

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 186**

5 (SENATORS PLYMALE, WELLS, BROWNING, EDGELL, BOLEY, STOLLINGS, JENKINS,
6 FOSTER, YOST AND BEACH, *original sponsors*)

7 _____
8 [Passed March 8, 2012; in effect from passage.]
9 _____

10
11 AN ACT to amend and reenact §18A-4-2, §18A-4-5 and §18A-4-8a of the
12 Code of West Virginia, 1931, as amended, all relating to
13 providing salary equity supplement payments to teachers and
14 service personnel in order to achieve salary equity among the
15 counties; specifying the amounts of those equity supplements;
16 changing the methods of calculating the difference in salary
17 potential of school employees among the counties; requiring
18 the Department of Education to request additional funds if it
19 determines the equity objective is not being met; clarifying
20 the amount of equity supplement to be paid from state funds;
21 and deleting obsolete provisions.

22 *Be it enacted by the Legislature of West Virginia:*

23 That §18A-4-2, §18A-4-5 and §18A-4-8a of the Code of West
24 Virginia, 1931, as amended, be amended and reenacted, all to read
25 as follows:

1 **ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.**

2 **§18A-4-2. State minimum salaries for teachers.**

3 (a) Beginning July 1, 2011, and continuing thereafter, each
4 teacher shall receive the amount prescribed in the State Minimum
5 Salary Schedule as set forth in this section, specific additional
6 amounts prescribed in this section or article and any county
7 supplement in effect in a county pursuant to section five-a of this
8 article during the contract year.

9
10 **STATE MINIMUM SALARY SCHEDULE**

11	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
12	Years	4th	3rd	2nd		A.B.		M.A.	M.A.	M.A.	Doc-
13	Exp.	Class	Class	Class	A.B.	+15	M.A.	+15	+30	+45	torate
14	0	26,917	27,606	27,872	29,315	30,076	31,843	32,604	33,365	34,126	35,161
15	1	27,245	27,934	28,200	29,833	30,594	32,362	33,123	33,883	34,644	35,679
16	2	27,574	28,262	28,528	30,352	31,113	32,880	33,641	34,402	35,163	36,198
17	3	27,902	28,590	28,856	30,871	31,631	33,399	34,160	34,920	35,681	36,716
18	4	28,474	29,162	29,428	31,633	32,394	34,162	34,923	35,683	36,444	37,479
19	5	28,802	29,490	29,756	32,152	32,913	34,680	35,441	36,202	36,963	37,998
20	6	29,130	29,818	30,084	32,670	33,431	35,199	35,960	36,720	37,481	38,516
21	7	29,458	30,147	30,412	33,189	33,950	35,717	36,478	37,239	38,000	39,035
22	8	29,786	30,475	30,741	33,707	34,468	36,236	36,997	37,757	38,518	39,553
23	9	30,114	30,803	31,069	34,226	34,987	36,754	37,515	38,276	39,037	40,072
24	10	30,443	31,131	31,397	34,746	35,506	37,274	38,035	38,796	39,556	40,591
25	11	30,771	31,459	31,725	35,264	36,025	37,793	38,553	39,314	40,075	41,110
26	12	31,099	31,787	32,053	35,783	36,543	38,311	39,072	39,833	40,593	41,628
27	13	31,427	32,115	32,381	36,301	37,062	38,830	39,590	40,351	41,112	42,147
28	14	31,755	32,443	32,709	36,820	37,580	39,348	40,109	40,870	41,630	42,665
29	15	32,083	32,771	33,037	37,338	38,099	39,867	40,627	41,388	42,149	43,184
30	16	32,411	33,099	33,365	37,857	38,617	40,385	41,146	41,907	42,667	43,702
31	17	32,739	33,428	33,693	38,375	39,136	40,904	41,665	42,425	43,186	44,221
32	18	33,067	33,756	34,022	38,894	39,655	41,422	42,183	42,944	43,705	44,740
33	19	33,395	34,084	34,350	39,412	40,173	41,941	42,702	43,462	44,223	45,258
34	20	33,723	34,412	34,678	39,931	40,692	42,459	43,220	43,981	44,742	45,777

