

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

Do Not Mark In This Box

JUL 23 3 59 PM '99

OFFICE OF THE SECRETARY OF STATE

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 _____

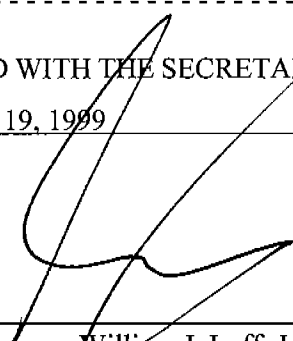
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 163

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 August 19, 1999



William J. Luff, Jr.
Associate State Superintendent

\$5.00

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

PUBLIC COMMENT PERIOD ENDING: June 18, 1999

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 an additional \$10 per month in pay to the service personnel who have completed twenty-four, thirty-six and forty-eight hours of college or comparable training in a trade or vocational school. The original statute provided an additional \$10 only for those who have completed twelve hours of college or comparable training.

PROPOSED REVISIONS:

- Changes the specific definition of 12 semester hours being comparable to 180 contact hours to a more generic ratio that one semester hour is comparable to 15 contact hours.
- Adds the definition that a college hour from an institution of higher education on the quarter system is equal to two-thirds of a semester hour.
- Clarifies the requirement that the additional training in a trade or vocational school must be post-secondary training.
- Clarifies the phrase "comparable training in a trade or vocational school" to include technical, business or similar institutions.
- Clarifies the accrediting agencies.

IMPACT:

Provides an additional incremental salary increase of \$10 per month for the service personnel who have attained twelve, twenty-four, thirty-six or forty-eight hours of college or comparable training, for a maximum of \$40 per month.

COMMENTS/SUGGESTIONS RECEIVED:

The comment period extended from May 17, 1999 through June 18, 1999. Comments were received from five respondents, which are summarized in the attached comment/ suggestion log. Revisions made to the policy as a result are: the addition of definitions for "accredited institution of higher education" and "approved trade, vocational, technical, business or similar institution;" reinstatement of the requirement that the training be relevant to current or anticipated employment; and other minor wording changes.

126CSR163
TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

FILED

JUL 20 3 53 PM '99

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

OFFICE OF THE CLERK OF THE WEST VIRGINIA
LEGISLATURE

§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 following college hours or comparable training in a trade or vocational school: twelve; twenty-four; thirty-six; or forty-eight.

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 20, 1999

1.4. Effective Date - August 19, 1999

§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 for service personnel who have earned twelve, twenty-four, thirty-six or forty-eight college hours or comparable training in a trade or vocational school in an area relevant to current or anticipated employment by a West Virginia county board of education.

§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:

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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 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.

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 \$164,239 for the 1999-2000 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 \$9,000.

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

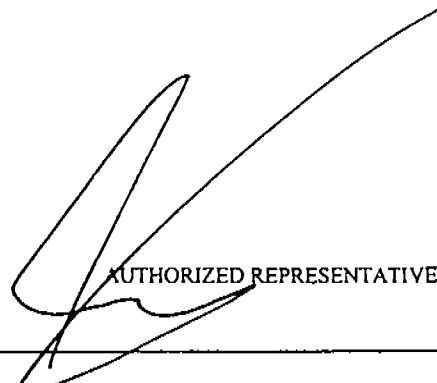
DATE

AGENCY

AUTHORIZED REPRESENTATIVE

4-28-99

Education



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

Comment Period: May 17, 1999 - June 18, 1999

Action
 N: No Response
 NA: Not Accepted
 A: Accepted

Type
 - Negative
 + Positive
 * Neutral

<u>Date Received</u>	<u>Individual/Organization</u>	<u>Comments/Suggestions</u>	<u>Action/Type</u>	<u>Rationale</u>
May 17, 1999	Office of Professional Preparation	Define "Accredited institution of higher education" and "Approved vocational, trade, technical, business or similar institution."	A+	For clarification.
May 21, 1999	Cathy Linkinogger	Include in-service training.	NA*	Not included in enabling legislation.
May 25, 1999	Carolyn Reynolds	Positive comments. Various questions.	N:+	
May 28, 1999	Carrol Dye	Include in-service training and classes where service personnel attend with professionals and where graduate but not undergraduate credit is granted.	NA+	Not included in enabling legislation.
Jun 18, 1999	WVSSPA	Include (a) in-service training; (b) delete requirement that training be in a post-secondary program, and; (c) satisfied with deletion of requirement in draft that training be related to current or anticipated employment.	NA+	(a) Not included in enabling legislation; (b) clarifies current interpretation, and; (c) not intent of Legislature.

