	F
89	Aide I.....	A
90	Aide II .....	B
91	Aide III .....	C
92	Aide IV .....	D
93	Audiovisual Technician.....	C
94	Auditor .....	G
95	Braille or Sign Language Specialist.....	E
96	Bus Operator .....	D
97	Buyer .....	F
98	Cabinet Maker.....	G
99	Cafeteria Manager.....	D
100	Carpenter I.....	E
101	Carpenter II .....	F
102	Chief Mechanic .....	G
103	Clerk I .....	B
104	Clerk II .....	C
105	Computer Operator .....	E
106	Cook I.....	A
107	Cook II .....	B
108	Cook III .....	C
109	Crew Leader.....	F
110	Custodian I .....	A
111	Custodian II .....	B
112	Custodian III .....	C
113	Custodian IV .....	D
114	Director or Coordinator of Services .....	H
115	Draftsman .....	D
116	Electrician I.....	F
117	Electrician II .....	G
118	Electronic Technician I .....	F

119	Electronic Technician II.....	G
120	Executive Secretary .....	G
121	Food Services Supervisor.....	G
122	Foreman .....	G
123	General Maintenance.....	C
124	Glazier .....	D
125	Graphic Artist.....	D
126	Groundsman.....	B
127	Handyman .....	B
128	Heating and Air Conditioning Mechanic I .....	E
129	Heating and Air Conditioning Mechanic II .....	G
130	Heavy Equipment Operator .....	E
131	Inventory Supervisor.....	D
132	Key Punch Operator .....	B
133	Locksmith .....	G
134	Lubrication Man .....	C
135	Machinist .....	F
136	Mail Clerk.....	D
137	Maintenance Clerk .....	C
138	Mason .....	G
139	Mechanic.....	F
140	Mechanic Assistant .....	E
141	Office Equipment Repairman I .....	F
142	Office Equipment Repairman II .....	G
143	Painter.....	E
144	Plumber I .....	E
145	Plumber II .....	G
146	Printing Operator.....	B
147	Printing Supervisor.....	D
148	Programmer .....	H
149	Roofing/Sheet Metal Mechanic.....	F
150	Sanitation Plant Operator .....	F
151	School Bus Supervisor .....	E
152	Secretary I .....	D
153	Secretary II .....	E
154	Secretary III .....	F
155	Supervisor of Maintenance .....	H
156	Supervisor of Transportation .....	H
157	Switchboard Operator-Receptionist .....	D
158	Truck Driver .....	D
159	Warehouse Clerk.....	C
160	Watchman.....	B



161 Welder ..... F

162 On and after the first day of July, one thousand nine  
163 hundred eighty-nine the minimum monthly pay for each  
164 service employee whose employment is for a period of  
165 more than three and one-half hours a day shall be at  
166 least the amounts indicated in the "state minimum pay  
167 scale pay grade I" as set forth in this section, and the  
168 minimum monthly pay for each service employee whose  
169 employment is for a period of three and one-half hours  
170 or less a day shall be at least one half the amount  
171 indicated in the "state minimum pay scale pay grade I"  
172 set forth in this section: *Provided*, That beginning on the  
173 first day of the second half of the employment term in  
174 the school year one thousand nine hundred eighty-nine—  
175 ninety, and thereafter, "state minimum pay scale pay  
176 grade II" shall replace "state minimum pay scale pay  
177 grade I", and an additional ten dollars per month shall  
178 be added to the minimum monthly pay if the service  
179 employee holds a high school diploma or its equivalent.

180 Any service employee required to work on any legal  
181 school holiday shall be paid at a rate one and one-half  
182 times such employee's usual hourly rate.

183 Any full-time service personnel required to work in  
184 excess of their normal working day during any week  
185 which contains a school holiday for which they are paid  
186 shall be paid for such additional hours or fraction  
187 thereof at a rate of one and one-half times their usual  
188 hourly rate and paid entirely from county board of  
189 education funds.


190 No service employee shall have his or her daily work  
191 schedule changed during the school year without such  
192 employee's written consent, and such employee's re-  
193 quired daily work hours shall not be changed to prevent  
194 the payment of time and one-half wages or the employ-  
195 ment of another employee.

196 The minimum pay for extra-duty assignments as  
197 defined in section eight-b of this article shall be no less  
198 than one-seventh of the employee's daily total salary for  
199 each hour the employee is involved in performing the  
200 assignment and paid entirely from local funds. The

201 salary for any fraction of an hour the employee is  
202 involved in performing the assignment shall be pro-  
203 rated accordingly. When performing extra-duty assign-  
204 ments, employees who are regularly employed on a one-  
205 half day salary basis shall receive the same hourly  
206 extra-duty assignment pay computed as though such an  
207 employee were employed on a full-day salary basis.

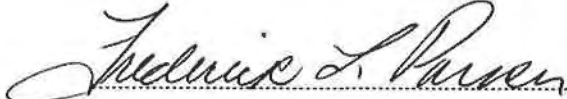
**§18A-4-8d. Consolidation of services and seniority rights  
for administrative personnel.**

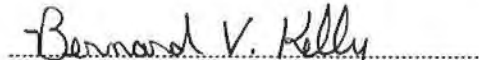
1 Where two or more counties join together to share the  
2 services of central office administrative personnel, any  
3 employee whose services are no longer needed by virtue  
4 of such sharing may have his or her contract terminated  
5 for lack of need, as provided in sections two and six,  
6 article two of this chapter, notwithstanding any provi-  
7 sion of this code to the contrary. Any employee whose  
8 contract is so terminated shall be afforded all rights  
9 pursuant to section eight-b of this article.



Enr. Com. Sub. for H. B. 2326] 58

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

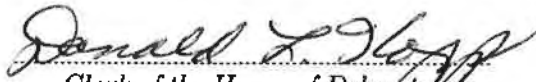
  
Chairman Senate Committee


  
Chairman House Committee

Originating in the House.

Takes effect July 1, 1989.

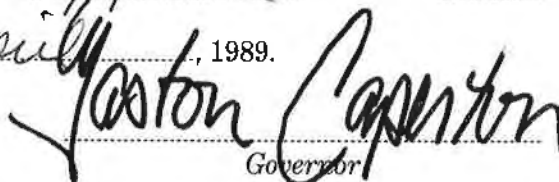
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

The within is approved this the 25th  
day of April, 1989.

  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/21/89

Time 2:42 *DC*