1	21	34,052	34,740	35,006	40,449	41,210	42,978	43,739	44,499	45,260	46,295
2	22	34,380	35,068	35,334	40,968	41,729	43,496	44,257	45,018	45,779	46,814
3	23	34,708	35,396	35,662	41,487	42,247	44,015	44,776	45,536	46,297	47,332
4	24	35,036	35,724	35,990	42,005	42,766	44,534	45,294	46,055	46,816	47,851
5	25	35,364	36,052	36,318	42,524	43,284	45,052	45,813	46,574	47,334	48,369
6	26	35,692	36,380	36,646	43,042	43,803	45,571	46,331	47,092	47,853	48,888
7	27	36,020	36,708	36,974	43,561	44,321	46,089	46,850	47,611	48,371	49,406
8	28	36,348	37,037	37,302	44,079	44,840	46,608	47,368	48,129	48,890	49,925
9	29	36,676	37,365	37,631	44,598	45,358	47,126	47,887	48,648	49,408	50,443
10	30	37,004	37,693	37,959	45,116	45,877	47,645	48,405	49,166	49,927	50,962
11	31	37,333	38,021	38,287	45,635	46,396	48,163	48,924	49,685	50,445	51,480
12	32	37,661	38,349	38,615	46,153	46,914	48,682	49,443	50,203	50,964	51,999
13	33	37,989	38,677	38,943	46,672	47,433	49,200	49,961	50,722	51,483	52,518
14	34	38,317	39,005	39,271	47,190	47,951	49,719	50,480	51,240	52,001	53,036
15	35	38,645	39,333	39,599	47,709	48,470	50,237	50,998	51,759	52,520	53,555

16 (b) \$600 shall be paid annually to each classroom teacher who
17 has at least twenty years of teaching experience. The payments:
18 (i) Shall be in addition to any amounts prescribed in the
19 applicable state minimum salary schedule; (ii) shall be paid in
20 equal monthly installments; and (iii) shall be considered a part of
21 the state minimum salaries for teachers.

22 (c) To meet the objective of salary equity among the counties
23 as set forth in section five of this article, each teacher shall be
24 paid an equity supplement amount as applicable for his or her
25 classification of certification or classification of training and
26 years of experience as follows, subject to the provisions of that
27 section:

28 (1) For "4th Class" at zero years of experience, \$1,781. An
29 additional \$38 shall be paid for each year of experience up to and
30 including thirty-five years of experience;

1 (2) For "3rd Class" at zero years of experience, \$1,796. An
2 additional \$67 shall be paid for each year of experience up to and
3 including thirty-five years of experience;

4 (3) For "2nd Class" at zero years of experience, \$1,877. An
5 additional \$69 shall be paid for each year of experience up to and
6 including thirty-five years of experience;

7 (4) For "A. B." at zero years of experience, \$2,360. An
8 additional \$69 shall be paid for each year of experience up to and
9 including thirty-five years of experience;

10 (5) For "A. B. + 15" at zero years of experience, \$2,452. An
11 additional \$69 shall be paid for each year of experience up to and
12 including thirty-five years of experience;

13 (6) For "M. A." at zero years of experience, \$2,644. An
14 additional \$69 shall be paid for each year of experience up to and
15 including thirty-five years of experience;

16 (7) For "M. A. + 15" at zero years of experience, \$2,740. An
17 additional \$69 shall be paid for each year of experience up to and
18 including thirty-five years of experience;

19 (8) For "M. A. + 30" at zero years of experience, \$2,836. An
20 additional \$69 shall be paid for each year of experience up to and
21 including thirty-five years of experience;

22 (9) For "M. A. + 45" at zero years of experience, \$2,836. An
23 additional \$69 shall be paid for each year of experience up to and
24 including thirty-five years of experience; and

25 (10) For "Doctorate" at zero years of experience, \$2,927. An
26 additional \$69 shall be paid for each year of experience up to and

1 including thirty-five years of experience.