**Policy 5301: College Hours or Comparable
Training in a Trade or Vocational School
Comment Response Form**

Please use this form when commenting on proposed Policy 5301. You may attach additional sheets if necessary.

Individual/Organization: Barbara Brazeau

Title: Asst. Director WVDE

Street Address: _____

City/State/Zip: _____

Comments/Suggestions

Define "accredited institution of higher education" to be consistent with previously approved State Board definition in Policy 5202.

See suggested changes in wording.

Complete response form by listing each section of the policy.

Return comments by **June 18, 1999** to:

**Joseph Panetta
Director of School Finance
West Virginia Department of Education
Building 6, Room 215
1900 Kanawha Boulevard East
Charleston, WV 25305**

**E-mail: jpanetta@access.k12.wv.us
Fax: (304) 558-8867**

126CSR163

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

SERIES 163

~~School Service Personnel Training Comparable to
Twelve (12) Semester Hours of College Credit
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 the number of contact hours received from a vocational or trade school which for pay purposes is comparable to twelve (12) hours of college credit guidelines for providing the additional pay specified in West Virginia Code §18A-4-8a for service personnel who have earned the following college hours or comparable training in a trade or vocational school: twelve (12); twenty-four (24); thirty-six (36); or forty-eight (48).~~

1.2. Authority - ~~The authority for this legislative rule is established in the West Virginia Constitution, Article XII, Section 2 and in West Virginia Code §18-2-5 and §18A-4-8a.~~

1.3. Filing Date - ~~July 13, 1994.~~

1.4. Effective Date - ~~August 15, 1994.~~

1.5. ~~Repeal of Former Rule - None - This is a new policy.~~

§126-163-2. Applicability.

~~2.1. This policy applies only to service personnel. The number of contact hours of training in a vocational or trade school comparable to twelve (12) semester hours of college credit is defined to give county boards of education direction in establishing each individual's service personnel salary schedule policy provides guidance for county boards of education in determining the additional monthly pay ^{for} service personnel, ~~are to receive~~ who have earned twelve, twenty-four, thirty-six or forty-eight college hours or comparable training in a trade or vocational school.~~

§126-163-3. Definition^s of ~~College Hours or Comparable Training.~~

~~Twelve semester hours of credit shall be defined to include any one or a combination of the following:~~

~~3.1 Twelve semester hours of credit from an accredited institution of higher education in course work relevant to a current or anticipated area of employment.~~

- 3.1 Accredited Institution of Higher Education - see attached definition
3.2 Approved Vocational, Trade, Technical, Business or Similar Institution -
An institution approved by ←

126CSR163

~~3.2 One hundred eighty (180) contact hours of training from an approved vocational or trade school in an area relevant to current or anticipated employment.~~

~~3~~

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

~~3~~

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

~~3~~

3.1.2. 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~~

3.1.3. Comparable credit obtained in a trade or vocational school - Each fifteen contact hours of training obtained from a 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 approved accredited institution of higher education or a grade report of completed contact hours in a post-secondary program from an approved vocational, and/or trade, school technical, business, or similar institution, approved by the State Board of Education, Board of Directors of the State College System, and/or a state or national institutional or specialized accrediting agency or the Bureau of Apprenticeship and Training, U.S. Department of Labor. Each employee is responsible for obtaining and providing copies of the required records to his/her employer.

4.2. ~~Transcripts or grade reports should be sent to the respective county board of education personnel office for verification of training and assignment of credit for payroll purposes.~~ County boards of education are responsible for verifying the number of hours completed by their respective employees for additional pay purposes.

3.2. The licensure system defined in these rules supports: 1) the proposition that licensure patterns and specializations should meet the needs of students; and 2) the mobility of qualified educational personnel.

§126-136-4. Definitions.

4.0. A.B. - A bachelor's degree from an accredited institution of higher education as defined in §126-136-4.2, which has been issued to, or for which the requirements for such have been met by, a person who qualifies for or holds a Professional Certificate or its equivalent.

