

SB 194

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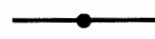
REGULAR SESSION, 1998



ENROLLED

Committee Substitute for
SENATE BILL NO. 194

(By Senator WOOTEN, ET AL)



PASSED MARCH 14, 1998
In Effect NINETY DAYS FROM Passage

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LEGISLATIVE DEPARTMENT
STATE OF WEST VIRGINIA

ENROLLED

COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 194

(SENATORS WOOTON, WALKER, WHITE, JACKSON,
BUCKALEW, ANDERSON, BALL, HUNTER, SCHOONOVER,
MACNAUGHTAN, BOWMAN, SNYDER, LOVE,
PLYMALE AND ROSS, *original sponsors*)

[Passed March 14, 1998; in effect ninety days from passage.]

AN ACT to amend and reenact section seventeen, article four, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend article five-e, chapter forty-nine of said code by adding thereto a new section, designated section six, all relating to the provision of education opportunities to juveniles in secure predispositional detention centers; providing that the state department of education is responsible for providing education opportunities to such juveniles; and providing seniority rights to certain education employees working at the secure predispositional detention centers.

Be it enacted by the Legislature of West Virginia:

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

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.

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

1 (a) The minimum salary scale for professional personnel
2 and service personnel employed by the state department
3 of education to provide education and support services to
4 residents of state department of health and human
5 resources facilities, corrections facilities providing
6 services to juvenile and youthful offenders and in the West
7 Virginia schools for the deaf and the blind is the same as
8 set forth in sections two, three and eight-a of this article.
9 Additionally, those personnel shall receive the equivalent
10 of salary supplements paid to professional and service
11 personnel employed by the county board of education in
12 the county wherein each facility is located, as set forth in
13 sections five-a and five-b of this article. Professional
14 personnel and service personnel in these facilities who
15 earn advanced classification of training after the effective
16 date of this section shall be paid the advanced salary from
17 the date the classification of training is earned. The
18 professional personnel shall be certified, licensed or
19 trained, and shall meet other eligibility classifications as
20 may be required by the provisions of this chapter and by
21 state board regulations for comparable instructional
22 personnel who are employed by county boards of educa-
23 tion. The professional personnel shall be paid at the
24 equivalent rate of pay of teachers as set forth in section
25 two of this article, but outside the public support plan,
26 plus the equivalent of the salary supplement paid to
27 teachers employed by the county board of education in the
28 county in which each facility is located, as set forth in

29 section five-a of this article.

30 (b) Professional personnel employed by the department
31 to provide educational service to residents in state depart-
32 ment of health and human resources facilities, corrections
33 facilities providing services to juvenile and youthful
34 offenders or in the West Virginia schools for the deaf and
35 the blind shall be afforded all the rights, privileges and
36 benefits established for the professional personnel under
37 this article: *Provided*, That the benefits shall apply only
38 within the facility at which the professional personnel are
39 employed: *Provided, however*, That benefits shall exclude
40 salaries unless explicitly provided for under this or other
41 sections of this article: *Provided further*, That seniority
42 for the professional personnel shall be determined on the
43 basis of the length of time that the employee has been
44 professionally employed at the facility, regardless of
45 which state agency was the actual employer.

46 (c) Nothing contained in this section shall be construed
47 to mean that professional personnel and service personnel
48 employed by the department of education to provide
49 educational and support services to residents in state
50 department of health and human resources facilities,
51 corrections facilities providing services to juvenile and
52 youthful offenders and the West Virginia schools for the
53 deaf and the blind are other than state employees.

54 (d) (1) Notwithstanding any other provision of this
55 section to the contrary, professional and service personnel
56 employed in an educational facility operated by the West
57 Virginia department of education shall accrue seniority at
58 that facility on the basis of the length of time the em-
59 ployee has been employed at the facility. Any professional
60 or service personnel whose employment at the facility was
61 preceded immediately by employment with the county
62 board previously providing education services at the
63 facility or whose employment contract was with the
64 county board previously providing education services at

65 the facility: (A) Shall retain any seniority accrued during
66 employment by the county board; (B) shall accrue senior-
67 ity as a regular employee with the county board during
68 employment at the facility; (C) shall attain continuing
69 contract status in accordance with section two, article
70 two, chapter eighteen-a of this code with both the county
71 and the facility if the sum of the years employed by the
72 county and the facility equals the statutory number
73 required for continuing contract status; and (D) shall
74 retain and continue to accrue county and facility seniority
75 in the event of reemployment by the county as a result of
76 direct transfer from the facility or recall from the pre-
77 ferred list.

78 (2) Reductions in work force in the facility or employ-
79 ment by the facility or county board shall be made in
80 accordance with the provisions of sections seven-a and
81 eight-b, article four, chapter eighteen-a of this code:
82 *Provided*, That only years of employment within the
83 facility shall be considered for purposes of reduction in
84 force within the facility.

85 (3) The seniority conferred in this section applies
86 retroactively to all affected professional and service
87 personnel, but the rights incidental to the seniority shall
88 commence as of the effective date of this section.

CHAPTER 49. CHILD WELFARE.

ARTICLE 5E. DIVISION OF JUVENILE SERVICES.

§49-5E-6. Provision of educational services for juveniles placed in predispositional detention facilities.

1 (a) The state board of education is authorized to provide
2 for adequate and appropriate education opportunities for
3 juveniles placed in secure predispositional detention
4 centers operated by or under contract with the division of
5 juvenile services.

6 (b) Subject to appropriations by the Legislature, the
7 state board is authorized: (1) To provide education

8 programs and services for juveniles on the grounds of
9 secure predispositional detention centers; (2) to hire
10 classroom teachers and other school personnel necessary
11 to provide adequate and appropriate education opportuni-
12 ties to these juveniles; and (3) to provide education
13 services for the detained juveniles on a twelve-month
14 basis.

15 (c) The division of juvenile services shall cooperate with
16 the state board and the state superintendent in the estab-
17 lishment and maintenance of education programs autho-
18 rized under this section. Subject to appropriations by the
19 Legislature, the division of juvenile services shall provide,
20 or cause to be provided, adequate space and facilities for
21 the education programs. The state board may not be
22 required to construct, improve or maintain any building,
23 other improvement to real estate or fixtures attached
24 thereto at any secure predispositional detention center for
25 the purpose of establishing and maintaining an education
26 program.

27 (d) The state board may develop and approve rules in
28 accordance with article three-a, chapter twenty-nine-a of
29 this code for the education of juveniles in secure
30 predispositional detention centers.

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

Randy Schoner
.....
Chairman Senate Committee

Nick Santora
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Carroll McKeen
.....
Clerk of the Senate

Bryan A. Day
.....
Clerk of the House of Delegates

Carl Roy Tomblin
.....
President of the Senate

John P. Harter
.....
Speaker House of Delegates

The within *approved* this the *6th*
April
day of, 1998.

Jeff Abernethy
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/30/98

Time 9:25am