



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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2/14/2013 1:46:08 PM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 1)**

AGENCY **Education**
RULE TYPE **Legislative Exempt AMENDMENT TO EXISTING RULE Yes** TITLE-SERIES **126-**
RULE NAME **College Hours or Comparable Training in a Trade or Vocational School (5301)** **163**

CITE AUTHORITY **W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)**

COMMENTS LIMITED TO
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS
Monday, March 18, 2013 4:00 PM

WRITTEN COMMENTS MAY BE MAILED TO
**Amy Willard, Executive Director
WVDE Office of School Finance
Capitol Building 6, Room 215
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330**

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
Charles K Heinlein -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 126-163



Rule Id: 8965



Document: 24611



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CITE AUTHORITY W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)

PROVIDE A BRIEF SUMMARY OF YOUR PROPOSAL

Due to the changing nature of accrediting agencies, it is proposed that the names of the regional accrediting agencies and the national faith-based accrediting organizations be removed from the policy and instead referred to in general terms. In addition, language has been added to clarify a common question received by the Division of Student Support Services related to comparable credit in a trade or vocations school that is also being counted towards an employees annual professional development requirements. The proposed changes to Policy 5301 are negligible. The only potential impact is increased state aid for county boards who were not counting comparable credit obtained in a trade or vocational school if the hours were also counted towards meeting the annual professional development requirements. Most professional development for service personnel is not obtained through an approved trade, vocational, technical, business or similar institution and, therefore, would not qualify as comparable credit under this policy.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY Education

RULE TYPE Legislative Exempt AMENDMENT TO EXISTING RULE Yes **TITLE-SERIES** 126-

RULE NAME College Hours or Comparable Training in a Trade or Vocational School (5301) 163

CITE AUTHORITY W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)

SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

The policy revision will not have an impact on the costs and revenues of state government, nor will it have an impact on the costs and revenues of the Local Education Agencies.

Charles K Heinlein -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

| Effect Of Proposal | Current Increase/Decrease (use ' - ') | Next Increase/Decrease (use ' - ') | Fiscal Year (Upon Full Implementation) |
|-----------------------------|------------------------------------------|---------------------------------------|-------------------------------------------|
| ESTIMATED TOTAL COST | 0 | 0 | 0 |
| PERSONAL SERVICES | 0 | 0 | 0 |
| CURRENT EXPENSES | 0 | 0 | 0 |
| REPAIRS AND ALTERATIONS | 0 | 0 | 0 |
| ASSETS | 0 | 0 | 0 |
| OTHER | 0 | 0 | 0 |
| ESTIMATED TOTAL REVENUES | 0 | 0 | 0 |

Charles K Heinlein -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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CITE AUTHORITY **W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)**

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

The policy revision will not have an impact on the costs and revenues of state government, nor will it have an impact on the costs and revenues of the Local Education Agencies.

Charles K Heinlein -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

Although the revised policy makes it clear that comparable credit obtained in a trade or vocational school should be considered for both pay and professional development purposes, any cost impact is expected to be negligible. The majority of professional development for service personnel is provided in-house, not through approved trade, vocational, technical, business or similar institutions, and therefore would not qualify for pay purposes.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Charles K Heinlein -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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EXECUTIVE SUMMARY WEST VIRGINIA DEPARTMENT OF EDUCATION

Policy Number and Title: Policy 5301 – *College Hours or Comparable Training in a Trade or Vocational School*

Background:

West Virginia Code §18A-4-8a provides additional pay for service personnel who have earned college hours or comparable training in a trade or vocational school or who have earned an associate, a bachelor's, a master's, or a doctorate degree, including additional college hours beyond those degrees. Policy 5301 was developed in 2002 to establish guidelines for providing the additional pay specified in West Virginia Code. Since it had been approximately ten years since the policy was last updated, the policy was reviewed to make sure it was still current and relevant.

Proposals:

Due to the changing nature of accrediting agencies, it is proposed that the names of the regional accrediting agencies and the national faith-based accrediting organizations be removed from the policy and instead referred to in general terms.