4.1. A.B. Plus 15. - A bachelor's degree from an accredited institution of higher education as defined in §126--136-4.2 plus 15 semester hours of approved graduate course work from an accredited institution of higher education, as defined in §126-136-4.2, approved to offer graduate credit, met by a person who qualifies for or holds a Professional Certificate or its equivalent.

* 4.2. 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.

4.3. Advanced Salary Classification. - The upgrading of an educator's salary classification to bachelor's plus 15, master's, master's plus 15, master's plus 30, master's plus 45, or doctorate.

4.4. Ancillary Requirements. - For purposes of implementing the Interstate Contract Concerning Qualification of Educational Personnel, ancillary requirement means the following: minimum grade point average, standardized testing or assessment, mentoring, experience or graduation from an accredited institution of higher education.

4.5. Appeal. - A written request submitted by an individual for a credential review based on one of the provisions stated in §126-136-26.10.1. The appellant shall cite, in writing, the basis for the appeal and shall include evidence supplied by the appellant to support her/his contention.

4.6. Appeal Panel. - Licensure Appeal Panel.

4.7. Approved Program. - An educational preparation program based upon state adopted program objectives and other requirements which is delivered by an accredited college or university and which has the endorsement of the State Board.

4.8. Beginning Educator. - A classroom teacher with less than two years of experience.

4.9. Beginning Educator Internship. - A state sanctioned program of continuing professional development for classroom teachers designed to assist the educator during the first year or two of employment by providing a mentor to guide her/him during the transition to a new job assignment.

Policy 5301: College Hours or Comparable
Training in a Trade or Vocational School
Comment Response Form

Please use this form when commenting on proposed Policy 5301. You may attach additional sheets if necessary.

Individual/Organization: Loathy Linkinogor
Title: Executive Secretary to Superintendent, Boone County
Street Address: 108 Chapman Avenue
City/State/Zip: Spencer, W.Va. 25276

Comments/Suggestions

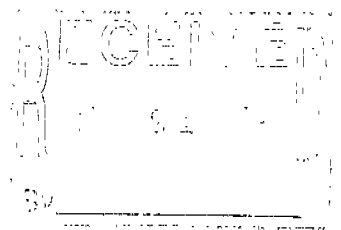
I have been a secretary for RCS for 25 years. I have not taken any college credit partly because there was no incentive for it until lately. However, I have taken more computer, WVEIS, In-Service training, etc than I could possibly count. And yet there is no credit for nothing. What about those of us with 20+ years of experience who qualify for nothing? Glenville is offering classes in Bo. Co. at \$84 a credit hour. Even at the lowest level (12 hours) that would be \$1,008. At \$10 per month salary increase it would take about 8 years to make it worthwhile. I have 11 years until I can retire. I feel penalized for having worked here for 25 yrs. without this option that can't possibly benefit me now. I'm sure I'm not the only one this affects the way.

Complete response form by listing each section of the policy.

Return comments by June 18, 1999 to:

Joseph Panetta
Director of School Finance
West Virginia Department of Education
Building 6, Room 215
1900 Kanawha Boulevard East
Charleston, WV 25305

E-mail: jpanetta@access.k12.wv.us
Fax: (304) 558-8867



126CSR163

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

SERIES 163

~~School Service Personnel Training Comparable to
Twelve (12) Semester Hours of College Credit~~
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 the number of contact hours received from a vocational or trade school which for pay purposes is comparable to twelve (12) hours of college credit guidelines for providing the additional pay specified in West Virginia Code §18A-4-8a for service personnel who have earned the following college hours or comparable training in a trade or vocational school: twelve (12); twenty-four (24); thirty-six (36); or forty-eight (48).~~

1.2. Authority - ~~The authority for this legislative rule is established in the West Virginia Constitution, Article XII, Section 2 and in West Virginia Code §18-2-5 and §18A-4-8a.~~

1.3. Filing Date - ~~July 13, 1994.~~

1.4. Effective Date - ~~August 15, 1994.~~

1.5. ~~Repeal of Former Rule - None - This is a new policy.~~

§126-163-2. Applicability.

2.1. ~~This policy applies only to service personnel. The number of contact hours of training in a vocational or trade school comparable to twelve (12) semester hours of college credit is defined to give county boards of education direction in establishing each individual's service personnel salary schedule policy provides guidance for county boards of education in determining the additional monthly pay service personnel are to receive who have earned twelve, twenty-four, thirty-six or forty-eight college hours or comparable training in a trade or vocational school.~~

§126-163-3. Definition of College Hours or Comparable Training.

