WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 1993

ENROLLED
Committee Substitute for
HOUSE BILL No. 2140

(By Delegate ________________________________ )

Passed ________________________________ 1993

In Effect ________________________________ Passage
AN ACT to repeal section five, article five, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section six of said article; to amend and reenact section three, article one, chapter five of said code; to amend and reenact sections one-a, two and four, article five, chapter eighteen of said code; and to further amend said article by adding thereto a new section, designated section fourteen; to amend and reenact sections two, three and six, article five-a of said chapter; to amend and reenact section three-a, article nine of said chapter; and to amend and reenact sections two and fourteen, article four, chapter eighteen-a of said code, all relating repeal of obsolete language and clarification of statutory language relating to the election of county board of education members; permitting county boards of education to start selection process over in original order of preference in negotiating for architect-engineer service bids; relating to the eligibility of members to serve and providing for the circuit court to remove a member who refuses to complete the required training; provides that members appointed to fill vacancies serve until the thirtieth day of June following the next primary election; requiring a public hearing on pro-
posed county board budgets not less than ten days after the budget has been made available to the public and prior to submission of the budget to the state board for approval; requiring county boards to adopt enumerated policies; providing for election of members to local school improvement councils, changing election to September, setting an organizational meeting by the first day of October, providing for elected chair serving a one year term and providing that members be elected for two year terms on staggered election basis; authorizes school improvement councils to seek advisory opinions from the state board when a policy or rule waiver request is denied by or not acted upon by a county board and providing for records and reports of waivers which are requested; directing that curriculum teams be extended to all schools and making science and technology basic skills; changing the time for county boards to publish their financial statements to sixty days after the close of the fiscal year; and requiring planning periods during the school instructional day.

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

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

**CHAPTER 3. ELECTIONS.**

**ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.**

§3-5-6. Election of county board of education members at primary elections.

1. (a) An election for the purpose of electing members
of the county board of education shall be held on the same date as the primary elections, as provided by law, but upon a nonpartisan ballot printed for the purpose.

(b) No more than two members may be elected or serve from the same magisterial district. The eligibility of candidates to be declared elected for full terms of four years and for unexpired terms of two or more years based on this limitation shall be determined at the time of certification of the election.

(1) Such eligibility shall be based on the magisterial district residence of incumbent members of the board whose terms will continue beyond the first day of July following the primary election.

(A) No person is eligible to be declared elected who resides in a district which has two such incumbent members.

(B) No more than one candidate is eligible to be declared elected who resides in a district which has one such incumbent member.

(C) A person with the highest number of votes may be declared elected to an unexpired term notwithstanding the fact that the person's magisterial district has two representatives serving on the board at the time of the election: Provided, That the number of representatives from that magisterial district will be less than two as of the first day of July following the primary.

(2) The person declared elected to an unexpired term shall assume the duties of a member of the board of education according to the provisions of section two, article five, chapter eighteen of this code.

(c) In each nonpartisan election for board of education the board of canvassers shall:

(1) Declare and certify the election of the required number of eligible candidates receiving the highest numbers of votes to fill any full terms;

(2) Declare and certify the election of the required number of eligible candidates receiving the next highest numbers of votes, after all full terms are filled, to fill
any unexpired terms.

(d) It is the intent of this statute that any person declared to be elected under the preceding provisions of this section shall take office as a duly elected member or members, even though the person may not have received a majority or plurality of all votes cast at such election.

(e) In case of a tie vote for a seat on a county board of education in any primary election, the provisions of section twelve, article six of this chapter shall control in breaking the tie.

CHAPTER 5G. PROCUREMENT OF ARCHITECT-ENGINEER SERVICES BY STATE AND ITS SUBDIVISIONS.

ARTICLE 1. PROCUREMENT OF ARCHITECT-ENGINEER SERVICES.

§5G-1-3. Contracts for architectural and engineering services; selection process where total project costs are estimated to cost two hundred fifty thousand dollars or more.