2 These payments: (I) Shall be in addition to any amounts
3 prescribed in the applicable State Minimum Salary Schedule, any
4 specific additional amounts prescribed in this section and article
5 and any county supplement in effect in a county pursuant to section
6 five-a of this article; (ii) shall be paid in equal monthly
7 installments; and (iii) shall be considered a part of the state
8 minimum salaries for teachers.

9 **§18A-4-5. Salary equity among the counties; state salary**
10 **supplement.**

11 (a) For the purposes of this section, salary equity among the
12 counties means that the salary potential of school employees
13 employed by the various districts throughout the state does not
14 differ by greater than ten percent between those offering the
15 highest salaries and those offering the lowest salaries. In the
16 case of professional educators, the difference shall be calculated
17 using the average of the professional educator salary schedules,
18 degree classifications B. A. through doctorate and the years of
19 experience provided in the most recent state minimum salary
20 schedule for teachers, in effect in the ten counties offering the
21 highest salary schedules compared to the lowest salary schedule in
22 effect among the fifty-five counties. In the case of school
23 service personnel, the difference shall be calculated utilizing the
24 average of the school service personnel salary schedules, pay
25 grades A through H and the years of experience provided in the most
26 recent state minimum pay scale pay grade for service personnel, in

1 effect in the ten counties offering the highest salary schedules
2 compared to the lowest salary schedule in effect among the fifty-
3 five counties.

4 (b) To meet the objective of salary equity among the counties,
5 as defined in subsection (a) of this section, on and after July 1,
6 1984, subject to available state appropriations and the conditions
7 set forth herein, each teacher and school service personnel shall
8 receive an equity supplement amount as specified in sections two
9 and eight-a, respectively, of this article in addition to the
10 amount from the state minimum salary schedules provided in those
11 sections.

12 (c) State funds for this purpose shall be paid within the West
13 Virginia public school support plan in accordance with article
14 nine-a, chapter eighteen of this code. The amount allocated for
15 salary equity shall be apportioned between teachers and school
16 service personnel in direct proportion to that amount necessary to
17 support the professional salaries and service personnel salaries
18 statewide under sections four, five and eight, article nine-a,
19 chapter eighteen of this code. In the event the Department of
20 Education determines that the objective of salary equity among the
21 counties has not been met, it shall include in its budget request
22 for the public school support plan for the next school year a
23 request for funding sufficient to meet the objective of salary
24 equity through an across-the-board increase in the equity
25 supplement amount of the affected class of employees.

26 (d) Pursuant to this section, each teacher and service person

1 shall receive from state funds the equity supplement amount
2 indicated in subsection (c), section two and subsection (f),
3 section eight-a of this article, as applicable, reduced by any
4 amount provided by the county as a salary supplement for teachers
5 and school service personnel on January 1, 1984.

6 (e) The amount received pursuant to this section shall not be
7 decreased as a result of any county supplement increase instituted
8 after January 1, 1984: *Provided*, That any amount received pursuant
9 to this section may be reduced proportionately based upon the
10 amount of funds appropriated for this purpose. No county may
11 reduce any salary supplement that was in effect on January 1, 1984,
12 except as permitted by sections five-a and five-b of this article.

13 **§18A-4-8a. Service personnel minimum monthly salaries.**

14 (a) The minimum monthly pay for each service employee shall be
15 as follows:

16 (1) Beginning July 1, 2011, and continuing thereafter, the
17 minimum monthly pay for each service employee whose employment is
18 for a period of more than three and one-half hours a day shall be
19 at least the amounts indicated in the State Minimum Pay Scale Pay
20 Grade and the minimum monthly pay for each service employee whose
21 employment is for a period of three and one-half hours or less a
22 day shall be at least one half the amount indicated in the State
23 Minimum Pay Scale Pay Grade set forth in this subdivision.

