

WEST VIRGINIA
SECRETARY OF STATE

JOE MANCHIN, III

ADMINISTRATIVE LAW DIVISION

Form #5

Do Not Mark In This Box

FILED

2002 JUL 15 P 3:36

WEST VIRGINIA
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, § 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 _____

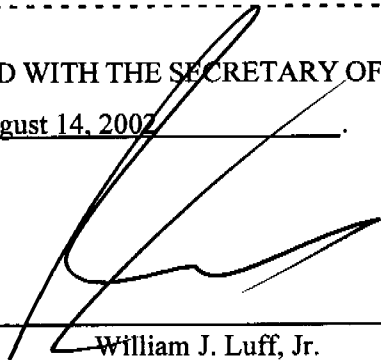
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 163

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 14, 2002



William J. Luff, Jr.
Deputy State Superintendent of Schools

SCANNED

126CSR163

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 14, 2002

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 2002 legislative session. The statute was revised to increase the monthly educational salary increments for service personnel who have completed twelve, twenty-four, thirty-six, forty-eight, sixty, seventy-two, eighty-four, ninety-six, one hundred eight, and one hundred twenty hours of college or comparable training in a trade or vocational school from \$10/month to \$11/month; to increase the bonus for those with college degrees to \$40 for each level, including associate, bachelor's, master's, or doctorate; and to add monthly salary increments of \$11/month for those with BA+15, MA+15, MA+30, MA+45, and MA+60.

PROPOSED REVISIONS:

- 1.1 The policy is being revised to include the increased bonuses for having a degree from an accredited institution of higher education and the incremental increases for the additional college hours beyond the degree.
- 1.2 Definitions were added to define an associate degree and the additional college hours beyond a bachelor's and master's degree.

IMPACT:

Provides increased salary increments to service personnel who have attained up to one hundred twenty hours of college or comparable training in a trade or vocational school, those who have earned a college degree from an accredited institution of higher education, and those who have completed additional college hours beyond those required for a bachelor's or master's degree.

COMMENTS/SUGGESTIONS RECEIVED:

The comment period extended from May 13, 2002 through June 14, 2002. Comments were received from three respondents, which are summarized in the attached comment/suggestion log. Two of the respondents recommended that the definitions used for the meeting the criteria for the

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advanced degree levels be consistent with those used for professional educators. The other respondent recommended that all college hours completed be used to meet the advanced degree levels, regardless of whether they were graduate or undergraduate hours. The WVDE agrees that the definitions used should be consistent for both groups of personnel, therefore, several definitions in Policy 5301 were revised to make them consistent with those presented in Policy 5202. The revisions are highlighted in the attached policy.

126CSR163

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

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

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

§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, or a master's or 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 15, 2002

1.4. Effective Date - August 14, 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, or a master's or 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 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. associate degree, bachelor's

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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.

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

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

3.3.6. 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.

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

3.3.8. 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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3.3.9. 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.

3.3.10. 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.

3.3.11. 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.

3.3.12. The terms "doctorate" means a doctor's degree earned from a university 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.

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 \$338,652 for the 2002-03 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 \$10,000.

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

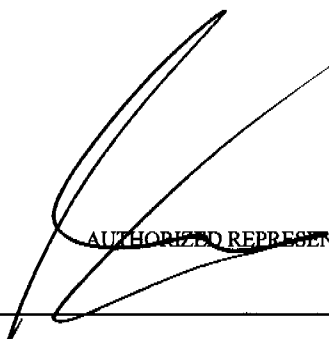
DATE

5-01-02

AGENCY

Education

AUTHORIZED REPRESENTATIVE

QP 

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

Comment Period: May 13, 2002 - June 14, 2002

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 28, 2002	Emily Meadows, Raleigh County Schools	The definitions for the advanced degree levels should be consistent with those for professional personnel.	A*	WVDE agrees with this comment
June 12, 2002	Delores Ranson, Jackson County Schools	Remove the words "copies of" in section 4.1 because official transcripts are needed.	A*	WVDE agrees with this comment
June 7, 2002	WV School Service Personnel Association	Delete the language "with the undergraduate hours being limited to a maximum of fifteen"	NA-	WVDE agrees with this comment
				Not accepted because WVDE wants the advanced degree requirements for service personnel to be consistent with those for professional personnel