In addition, language has been added to clarify a common question received by the Division of Student Support Services related to comparable credit in a trade or vocations school that is also being counted towards an employee's annual professional development requirements.

Impact:

The proposed changes to Policy 5301 are negligible. The only potential impact is increased state aid for county boards who were not counting comparable credit obtained in a trade or vocational school if the hours were also counted towards meeting the annual professional development requirements. Most professional development for service personnel is not obtained through an approved trade, vocational, technical, business or similar institution and, therefore, would not qualify as comparable credit under this policy.

Response to Comments:

Policy 5301 – College Hours or Comparable Training in a Trade or Vocational School

Revision

Stakeholders:

WV Department of Education:

- Joseph Panetta, Assistant Superintendent , Division of Student Support Services
- Amy Willard, Executive Director, Office of School Finance
- Lisa Hedrick, Executive Director, Office of Professional Preparation

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**TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION**

**SERIES 163
College Hours or Comparable Training
in a Trade or Vocational School (5301)**

§126-163-1. General.

1.1. Purpose - The purpose of this policy is to establish guidelines for providing the additional pay specified in West Virginia Code §18A-4-8a for service personnel who have earned the college hours or comparable training in a trade or vocational school specified in the code section, or those who have earned an associate, a bachelor's, a master's, or a doctorate degree.

1.2. Authority - West Virginia Constitution, Article XII, Section 2 and West Virginia Code ~~§18-2-5~~ and ~~§18A-4-8a~~.

1.3. Filing Date - ~~July 12, 2002~~

1.4. Effective Date - ~~August 12, 2002~~

1.5. Repeal of Former Rule. This legislative rule amends W. Va. 126CSR163, West Virginia Board of Education Policy 5301, College Hours or Comparable Training in a Trade or Vocational School, filed July 12, 2002, and effective August 12, 2002.

§126-163-2. Applicability.

2.1. This policy applies only to service personnel. The policy provides guidance for county boards of education in determining the additional monthly pay as specified in West Virginia Code §18A-4-8a for service personnel who have earned the college hours or comparable training in a trade or vocational school specified in the code section, or those who have earned an associate, a bachelor's, a master's, or a doctorate degree. The bonus specified in code for a college degree is for each degree level.

§126-163-3. Definitions.

3.1. Accredited institution of higher education - A college or university accredited: (1) by the official accrediting agency of the state in which the institution is located, and; (2) by one of the ~~six regional accrediting agencies recognized by the Council for Higher Education Accreditation (CHEA), National Commission on Accrediting (Middle States, New England, Northwest, North Central, Southern, and Western associations)~~ OR by one of the National Faith-Related Accrediting Organizations recognized by CHEA and the United States Department of Education, the American Association of Bible Colleges, the

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~~Association of Independent Colleges and Schools or the Association of Theological Schools~~ OR by the Accrediting Council for Independent Colleges and Schools, to award degrees at a stipulated level, i.e. associate degree, bachelor's degree, master's degree, and/or doctorate degree.

3.2. Approved trade, vocational, technical, business or similar institution - An institution approved by a state or national institutional or specialized accrediting agency or the Bureau of Apprenticeship and Training, U.S. Department of Labor.

3.3. College hours or comparable training in a trade or vocational school shall be defined to include any combination of the following:

3.3.4a. Semester hour - An hour of college credit from an accredited institution of higher education on the semester system.

3.3.4b. Quarter hour - An hour of college credit from an accredited institution of higher education on the quarter system. One quarter hour is equivalent to two-thirds of a semester hour.

3.3.4c. Comparable credit obtained in a trade or vocational school - Each fifteen contact hours of training obtained in a post-secondary program from an approved trade, vocational, technical, business or similar institution shall be equivalent to one semester hour of college credit. Comparable credit for such contact hours should still be granted even if the contact hours are also counted towards meeting annual professional development requirements.

3.3.4d. The term "associate degree" means an associate or "two-year" degree earned from an accredited institution of higher education.

