ENROLLED

SENATE BILL NO. 783

(By Senator Plymale, et al.)

PASSED March 11, 2006

In Effect 90 days from Passage
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Senate Bill No. 783

(BY SENATORS PLYMALE, EDGELL, DEMPSEY, OLIVERIO, BÖLEY, GUILLIS AND SPROUSE)

[Passed March 11, 2006, in effect ninety days from passage.]

AN ACT to amend and reenact §18A-4-2a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18A-4-2b, all relating to defining completion of the National Board for Professional Teaching Standards certification; establishing state minimum salary supplement for professional personnel holding certain advanced certification in speech-language pathology, audiology or counseling; reimbursement for certain expenses; limitations; applicability; and state board rule.

Be it enacted by the Legislature of West Virginia:

That §18A-4-2a of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new section, designated §18A-4-2b, all to read as follows:

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.
§18A-4-2a. State minimum salary bonus for classroom teachers with national board certification.

(a) The Legislature hereby finds and declares that the rigorous standards and processes for certification by the National Board for Professional Teaching Standards (NBPTS) helps to promote the quality of teaching and learning. Therefore, classroom teachers in the public schools of West Virginia should be encouraged to achieve national board certification through a reimbursement of expenses and an additional salary bonus which reflects their additional certification, to be paid in accordance with the provisions of this section.

(b) Two thousand five hundred dollars shall be paid annually to each classroom teacher who holds a valid certificate issued by the National Board of Professional Teaching Standards for the life of the certification, but in no event more than ten years for any one certification.

(c) The payments:

(1) Shall be in addition to any amounts prescribed in the applicable state minimum salary schedule;

(2) Shall be paid in equal monthly installments; and

(3) Shall be considered a part of the state minimum salaries for teachers.

(d) One-half the certification fee shall be paid for reimbursement once to each teacher who enrolls in the program for the National Board for Professional Teaching Standards certification and one-half the certification fee shall be paid for reimbursement once to each teacher who completes the National Board for Professional Teaching Standards certification. Completion shall be defined as the completion of ten scorable entries, as verified by the National Board for Professional Teaching Standards. Teachers who achieve National Board for Professional Teaching Standards certification may be reimbursed a
maximum of six hundred dollars for expenses actually
incurred while obtaining the National Board for Profes-
sional Teaching Standards certification.

(e) The state board shall limit the number of teachers
who receive the initial reimbursements of the certification
fees set forth in subsection (d) to two hundred teachers
annually. The state board shall establish selection criteria
for the teachers by the legislative rule required pursuant
to subsection (g) of this section.

(f) Subject to the provisions of subsection (e) of this
section, funding for reimbursement of the certification fee
and expenses actually incurred while obtaining the
National Board for Professional Teaching Standards
certifications shall be administered by the state depart-
ment of education from an appropriation established for
that purpose by the Legislature. If funds appropriated by
the Legislature to accomplish the purposes of this subsec-
tion are insufficient, the state department shall prorate the
reimbursements for expenses and shall request of the
Legislature, at its next regular session, funds sufficient to
accomplish the purposes of this subsection, including
needed retroactive payments.

(g) The state board shall promulgate legislative rules
pursuant to article three-b, chapter twenty-nine-a of this
code to implement the provisions of this section.

§18A-4-2b. State minimum salary supplement for professional
personnel with recognized national certification
in speech-language pathology, audiology or
counseling.

(a) (1) The Legislature finds that achieving a nationally
recognized professional certification in speech-language
pathology or audiology involves a rigorous process of
demonstrating both knowledge and skills and results in
highly trained and capable employees. Individuals who
attain the national professional certification by the
American Speech-Language-Hearing Association (ASHA) provide needed and essential services to the school students of this state and, consequently, should be encouraged to achieve and maintain the national board certification through reimbursement of expenses and a salary bonus which reflects their additional certification, to be paid in accordance with subsection (b) of this section.

(2) The Legislature further finds and declares that the rigorous standards and processes for advanced certification by either the National Board of Certified Counselors (NBCC) or the West Virginia Board of Examiners in Counseling (WVBEC) helps to promote the quality of counseling in schools. Counselors in the public schools of West Virginia should be encouraged to achieve and maintain the advanced certification through reimbursement of expenses and a salary bonus that reflects their additional certification, to be paid in accordance with subsection (b) of this section.

(3) Therefore, the purpose of this section is to provide a statewide salary supplement for certain professional personnel employed in the public schools who hold a nationally recognized professional certification in speech-language pathology, audiology or counseling, to treat the professional certification equally, to encourage others to attain such a certification and to help school systems with recruitment of these highly qualified professionals.

(b) In addition to any amounts prescribed in the applicable state minimum salary schedule, effective the first day of July, two thousand six, any professional personnel who hold national certification or other credential as provided in this section must be paid an annual salary supplement of two thousand five hundred dollars. The payment is:

(1) To be made in equal monthly installments;

(2) To be considered a part of the state minimum salaries for teachers; and
(3) To continue for the life of the certification, or for ten years for any one certification, whichever first expires.

(c) Effective the first day of July, two thousand six, professional personnel employed as speech-language pathologists, audiologists or counselors are eligible upon enrollment for reimbursement for one-half of the fee for certification in accordance with this section. In addition, these personnel are eligible upon attainment of the certification for reimbursement of the remainder of the application fee plus other expenses actually incurred toward attainment of the certification, not exceeding six hundred dollars, upon approval by the Department of Education. No more than one hundred speech-language pathologists, audiologists and counselors, combined total, are eligible for reimbursement in any one fiscal year.

(d) Notwithstanding subsection (b) of this section, no more than one hundred speech-language pathologists, audiologists and counselors, combined total, shall be paid the annual salary supplement provided for in said subsection during the first year of implementation. The number of speech-language pathologists, audiologists and counselors paid the annual salary supplement provided for in said subsection may not exceed an additional one hundred qualified recipients in each of the subsequent fiscal years. The state board shall promulgate a legislative rule establishing criteria for selection of the individuals eligible for reimbursement and a salary supplement in accordance with this section. The selection criteria shall prioritize the length of time the certification has been held and the years of experience of the holder in determining eligibility.

(e) The board shall report the rule to the Legislative Oversight Commission on Education Accountability by the January, two thousand seven, legislative interim meeting period and shall report on its progress in developing the rule to the commission during each prior interim meeting period.
(f) Payment of the supplement and reimbursement provided in this section is subject to legislative appropriation; therefore nothing in this section requires any appropriation, or any specific level of appropriation, by the Legislature.

(g) Notwithstanding any other provision of this section or the provisions of section two-a of this article, professional personnel may not be paid a salary supplement pursuant to the provisions of both said sections.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chandy White  
Chairman Senate Committee

Kenneth Berry  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Dale M. Blankenship  
Clerk of the Senate

Lisa S. Codoni  
Clerk of the House of Delegates

Earl Ray Tomblin  
President of the Senate

Lindsey Smith  
Speaker House of Delegates

The within is approved this the 4th Day of April, 2006.  

Jim Justice  
Governor