In the procurement of architectural and engineering services for projects estimated to cost two hundred fifty thousand dollars or more, the director of purchasing shall encourage such firms engaged in the lawful practice of the profession to submit an expression of interest, which shall include a statement of qualifications and performance data, and may include anticipated concepts and proposed methods of approach to the project. All such jobs shall be announced by public notice published as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code. A committee of three to five representatives of the agency initiating the request shall evaluate the statements of qualifications and performance data and other material submitted by interested firms and select a minimum of three firms which, in their opinion, are best qualified to perform the desired service. Interviews with each firm selected shall be conducted and the committee shall conduct discussions regarding anticipated concepts and proposed methods of
approach to the assignment. The committee shall then rank, in order of preference, no less than three professional firms deemed to be the most highly qualified to provide the services required, and shall commence scope of service and price negotiations with the highest qualified professional firm for architectural or engineering services or both. Should the agency be unable to negotiate a satisfactory contract with the professional firm considered to be the most qualified, at a fee determined to be fair and reasonable, price negotiations with the firm of second choice shall commence. Failing accord with the second most qualified professional firm, the committee shall undertake price negotiations with the third most qualified professional firm. Should the agency be unable to negotiate a satisfactory contract with any of the selected professional firms, it shall select additional professional firms in order of their competence and qualifications and it shall continue negotiations in accordance with this section until an agreement is reached: Provided, That county boards of education may either elect to start the selection process over in the original order of preference or it may select additional professional firms in order of their competence and qualifications and it shall continue negotiations in accordance with this section until an agreement is reached.

CHAPTER 18. EDUCATION.
ARTICLE 5. COUNTY BOARD OF EDUCATION.
§18-5-1a. Eligibility of members.

No person shall be eligible for membership on any county board who is not a citizen, resident in such county, or who accepts a position as teacher or service personnel in the school district in which he or she is a resident or who is an elected or an appointed member of any political party executive committee, or who becomes a candidate for any other office than to succeed oneself.

No member or member-elect of any board shall be eligible for nomination, election or appointment to any public office, other than to succeed oneself, or for
election or appointment as a member of any political
party executive committee, unless and until after that
membership on the board, or his status as member-elect
to the board, has been terminated at or before the time
of his filing for such nomination for, or appointment to,
such public office or committee.

Any person who is elected or appointed to a county
board on or after the fifth day of May, one thousand nine
hundred ninety-two, shall possess at least a high school
diploma or a general educational development (GED)
diploma: Provided, That this provision shall not apply
to members or members-elect who have taken office
prior to the fifth day of May, one thousand nine hundred
ninety-two, and who serve continuously therefrom.

No person elected to a county board after the first day
of July, one thousand nine hundred ninety, shall assume
the duties of board member unless he or she has first
attended and completed a course of orientation relating
to boardsmanship and governance effectiveness which
shall be given between the date of election and the
beginning of the member's term of office: Provided,
That a portion or portions of subsequent training such
as that offered in orientation may be provided to
members after they have commenced their term of
office: Provided, however, That attendance at the session
of orientation given between the date of election and the
beginning of the member's term of office shall permit
such member or members to assume the duties of board
member, as specified in this section. Members appointed
to the board shall attend and complete the next such
course offered following their appointment: Provided
further, That the provisions of this section relating to
orientation shall not apply to members who have taken
office prior to the first day of July, one thousand nine
hundred eighty-eight, and who serve continuously
therefrom.

Commencing on the effective date of this section,
members shall annually receive seven clock hours of
training in areas relating to boardsmanship and
governance effectiveness. Such orientation and training
shall be approved by the state board and conducted by
the West Virginia school board association or other
organization or organizations approved by the state
board. Failure to attend and complete such an approved
course of orientation and training relating to boards-
manship and governance effectiveness without good
cause as determined by legislative rules of the state
board, shall constitute neglect of duty.

In the final year of any four-year term of office, a
member shall satisfy the annual training requirement
before the first day of January. The state board shall
petition the circuit court of Kanawha County to remove
any county board member who has failed to or who
refuses to attend and complete the approved course of
orientation and training. If the county board member
fails to show good cause for not attending the approved
course of orientation and training, the court shall
remove the member from office.