24 STATE MINIMUM PAY SCALE PAY GRADE

25 Years

26 Exp.	Pay Grade								
27	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	

1	0	1,627	1,648	1,689	1,741	1,793	1,855	1,886	1,958
2	1	1,659	1,680	1,721	1,773	1,825	1,887	1,918	1,990
3	2	1,691	1,712	1,753	1,805	1,857	1,919	1,950	2,022
4	3	1,723	1,744	1,785	1,837	1,889	1,951	1,982	2,054
5	4	1,755	1,776	1,817	1,869	1,921	1,983	2,014	2,087
6	5	1,787	1,808	1,849	1,901	1,953	2,015	2,046	2,119
7	6	1,819	1,840	1,882	1,933	1,985	2,047	2,078	2,151
8	7	1,852	1,872	1,914	1,965	2,017	2,079	2,110	2,183
9	8	1,884	1,904	1,946	1,997	2,049	2,111	2,142	2,215
10	9	1,916	1,936	1,978	2,030	2,081	2,143	2,174	2,247
11	10	1,948	1,969	2,010	2,062	2,113	2,176	2,207	2,279
12	11	1,980	2,001	2,042	2,094	2,145	2,208	2,239	2,311
13	12	2,012	2,033	2,074	2,126	2,178	2,240	2,271	2,343
14	13	2,044	2,065	2,106	2,158	2,210	2,272	2,303	2,375
15	14	2,076	2,097	2,138	2,190	2,242	2,304	2,335	2,407
16	15	2,108	2,129	2,170	2,222	2,274	2,336	2,367	2,439
17	16	2,140	2,161	2,202	2,254	2,306	2,368	2,399	2,472
18	17	2,172	2,193	2,235	2,286	2,338	2,400	2,431	2,504
19	18	2,204	2,225	2,267	2,318	2,370	2,432	2,463	2,536
20	19	2,237	2,257	2,299	2,350	2,402	2,464	2,495	2,568
21	20	2,269	2,289	2,331	2,383	2,434	2,496	2,527	2,601
22	21	2,301	2,321	2,363	2,415	2,466	2,528	2,559	2,634
23	22	2,333	2,354	2,395	2,447	2,498	2,561	2,593	2,666
24	23	2,365	2,386	2,427	2,479	2,531	2,594	2,625	2,699
25	24	2,397	2,418	2,459	2,511	2,563	2,627	2,658	2,732
26	25	2,429	2,450	2,491	2,543	2,596	2,659	2,691	2,764
27	26	2,461	2,482	2,523	2,576	2,629	2,692	2,723	2,797
28	27	2,493	2,514	2,555	2,608	2,661	2,724	2,756	2,829
29	28	2,525	2,546	2,588	2,641	2,694	2,757	2,789	2,863
30	29	2,557	2,579	2,621	2,673	2,726	2,790	2,821	2,896
31	30	2,591	2,611	2,654	2,706	2,759	2,822	2,854	2,928
32	31	2,623	2,644	2,687	2,739	2,792	2,855	2,887	2,961
33	32	2,656	2,676	2,719	2,772	2,824	2,888	2,919	2,994
34	33	2,689	2,709	2,752	2,805	2,857	2,920	2,953	3,026
35	34	2,721	2,743	2,785	2,838	2,890	2,954	2,986	3,059
36	35	2,754	2,775	2,817	2,870	2,923	2,987	3,018	3,092

1	36	2,787	2,808	2,850	2,903	2,956	3,019	3,051	3,124
2	37	2,819	2,841	2,883	2,936	2,989	3,052	3,083	3,157
3	38	2,852	2,873	2,915	2,968	3,021	3,084	3,116	3,190
4	39	2,885	2,906	2,948	3,001	3,054	3,117	3,149	3,222
5	40	2,917	2,939	2,980	3,033	3,087	3,150	3,181	3,256

6
7 (2) Each service employee shall receive the amount prescribed
8 in the Minimum Pay Scale in accordance with the provisions of this
9 subsection according to their class title and pay grade as set
10 forth in this subdivision:

11 CLASS TITLE	PAY GRADE
12 Accountant I.	D
13 Accountant II.. . . .	E
14 Accountant III.	F
15 Accounts Payable Supervisor.. . . .	G
16 Aide I.	A
17 Aide II.. . . .	B
18 Aide III.	C
19 Aide IV.. . . .	D
20 Audiovisual Technician.	C
21 Auditor.. . . .	G
22 Autism Mentor.. . . .	F
23 Braille or Sign Language Specialist.. . . .	E
24 Bus Operator.	D
25 Buyer.. . . .	F
26 Cabinetmaker.	G
27 Cafeteria Manager.. . . .	D
28 Carpenter I.. . . .	E

