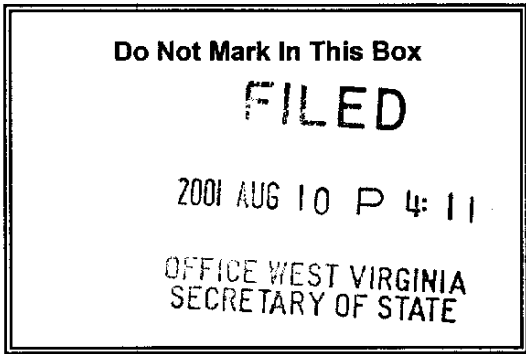


WEST VIRGINIA  
SECRETARY OF STATE

JOE MANCHIN, III

ADMINISTRATIVE LAW DIVISION

Form #5



NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE  
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

CITE AUTHORITY: W.Va. Constitution, Article XII, Section 2, W.Va. Code §18-2-5 and §18A-4-8a

RULE TYPE: PROCEDURAL \_\_\_\_\_ INTERPRETIVE \_\_\_\_\_

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

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).

AMENDMENT TO AN EXISTING RULE: YES X NO \_\_\_\_\_

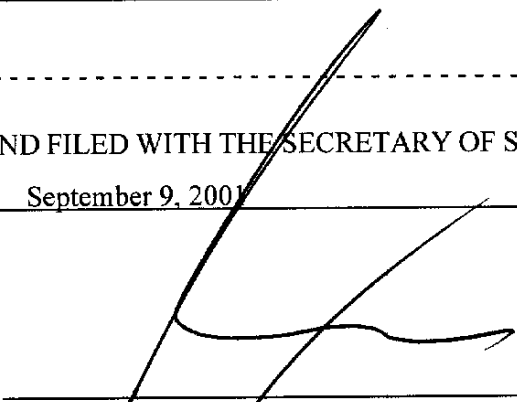
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 163

TITLE OF RULE BEING AMENDED: College Hours or Comparable Training in a Trade or  
Vocational School (5301)

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE  
EFFECTIVE DATE OF THIS RULE IS September 9, 2001

  
William J. Luff, Jr.  
Associate State Superintendent

FILED

**EXECUTIVE SUMMARY**  
**WEST VIRGINIA BOARD OF EDUCATION**  
**Policy Number and Title: Policy 5301 - College Hours**  
**or Comparable Training in a Trade or Vocational School**

2001 AUG 10 P 4: 12

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**PUBLIC COMMENT PERIOD ENDING: July 16, 2001**

**BACKGROUND:**

Policy 5301 was initially filed on July 13, 1994 to establish the number of contact hours considered to be comparable to 12 college hours for determining the additional pay for service personnel.

**PURPOSE:**

The purpose of the proposed revisions is to reflect the changes made to West Virginia Code §18A-4-8a during the recent legislative session. The statute was revised to provide: a \$10 per month incremental pay increase to the service personnel who have completed eighty-four, ninety-six, one hundred eight, and one hundred twenty hours of college or comparable training in a trade or vocational school; an additional \$10 per month to those who have earned a bachelor's degree; and an additional \$10 per month to those who have earned a master's degree. The previous statute provided an incremental increase of \$10 per month only for those who have completed twelve, twenty-four, thirty-six, forty-eight, sixty, and seventy-two hours of college or comparable training.

**PROPOSED REVISIONS:**

- 1.1 Since the statute has been revised several times during recent years, the policy is being revised to delete the listing of the actual training increments and simply refer to the training increments specified in code. In this manner, the policy will not need to be revised each time the statute is revised.
- 1.2 The term "in a post-secondary program" was added under Section 3.3.3 in the definition section of the policy for clarity. This does not change the intent of policy; the phrase was already included under Section 4.1. The additional salary increases apply only to post-secondary training.

**IMPACT:**

Extends the additional incremental salary increase of \$10 per month for the service personnel who have attained up to one hundred twenty hours of college or comparable training in a trade or vocational school, provides an additional \$10 per month for those who have earned a bachelor's degree, and an additional \$10 per month for a master's degree, for a maximum of \$120 per month.

**COMMENTS/SUGGESTIONS RECEIVED:**

No comments were received on this policy during the comment period, which extended from June 15, 2001 through July 16, 2001. As a result, no changes were made to the proposed policy.

**126CSR163  
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 a bachelor's degree or a master's 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 - August 10, 2001

1.4. Effective Date - September 9, 2001

**§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 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 a bachelor's degree or a master's degree.

**§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 National Commission on Accrediting (Middle States, New England, Northwest, North Central, Southern, and Western associations), the American Association of Bible Colleges, the Association of Independent Colleges and Schools or the Association of Theological Schools, to award degrees at a stipulated level, i.e. 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:

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

3.3.2. 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.

3.3.3. 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.

**§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 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.

# 126CSR163

FORM HD 201  
(10-66)

## FISCAL NOTE WORKSHEET (Submit 4 Copies)

HD NO \_\_\_\_\_ DRAFT NO \_\_\_\_\_ BILL NO \_\_\_\_\_ RESOLUTION NO \_\_\_\_\_

SUBJECT Policy 5301: College Hours or Comparable Training FUND \_\_\_\_\_

SOURCE OF REVENUE:  GENERAL FUND  SPECIAL  OTHER (SPECIFY) \_\_\_\_\_

COST OF ESTIMATE BASED ON:  AN ORIGINAL ESTIMATE  BUDGET BILL  OTHER (SPECIFY) \_\_\_\_\_

INCOME ESTIMATE BASED ON:  AN ORIGINAL ESTIMATE  BUDGET BILL  OTHER (SPECIFY) \_\_\_\_\_

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 & GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT					
EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$	\$	\$	\$ See Below	\$ See Below
PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER	\$	\$	\$	\$	\$
2. ESTIMATED TOTAL REVENUES	\$	\$	\$	\$	\$

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

The cost of the legislative change to West Virginia Code §18A-4-8a was estimated to be \$396,218 for the 2001-02 year for county board employees. This is an additional cost for the State through the Public School Support Program. The additional cost for Department staff is estimated to be \$8,200.

No additional cost will be incurred as a result of the policy.

DATE

AGENCY

AUTHORIZED REPRESENTATIVE

5-24-01

Education

126CSR163

**COMMENT/SUGGESTION LOG**  
**Policy 5301: College Hours or Comparable**  
**Training in a Trade or Vocational School**

**Comment Period: June 15, 2001 - July 16, 2001**

Action                      Type  
N: No Response            - Negative  
+ Positive  
A: Accepted                \* Neutral  
NA: Not Accepted

Date Received	Individual/Organization	Comments/Suggestions	Action/Type	Rationale
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No comments were received.