§18-5-2. Filling vacancies.

(a) The board shall, by appointment, fill within forty-
five days any vacancy that occurs in its membership. In
the event that the board does not fill the vacancy within
forty-five days, the state superintendent of schools shall
appoint a person to fill the vacancy.

(b) (1) When the vacancy occurs after the eighty-
fourth day before a general election, and the affected
term of office ends on the thirtieth day of June following
the next primary election, the person appointed to fill
the vacancy shall continue in office until the completion
of the term.

(2) When the vacancy occurs after the eighty-fourth
day before a general election and not later than the close
of candidate filing for the next succeeding primary
election, and the affected term of office does not end on
the thirtieth day of June following the next primary
election, an election for the unexpired term shall be held
at the next primary election, and the appointment shall
continue until the thirtieth day of June following the
primary election with the duly elected and certified
successor taking office on the first day of July following
the primary election and serving until the expiration of
the original term of office.

(3) When the vacancy occurs after the close of candidate filing for the primary election and not later than eighty-four days before the general election, the vacancy shall be filled by election in the general election, and the appointment shall continue until a successor is elected and certified.

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

The board shall meet on the first Monday of January, except that in the year one thousand nine hundred eighty-two, and every year thereafter, the board shall meet on the first Monday of July, and upon the dates provided by law for the laying of levies, and at such other times as the board may fix upon its records. At any meeting as authorized above and in compliance with the provisions of article four of this chapter, the board may employ such qualified teachers, or those who will qualify by the time of entering upon their duties, necessary to fill existing or anticipated vacancies for the current or next ensuing school year. At a meeting of the board, on or before the first Monday of May, the superintendent shall furnish in writing to the board a list of those teachers to be considered for transfer and subsequent assignment for the next ensuing school year; all other teachers not so listed shall be considered as reassigned to the positions held at the time of this meeting. Such list of those recommended for transfer shall be included in the minute record and the teachers so listed shall be notified in writing, which notice shall be delivered in writing, by certified mail, return receipt requested, to such teachers' last-known addresses within ten days following said board meeting, of their having been so recommended for transfer and subsequent assignment.

Special meetings may be called by the president or any three members, but no business shall be transacted other than that designated in the call.
In addition, a public hearing shall be held concerning the preliminary operating budget for the next fiscal year not less than ten days after such budget has been made available to the public for inspection and within a reasonable time prior to the submission of said budget to the state board for approval and at such hearing reasonable time shall be granted to any person or persons who wish to speak regarding parts or all of such budget. Notice of such hearing shall be published as a Class I legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code.

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

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

Members shall also be paid, upon the presentation of an itemized sworn statement, for all necessary traveling expenses, including all authorized meetings, incurred on official business, at the order of the board.

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

§18-5-14. Policies to promote school board effectiveness.

Prior to the first day of August, one thousand nine hundred ninety-four, each county board in this state shall adopt, and may modify thereafter as necessary, policies that:
(a) Establish direct links between the board and its local school improvement councils, and between the board and its faculty senates, for the purpose of enabling the board to receive information, comments and suggestions directly from the councils and senates regarding the broad guidelines for oversight procedures, standards of accountability and planning for future needs required by this section; and to further development of these linkages, boards shall meet at least annually with the full membership of each of their schools' local school improvement councils, at a time and in a manner determined by the board. For purposes of this provision, full membership is defined as at least a quorum of the members of each of the school improvement councils.

At the conclusion of the school year, each board shall report to the state board details concerning such meeting or meetings held with local school improvement councils, as specified herein, and such information shall become an indicator in the performance accreditation process for each county.

Nothing herein shall prohibit boards from meeting with representatives of local school improvement councils: Provided, That at least one annual meeting is held, as specified herein.

(b) Provide for the development of direct links between the board and the community at large; allow for community involvement at regular board meetings; and specify how the board will regularly communicate with the public regarding important issues;

(c) Provide for the periodic review of personnel policies of the district in order to determine their effectiveness;

(d) Set broad guidelines for the school district, including the establishment of specific oversight procedures, development and implementation of standards of accountability, and the development of long-range plans to meet future needs required by this section; and

(e) Use school-based accreditation and performance
data provided by the state board and other available
data in board decision-making to meet the education
goals of the state and such other goals as the board may
establish.