1	Carpenter II.	F
2	Chief Mechanic.	G
3	Clerk I..	B
4	Clerk II.	C
5	Computer Operator..	E
6	Cook I.	A
7	Cook II..	B
8	Cook III.	C
9	Crew Leader..	F
10	Custodian I..	A
11	Custodian II.	B
12	Custodian III..	C
13	Custodian IV.	D
14	Director or Coordinator of Services..	H
15	Draftsman..	D
16	Electrician I..	F
17	Electrician II.	G
18	Electronic Technician I..	F
19	Electronic Technician II.	G
20	Executive Secretary..	G
21	Food Services Supervisor.	G
22	Foreman..	G
23	General Maintenance..	C
24	Glazier..	D
25	Graphic Artist.	D
26	Groundsman.	B

1 Handyman.	B
2 Heating and Air Conditioning Mechanic I.. . . .	E
3 Heating and Air Conditioning Mechanic II.	G
4 Heavy Equipment Operator.	E
5 Inventory Supervisor.	D
6 Key Punch Operator.	B
7 Licensed Practical Nurse.	F
8 Locksmith.. . . .	G
9 Lubrication Man.. . . .	C
10 Machinist.. . . .	F
11 Mail Clerk.	D
12 Maintenance Clerk.. . . .	C
13 Mason.. . . .	G
14 Mechanic.	F
15 Mechanic Assistant.	E
16 Office Equipment Repairman I.	F
17 Office Equipment Repairman II.. . . .	G
18 Painter.. . . .	E
19 Paraprofessional.	F
20 Payroll Supervisor.	G
21 Plumber I.. . . .	E
22 Plumber II.	G
23 Printing Operator.. . . .	B
24 Printing Supervisor.. . . .	D
25 Programmer.	H
26 Roofing/Sheet Metal Mechanic.	F

1	Sanitation Plant Operator..	G
2	School Bus Supervisor..	E
3	Secretary I..	D
4	Secretary II..	E
5	Secretary III..	F
6	Supervisor of Maintenance..	H
7	Supervisor of Transportation.	H
8	Switchboard Operator-Receptionist..	D
9	Truck Driver.	D
10	Warehouse Clerk..	C
11	Watchman.	B
12	Welder.	F
13	WVEIS Data Entry and Administrative Clerk..	B

14 (b) An additional \$12 per month shall be added to the minimum
15 monthly pay of each service employee who holds a high school
16 diploma or its equivalent.

17 (c) An additional \$11 per month also shall be added to the
18 minimum monthly pay of each service employee for each of the
19 following:

20 (1) A service employee who holds twelve college hours or
21 comparable credit obtained in a trade or vocational school as
22 approved by the state board;

23 (2) A service employee who holds twenty-four college hours or
24 comparable credit obtained in a trade or vocational school as
25 approved by the state board;

26 (3) A service employee who holds thirty-six college hours or

1 comparable credit obtained in a trade or vocational school as
2 approved by the state board;

3 (4) A service employee who holds forty-eight college hours or
4 comparable credit obtained in a trade or vocational school as
5 approved by the state board;

6 (5) A service employee who holds sixty college hours or
7 comparable credit obtained in a trade or vocational school as
8 approved by the state board;

9 (6) A service employee who holds seventy-two college hours or
10 comparable credit obtained in a trade or vocational school as
11 approved by the state board;

12 (7) A service employee who holds eighty-four college hours or
13 comparable credit obtained in a trade or vocational school as
14 approved by the state board;

15 (8) A service employee who holds ninety-six college hours or
16 comparable credit obtained in a trade or vocational school as
17 approved by the state board;

18 (9) A service employee who holds one hundred eight college
19 hours or comparable credit obtained in a trade or vocational school
20 as approved by the state board;

21 (10) A service employee who holds one hundred twenty college
22 hours or comparable credit obtained in a trade or vocational school
23 as approved by the state board;

24 (d) An additional \$40 per month also shall be added to the
25 minimum monthly pay of each service employee for each of the
26 following:

- 1 (1) A service employee who holds an associate's degree;
- 2 (2) A service employee who holds a bachelor's degree;
- 3 (3) A service employee who holds a master's degree;
- 4 (4) A service employee who holds a doctorate degree.