3.3.5e. The term "BA" means a bachelor's degree earned from an accredited institution of higher education.

3.3.6f. The term "BA+15" means a bachelor's degree earned from an accredited institution of higher education plus fifteen hours of undergraduate or graduate work also earned from an accredited institution of higher education. The undergraduate hours must have been completed after the bachelor's degree was awarded.

3.3.7g. The term "MA" means a master's degree earned from an accredited institution of higher education approved to do graduate work.

3.3.8h. The term "MA+15" means a master's degree earned from an accredited institution of higher education approved to do graduate work plus fifteen hours of undergraduate or graduate work also earned from an accredited institution of higher education. This classification requires 45 semester hours including a master's degree, of which 15 may be undergraduate hours completed after the bachelor's degree was awarded.

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3.3.9j. The term “MA+30” means a master’s degree earned from an accredited institution of higher education approved to do graduate work plus thirty hours of undergraduate or graduate work also earned from an accredited institution of higher education. This classification requires 60 semester hours including a master’s degree, of which 15 may be undergraduate hours completed after the bachelor’s degree was awarded.

3.3.40j. The term “MA+45” means a master’s degree earned from an accredited institution of higher education approved to do graduate work plus forty-five hours of undergraduate or graduate work also earned from an accredited institution of higher education. This classification requires 75 semester hours including a master’s degree, of which 15 may be undergraduate hours completed after the bachelor’s degree was awarded.

3.3.44k. The term “MA+60” means a master’s degree earned from an accredited institution of higher education approved to do graduate work plus sixty hours of undergraduate or graduate work also earned from an accredited institution of higher education. This classification requires 90 semester hours including a master’s degree, of which 15 may be undergraduate hours completed after the bachelor’s degree was awarded.

3.3.42l. The terms “doctorate” means a doctor’s degree earned from ~~a university~~ an accredited institution of higher education qualified and approved to confer such a degree.

§126-163-4. Verification of Hours.

4.1. Verification of credit will be an official transcript of course work completed from an accredited institution of higher education or a grade report of completed contact hours in a post-secondary program from an approved trade, vocational, technical, business, or similar institution. Each employee is responsible for obtaining and providing official copies of the required records to his/her employer.

4.2. County boards of education are responsible for verifying the number of hours completed by their respective employees for additional pay purposes.

§126-163-5. Severability.

5.1. If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.

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POLICY 5301: College Hours or Comparable Training in a Trade or Vocational School

COMMENT PERIOD ENDS: March 18, 2013

COMMENT RESPONSE FORM

NOTICE: Comments, as submitted, shall be filed with the West Virginia Secretary of State's Office and open for public inspection and copying for a period of not less than five years.

The following form is provided to assist those who choose to comment on Policy 5301 College Hours or Comparable Training in a Trade or Vocational School. Additional sheets may be attached, if necessary.

Name: _____ Organization: _____

Title: _____

City: _____ State: _____

Please check the box below that best describes your role.

- | | | |
|-------------------------------------------------------|----------------------------------------------|--------------------------------------------|
| <input type="checkbox"/> School System Superintendent | <input type="checkbox"/> School System Staff | <input type="checkbox"/> Parent/Family |
| <input type="checkbox"/> Principal | <input type="checkbox"/> Teacher | <input type="checkbox"/> Business/Industry |
| <input type="checkbox"/> Professional Support Staff | <input type="checkbox"/> Service Personnel | <input type="checkbox"/> Community Member |

| COMMENTS/SUGGESTIONS |
|-----------------------------------|
| §126-163-1. General. |
| §126-163-2. Applicability. |

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§126-163-3. Definitions.

§126-163-4. Verification of Hours.

§126-163-5. Severability.

Please direct all comments to:

Amy Willard, Executive Director
Office of School Finance
West Virginia Department of Education
Capitol Building 6, Room 215
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330
E-Mail Address: awillard@access.k12.wv.us
Fax No.: (304) 558-8867