ARTICLE 5A. LOCAL SCHOOL INVOLVEMENT.

§18-5A-2. Local school improvement councils; election.

(a) A local school improvement council shall be
established at every school consisting of the following:

1. The principal, who shall serve as an ex officio
   member of the council and be entitled to vote;

2. Three teachers elected by the faculty senate of the
   school;

3. Two school service personnel elected by the school
   service personnel employed at the school;

4. Three parents or legal guardians of students
   enrolled at the school elected by the parent members of
   the school’s parent teacher organization: Provided, That
   if there is no parent teacher organization, the parent or
   legal guardian members shall be elected by the parents
   and legal guardians of students enrolled at the school
   in such manner as may be determined by the principal;

5. Two at-large members appointed by the principal,
   one of whom resides in the school’s attendance area and
   one of whom represents business or industry, neither of
   whom is eligible for membership under any of the other
   elected classes of members;

6. In the case of vocational-technical schools, the
   vocational director: Provided, That if there is no
   vocational director, then the principal, may appoint no
   more than two additional representatives, one of whom
   represents business and one of whom represents indus-
   try;

7. In the case of a school with students in grade seven
   or higher, the student body president or other student
   in grade seven or higher elected by the student body in
   those grades.

(b) The principal shall arrange for such elections to
be held prior to the fifteenth day of September of each
school year to elect a council and shall give notice of the
elections at least one week prior to the elections being
held. To the extent practicable, all elections to select
council members shall be held within the same week.
Parents, teachers, and service personnel elected to the
council shall serve a two-year term, and elections shall
be arranged in such a manner that no more than two
teachers, no more than two parents or legal guardians,
and no more than one service person are elected in a
given year. All other non-ex-officio members shall serve
one-year terms. Council members may only be replaced
upon death, resignation, failure to appear at three
consecutive meetings of the council for which notice was
given, or a change in personal circumstances so that the
person is no longer representative of the class of
members from which appointed. In the case of replace-
ment, an election shall be held to elect another qualified
person to serve the unexpired term of the person being
replaced.

(c) As soon as practicable after the election of council
members, and no later than the first day of October of
each school year, the principal shall convene an
organizational meeting of the school improvement
council. The principal shall notify each member in
writing at least two employment days in advance of the
organizational meeting. At this meeting, the principal
shall provide each member with a copy of the current
applicable section of this code and any state board rule
or regulation promulgated pursuant to the operation of
these councils. The council shall elect from its member-
ship a chair and two members to assist the chair in
setting the agenda for each council meeting. The chair
shall serve a term of one year and no person may serve
as chair for more than two consecutive terms. If the
chair's position becomes vacant for any reason, the
principal shall call a meeting of the council to elect
another qualified person to serve the unexpired term.

(d) Once elected, the chair is responsible for notifying
each member of the school improvement council in
writing two employment days in advance of any council
School improvement councils shall meet at least once every nine weeks or equivalent grading period at the call of the chair or by three fourths of its members.

(e) School improvement councils shall be considered for the receipt of school of excellence awards under section three of this article and competitive grant awards under section twenty-nine, article two of this chapter, and may receive and expend such grants for the purposes provided in such section.

In any and all matters which may fall within the scope of both the school improvement councils and the school curriculum teams authorized in section five of this article, the school curriculum teams shall be deemed to have jurisdiction.

In order to promote innovations and improvements in the environment for teaching and learning at the school, a school improvement council shall receive cooperation from the school in implementing policies and programs it may adopt to:

1. Encourage the involvement of parents in their child's educational process and in the school;
2. Encourage businesses to provide time for their employees who are parents to meet with teachers concerning their child's education;
3. Encourage advice and suggestions from the business community;
4. Encourage school volunteer programs and mentorship programs; and
5. Foster utilization of the school facilities and grounds for public community activities.

§18-5A-3. Authority and procedures for local school improvement councils to request waivers of certain rules, policies and interpretations.

