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SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1991

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## ENROLLED

Com. Sub. for Com. Sub. for  
**SENATE BILL NO.** 178  
(Originating in the Committee  
██████████ on Finance)

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**PASSED** March 9, 1991

In Effect July 1, 1991 ██████████

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
COMMITTEE SUBSTITUTE  
FOR

**Senate Bill No. 178**

(Originating In The Committee On Finance)

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[Passed March 9, 1991; to take effect July 1, 1991.]

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AN ACT to amend and reenact section one, article four, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to specifying the date after which certain graduate work will qualify for advanced salary classification; eliminating the petition requirement for receiving advanced salary classification; providing for an additional exception to continue receiving in-field pay; defining in-field classification; requiring certain individuals who complete a master's degree prior to a certain date to take additional hours in certain instances; specifying when certain individuals who complete a master's degree subsequent to a certain date must take additional course work; requiring no additional course work in certain instances; specifying exceptions to the total course work requirements; defining certain master's programs for qualifying for in-field classification; redefining in-field master's; and defining M.A. + 45, in-field M.A. + 45 and in-field doctorate.

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

That section one, article four, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

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

**§18A-4-1. Definitions.**

1 For the purpose of this article, 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 certifica-  
5 tion 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  
9 with 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  
13 type 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 (16), 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  
23 years the teacher has been employed in the teaching  
24 profession, including active work in educational  
25 positions other than the public schools, and service in  
26 the armed forces of the United States if the teacher  
27 was under contract to teach at the time of induction.  
28 For a registered professional nurse employed by a  
29 county board of education, "years of experience"  
30 means the number of years the nurse has been  
31 employed as a public school health nurse, including  
32 active work in a nursing position related to education,

33 and service in the armed forces if the nurse was under  
34 contract with the county board at the time of induc-  
35 tion. For the purpose of section two of this article, the  
36 experience of a teacher or a nurse shall be limited to  
37 that allowed under their training classification as  
38 found in the minimum salary 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  
44 (b) "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  
50 accredited institution of higher education, which has  
51 been issued to, or for which the requirements for such  
52 have been met by, a person who qualifies for or holds  
53 a 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  
57 county board of education, shall be within this classi-  
58 fication for payment in accordance with sections two  
59 and two-a of this article.

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

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

72 equivalent.

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

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

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

89 For purposes of advanced salary classification grad-  
90 uate work completed after the first day of July, one  
91 thousand nine hundred ninety-four, shall be related to  
92 the public school program, as prescribed by the state  
93 board of education.

94 Notwithstanding the requirements set forth in  
95 subdivisions (6), (8) and (9) of this section relating to  
96 hours of graduate work at an institution certified to do  
97 such work, fifteen undergraduate credit hours from a  
98 regionally accredited institution of higher education,  
99 earned after the effective date of this section, may be  
100 utilized for advanced salary classification if such hours  
101 are in accordance with: (a) The teacher's current  
102 classification of certification and of training; (b) a  
103 designated instructional shortage area documented by  
104 the employing county superintendent; or (c) an iden-  
105 tified teaching deficiency documented through the  
106 state approved county personnel evaluation system.

107 In-field classification compensation is contingent  
108 upon recognition of the in-field classification and the  
109 educator's assignment. The West Virginia board of  
110 education shall establish regulations for the adminis-

111 tration and implementation of the in-field classifica-  
112 tion salary schedule.

113 Only those professional educators whose assign-  
114 ments, for a minimum of fifty (50) percent of the  
115 instructional day, are consistent with the endorse-  
116 ment(s) recognized as meeting the in-field classifica-  
117 tion shall be eligible for compensation based on the in-  
118 field classification schedule. If scheduling constraints  
119 prevent the educator from being assigned to endorse-  
120 ments recognized for the in-field classification for a  
121 minimum of fifty (50) percent of the instructional day,  
122 the educator shall receive such compensation.

123 If a professional educator, who was previously  
124 employed in an area recognized for in-field classifica-  
125 tion, is reassigned to work full time in an area not  
126 recognized on said educator's certificate for in-field  
127 classification as a result of: (1) Voluntary reassignment  
128 to assist the county in meeting a critical staffing need;  
129 (2) a reduction in force; or (3) placement on the  
130 transfer list in accordance with and pursuant to  
131 section seven, article two, chapter eighteen-a, any of  
132 which continues to prevent the educator from being  
133 assigned to an in-field area designated on the educa-  
134 tor's certificate, then the educator shall continue to  
135 receive payment under the in-field classification salary  
136 schedule.

137 Upon request for a specific master's degree program,  
138 the appropriate governing board of higher education  
139 shall provide all of the course work for a master's  
140 degree program that is designated as in-field for the  
141 certification area of the professional educator who  
142 makes the request. The course work for such program  
143 shall be initiated no later than two years from the date  
144 requested and shall be provided to the greatest extent  
145 feasible within each regional educational service  
146 agency area in which the request has been made as  
147 follows: (1) Via satellite instruction; (2) via public  
148 television home instruction; or (3) in a manner pres-  
149 cribed by such governing board. If the governing  
150 board fails to initiate the course work within the above  
151 time period, an individual shall be compensated at the

152 appropriate level of years of experience on the in-field  
153 classification salary schedule whenever the individual  
154 has obtained any master's degree related to the public  
155 school program.