~~Twelve semester hours of credit shall be defined to include any one or a combination of the following:~~

3.1 ~~Twelve semester hours of credit from an accredited institution of higher education in course work relevant to a current or anticipated area of employment.~~

needs to be back in

Joe Panetta

From: Reynolds, Carolyn <carol@iolinc.net>
To: jpanetta@access.k12.wv.us
Subject: Series 163, #5301
Date: Tuesday, May 25, 1999 3:10 AM

Hi, I think this is a very good legislative rule. I noticed the effective date as being August 15, 1994. Would not each Board of Education have to go back to this date and pay personnel for this raise if they are eligible? Also, can you tell me what the guidelines are for staff development for service personnel? How does college credit count? What are the dates of where college credit may be used? Thank you. Carol@iolinc.net

From: Carrol L Dye <cdye@access.k12.wv.us>
To: jpanetta@access.k12.wv.us <jpanetta@access.k12.wv.us>
Date: Friday, May 28, 1999 1:23 PM
Subject: comments on policy 5301

I feel that this policy should include the following. 1. Any in-services that have been offered or will be offered through colleges or Resa. 2. Classes that service personnel attend with the professionals and graduate credits are offered but undergraduate credits are not. 3. If a person has a Paraprofessional certificate it would automatically count for 36 hours. The way you have it now it limits service personnel to just college hours, trade or vocational schools.

I personally have attended classes with professionals where I have been given certificates for 45 contact hours. The reason for this is that most colleges won't give undergraduate hours unless they have at least 6 people requesting them. I feel that these should count the same as if I had received the college hours. I have attended several workshops presented by colleges and RESA. I just finished one workshop on Autism training presented by instructors from Marshall Autism Cen-ter. I also have my Paraprofessional certificate. In order to get this I had to have 36 hours of college hours or equivalent. That is why I think it should count for 36 hours.

Carrol Dye
Paraprofessional
Calhoun Co.Schools

Policy 5301: College Hours or Comparable
Training in a Trade or Vocational School
Comment Response Form

Please use this form when commenting on proposed Policy 5301. You may attach additional sheets if necessary.

Individual/Organization: West Virginia School Service Personnel Association

Title: _____

Street Address: 1610 Washington St., East

City/State/Zip: Charleston, WV 25311

Comments/Suggestions

Attached are comments and suggestions representative of different individuals in our association.

Complete response form by listing each section of the policy.

Return comments by June 18, 1999 to:

Joseph Panetta
Director of School Finance
West Virginia Department of Education
Building 6, Room 215
1900 Kanawha Boulevard East
Charleston, WV 25305

E-mail: jpanetta@access.k12.wv.us

Fax: (304) 558-8867

**WVSSPA COMMENTS ON PROPOSED
AMENDMENT TO POLICY NO. 5301**

- We believe some thought should be given to amending Policy No. 5301 to permit credit for inservice training at the same rate (fifteen contact hours per one semester hour credit) as training from trade, vocational, technical, business or similar institution. Such training is often instructive and highly relevant to the job performance of school service personnel. Should training related to the duties of the employee, provided and approved by the board of education, be valued any less than college course work unrelated to the employee's current job?

- We believe the addition of the phrase "in a post-secondary program" may restrict the discretion of county boards of education currently allowing credit received by employees while they were in secondary schools. Often times course work at vocational schools in the evening for adults is substantially similar to the course work on the same subject or area provided to students during the regular curriculum. This being so, we feel county boards of education should at least have the discretion to consider the nature of vocational course work which is part of the secondary curriculum and grant credit if the board feels it is appropriate.

- We find that deleting the language under current policy section 3.2 (§126-163-3) requiring that approved vocational or trade school be in an area relevant to current or anticipated employment to not only be acceptable, but also practical. College course work or training received in an approved trade or vocational school is valuable regardless of whether it is directly applicable to current or anticipated employment. For example, training gotten in a beautician (cosmetology) school could be valuable in enhancing good grooming habits although that is not directly related to performing service personnel duties. Police studies have shown a direct correlation between juvenile delinquency and the way students dress and groom themselves.