The intent of this section is to establish a mechanism which allows local school level initiatives to be designed and implemented to meet local school needs and
circumstances. In accordance with this intent, a local school improvement council established under the provisions of this article may propose alternatives to the operation of the public school which alternatives will meet or exceed the high quality standards established by the state board and will increase administrative efficiency, enhance the delivery of instructional programs, promote community involvement in the local school system or improve the educational performance of the school generally. The proposal of the council shall set forth the objective or objectives to be accomplished under the proposal, how the accomplishment of such objective or objectives will meet or exceed the standards established by the state board, the indicators upon which the meeting of such standards should be judged and a projection of any funds to be saved by the proposal and how such funds will be reallocated within the school. The alternatives proposed by the council may include matters which require the waiver of policies or rules promulgated by the state or county board and state superintendent interpretations: Provided, That such request for waiver be submitted to the appropriate board adopting said rule or policy and that board may approve the waiver. When a county board does not act within two months after receiving a request for waiver of a county board policy or rule or disapproves such a request, the local school improvement council may seek an advisory opinion from the state board regarding the waiver request. The county board shall furnish the state board with copies of all waiver requests together with their response thereto: Provided, however, That when a local school improvement council votes to waive a state superintendent's interpretation, the state superintendent need only be notified that the local council intends to waive the state superintendent's interpretation: Provided further, That notwithstanding any other provisions of the law to the contrary, council is not prohibited from permitting off-site classrooms to be developed in conjunction with local businesses if those sites have met the requirements established by the local board and if sites are located off campus. For an alternative to be proposed, at least two-thirds of the members must vote
in favor thereof: And provided further, That if the alternative to be proposed relates to a waiver of policies or rules promulgated by the state or county board and state superintendent interpretations affecting employees, then prior to the proposal of the alternative, a majority of the local affected employee group involved must agree.

A council may also submit a written statement, with supporting reasons, to the legislative oversight commission on education accountability recommending a waiver of a statute or legislative rule, which the commission shall review and determine whether a recommendation should be made to the Legislature to waive such statute or rule.

When a council decides to propose an alternative, it shall forward a copy of the proposal to the state board and the affected local board. The state board shall acknowledge receipt of the proposed alternative, promptly review the proposed alternative in consultation with the county board or their agents and, in its discretion, approve implementation of the alternative or reply to the council within a reasonable time as to its reasons for not approving the proposed alternative. If the state board approves a proposed alternative, the state board shall provide appropriate notice to the local school improvement council and the county board and shall establish a process for evaluation of the operation of the alternative. Approval for the operation of the alternative may be continued or revoked at any time based on the results and findings of the evaluation.

The state board shall submit a report to the legislative oversight commission on education accountability and the governor on the first day of September of each year summarizing the proposed alternatives received, approved or rejected, continued or revoked during the preceding school year and the results and findings of the evaluations. The report shall specifically identify all policy, rule, and interpretation waiver requests including those requests made to county boards by local school improvement councils received during the preceding year and the disposition of each.

There shall be established at each school in the state a school curriculum team composed of the school principal, the counselor designated to serve that school and no fewer than three teachers representative of the grades taught at the school and chosen by the faculty senate.

The school curriculum team shall establish the programs and methods for implementing a curriculum based on state-approved instructional goals and objectives based on the needs of the individual school with a focus on reading, composition, mathematics, science and technology. The curriculum thus established shall be submitted to the county board for approval or for return to the school for reconsideration.

The school curriculum team may apply through the school's local school improvement council for a waiver from the textbook adoption process established in article two-a, of this chapter if, in the judgment of the team, materials necessary for the implementation of such curriculum are not available through the normal adoption process.

The school team may apply for a grant from the state board for the development or implementation, or both, of remedial and accelerated programs to meet the needs of the students at the individual school.