156 The appropriate governing board of higher educa-  
157 tion shall develop a plan to provide "M.A." classifica-  
158 tion programs to professional educators throughout  
159 this state by the first day of January, one thousand  
160 nine hundred ninety-one, with the objective being to  
161 provide course work enabling professional educators to  
162 achieve an "M.A." degree classification in their field of  
163 assignment.

164 Effective the first day of July, one thousand nine  
165 hundred ninety-two, the following definitions shall be  
166 applicable and the preceding definitions numbered (8)  
167 and (9) shall be renumbered (9) and (11), respectively,  
168 and the preceding definition (10) shall be reconstituted  
169 in definition (15).

170 "In-field classification" means the above-defined  
171 master's degree and one of the following:

172 (a) For individuals who complete a master's degree  
173 after the first day of July, one thousand nine hundred  
174 ninety-two, twenty-four (24) semester hours of post  
175 baccalaureate graduate credit, within or external to  
176 the advanced degree, confined to one specialization  
177 completed at the undergraduate level on the educa-  
178 tor's professional certificate or its equivalent;

179 (b) For individuals who complete a master's degree  
180 before the first day of July, one thousand nine  
181 hundred ninety-two, eighteen (18) semester hours of  
182 post baccalaureate graduate credit, within or external  
183 to the advanced degree, confined to one specialization  
184 completed at the undergraduate level on the educa-  
185 tor's professional certificate or its equivalent;

186 (c) A master's degree earned prior to the first day of  
187 July, one thousand nine hundred ninety-two, in: (i) A  
188 program specialization completed at the undergradu-  
189 ate level; or (ii) a state approved sub-area of the  
190 specialization which is consistent with a specialization,

191 completed at the undergraduate level, on the educa-  
192 tor's professional certificate or its equivalent;

193 (d) For the individuals who complete a master's  
194 degree after the first day of July, one thousand nine  
195 hundred ninety-two, twelve (12) semester hours of  
196 graduate credit above and beyond the course work  
197 completed for the endorsement recognized for in-field  
198 classification only if the course work for the endorse-  
199 ment was also completed at the graduate level;

200 (e) For individuals who complete a master's degree  
201 before the first day of July, one thousand nine  
202 hundred ninety-two, nine (9) semester hours of grad-  
203 uate credit above and beyond the course work com-  
204 pleted for the endorsement recognized for in-field  
205 classification only if the course work for the endorse-  
206 ment was also completed at the graduate level: *Pro-*  
207 *vided*, That in certification areas identified in (d) and  
208 (e) of this section where the total course work require-  
209 ments for initial certification exceed the minimum  
210 required for in-field classification, the state depart-  
211 ment of education may by rule establish exceptions;

212 (f) For classroom teachers who complete a master's  
213 degree program leading to initial certification and who  
214 are assigned to that certification area for a minimum  
215 of fifty percent of the instructional day, no additional  
216 course work shall be required; or

217 (g) A master's degree earned in education adminis-  
218 tration, guidance counseling, special education or  
219 speech communications even if the classroom  
220 teacher's assignment is not consistent with the  
221 endorsement: *Provided*, That special education class-  
222 room teachers must have at least five years teaching  
223 experience in special education to qualify under this  
224 subsection.

225 (8) In-field master's means the above-defined mas-  
226 ter's degree including recognition of an above-defined  
227 in-field classification, earned in an institution of  
228 higher education approved to do graduate work, if the  
229 person is qualified for or holds a professional certifi-  
230 cate or its equivalent.



231 (10) "In-field M.A. plus 15" means the above-defined  
232 M.A. plus 15 including recognition of an above-defined  
233 in-field classification, earned in an institution of  
234 higher education approved to do graduate work, if the  
235 person is qualified for or holds a professional certifi-  
236 cate or its equivalent.

237 (12) "In-field M.A. plus 30" means the above-defined  
238 M.A. plus 30 including recognition of an above-defined  
239 in-field classification, earned in an institution of  
240 higher education approved to do graduate work, if the  
241 person is qualified for or holds a professional certifi-  
242 cate or its equivalent.

243 Effective the first day of July, one thousand nine  
244 hundred ninety-four, the following definition shall be  
245 applicable and the preceding definition of "doctorate"  
246 shall be reconstituted in definition (15).

247 (13) "M.A. plus 45" means the above-defined mas-  
248 ter's degree plus forty-five graduate hours, earned in  
249 an institution approved to do graduate work, if the  
250 person is qualified for or holds a professional certifi-  
251 cate or its equivalent.

252 (14) "In-field M.A. plus 45" means the above-defined  
253 M.A. plus 45 including recognition of an above-defined  
254 in-field classification earned in an institution of higher  
255 education approved to do graduate work, if the person  
256 is qualified for or holds a professional certificate or its  
257 equivalent.

258 (16) "In-field doctorate" means the above-defined  
259 doctor's degree, including recognition of an above-  
260 defined in-field classification, earned in an institution  
261 of higher education approved to do graduate work, if  
262 the person is qualified for or holds a professional  
263 certificate or its equivalent.

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

*Somer Heck*  
.....

Chairman Senate Committee

*Ernest C. Moore*  
.....

Chairman House Committee

Originated in the Senate.

To take effect July 1, 1991.

*Persell E. Phillips*  
.....  
Clerk of the Senate

*Donald L. Kapp*  
.....  
Clerk of the House of Delegates

*Kith Forstner*  
.....  
President of the Senate

*Bob Cella*  
.....  
Speaker House of Delegates

The within ~~approved~~ this the *3rd* .....

day of *April* ....., 1991.

*Yaston Caperton*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/28/91

Time 10:20 am