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

The county board of every county, within sixty days after the beginning of each fiscal year, shall prepare on a form to be prescribed by the state tax commissioner and the state superintendent of free schools, and cause to be published a statement revealing (a) the receipts and expenditures of the board during the previous fiscal year arranged under descriptive headings, (b) the name of each firm, corporation, and person who received more than fifty dollars in the aggregate from all funds during the previous fiscal year, together with the aggregate
amount received from all funds and the purpose for which paid: Provided, That such statement shall not include the name of any person who has entered into a contract with this board pursuant to the provisions of sections two, three, four and five, article two, chapter eighteen-a of this code, and (c) all debts of the board, the purpose for which each debt was contracted, its due date, and to what date the interest thereon has been paid. Such statement shall be published as a Class I-0 legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for such publication shall be the county. The county board shall pay the cost of publishing such statement from the maintenance fund of the board.

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

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

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFIT.

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

Effective the first day of July, one thousand nine hundred ninety-two and thereafter, each teacher shall receive the amount prescribed in the “state minimum salary schedule I” as set forth in this section, specific additional amounts prescribed in this section or article, and any county supplement in effect in a county pursuant to section five-a of this article during the
STATE MINIMUM SALARY SCHEDULE I

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

Effective the first day of July, one thousand nine hundred ninety-four and thereafter, each teacher shall receive the amount prescribed in the "state minimum salary schedule II" as set forth in this section, specific additional amounts prescribed in this section or article, and any county supplement in effect in a county pursuant to section five-a of this article during the contract year.

STATE MINIMUM SALARY SCHEDULE II

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</table>
Six hundred dollars shall be paid annually to each classroom teacher who has at least twenty years of teaching experience. Such payments shall be in addition to any amounts prescribed in the “state minimum salary schedule”, shall be paid in equal monthly installments, and shall be deemed a part of the state minimum salaries for teachers.

§18A-4-14. Duty-free lunch and daily planning period for certain employees.

(1) Notwithstanding the provisions of section seven,
article two of this chapter, every teacher who is employed for a period of time more than one-half the class periods of the regular school day and every service personnel whose employment is for a period of more than three and one-half hours per day and whose pay is at least the amount indicated in the “state minimum pay scale” as set forth in section eight-a of this article shall be provided a daily lunch recess of not less than thirty consecutive minutes, and such employee shall not be assigned any responsibilities during this recess. Such recess shall be included in the number of hours worked, and no county shall increase the number of hours to be worked by an employee as a result of such employee being granted a recess under the provisions of this section.

(2) Every teacher who is regularly employed for a period of time more than one-half the class periods of the regular school day shall be provided at least one planning period within each school instructional day to be used to complete necessary preparations for the instruction of pupils. Such planning period shall be the length of the usual class period in the school to which such teacher is assigned, and shall be not less than thirty minutes. No teacher shall be assigned any responsibilities during this period, and no county shall increase the number of hours to be worked by a teacher as a result of such teacher being granted a planning period subsequent to the adoption of this section (March 13, 1982).

Principals, and assistant principals, where applicable, shall cooperate in carrying out the provisions of this subsection, including, but not limited to, assuming control of the class period or supervision of students during the time the teacher is engaged in the planning period. Substitute teachers may also be utilized to assist with classroom responsibilities under this subsection: Provided, That any substitute teacher who is employed to teach a minimum of two consecutive days in the same position shall be granted a planning period pursuant to this section.

(3) Nothing in this section shall be construed to
enr. com. sub. for h. b. 2160] 22

43 prevent any teacher from exchanging his lunch recess
44 or a planning period or any service personnel from
45 exchanging his lunch recess for any compensation or
46 benefit mutually agreed upon by the employee and the
47 county superintendent of schools or his agent: provided,
48 that a teacher and the superintendent or his agent may
49 not agree to terms which are different from those
50 available to any other teacher granted rights under this
51 section within the individual school or to terms which
52 in any way discriminate among such teachers within the
53 individual school, and that service personnel granted
54 rights under this section and the superintendent or his
55 agent may not agree to terms which are different from
56 those available to any other service personnel within the
57 same classification category granted rights under this
58 section within the individual school or to terms which
59 in any way discriminate among such service personnel
60 within the same classification category within the
61 individual school.
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 from passage.

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 6th day of May, 1993.

Governor