5 (e) An additional \$11 per month shall be added to the minimum
6 monthly pay of each service employee for each of the following:

- 7 (1) A service employee who holds a bachelor's degree plus
8 fifteen college hours;
- 9 (2) A service employee who holds a master's degree plus
10 fifteen college hours;
- 11 (3) A service employee who holds a master's degree plus thirty
12 college hours;
- 13 (4) A service employee who holds a master's degree plus forty-
14 five college hours; and
- 15 (5) A service employee who holds a master's degree plus sixty
16 college hours.

17 (f) To meet the objective of salary equity among the counties,
18 each service employee shall be paid an equity supplement, as set
19 forth in section five of this article, of \$152 per month, subject
20 to the provisions of that section. These payments: (I) Shall be in
21 addition to any amounts prescribed in the applicable State Minimum
22 Pay Scale Pay Grade, any specific additional amounts prescribed in
23 this section and article and any county supplement in effect in a
24 county pursuant to section five-b of this article; (ii) shall be
25 paid in equal monthly installments; and (iii) shall be considered
26 a part of the state minimum salaries for service personnel.

1 (g) When any part of a school service employee's daily shift
2 of work is performed between the hours of six o'clock p. m. and
3 five o'clock a. m. the following day, the employee shall be paid no
4 less than an additional \$10 per month and one half of the pay shall
5 be paid with local funds.

6 (h) Any service employee required to work on any legal school
7 holiday shall be paid at a rate one and one-half times the
8 employee's usual hourly rate.

9 (I) Any full-time service personnel required to work in excess
10 of their normal working day during any week which contains a school
11 holiday for which they are paid shall be paid for the additional
12 hours or fraction of the additional hours at a rate of one and one-
13 half times their usual hourly rate and paid entirely from county
14 board funds.

15 (j) No service employee may have his or her daily work
16 schedule changed during the school year without the employee's
17 written consent and the employee's required daily work hours may
18 not be changed to prevent the payment of time and one-half wages or
19 the employment of another employee.

20 (k) The minimum hourly rate of pay for extra duty assignments
21 as defined in section eight-b of this article shall be no less than
22 one seventh of the employee's daily total salary for each hour the
23 employee is involved in performing the assignment and paid entirely
24 from local funds: *Provided*, That an alternative minimum hourly rate
25 of pay for performing extra duty assignments within a particular
26 category of employment may be used if the alternate hourly rate of

1 pay is approved both by the county board and by the affirmative
2 vote of a two-thirds majority of the regular full-time employees
3 within that classification category of employment within that
4 county: *Provided, however,* That the vote shall be by secret ballot
5 if requested by a service person within that classification
6 category within that county. The salary for any fraction of an
7 hour the employee is involved in performing the assignment shall be
8 prorated accordingly. When performing extra duty assignments,
9 employees who are regularly employed on a one-half day salary basis
10 shall receive the same hourly extra duty assignment pay computed as
11 though the employee were employed on a full-day salary basis.

12 (1) The minimum pay for any service personnel employees
13 engaged in the removal of asbestos material or related duties
14 required for asbestos removal shall be their regular total daily
15 rate of pay and no less than an additional \$3 per hour or no less
16 than \$5 per hour for service personnel supervising asbestos removal
17 responsibilities for each hour these employees are involved in
18 asbestos-related duties. Related duties required for asbestos
19 removal include, but are not limited to, travel, preparation of the
20 work site, removal of asbestos decontamination of the work site,
21 placing and removal of equipment and removal of structures from the
22 site. If any member of an asbestos crew is engaged in asbestos
23 related duties outside of the employee's regular employment county,
24 the daily rate of pay shall be no less than the minimum amount as
25 established in the employee's regular employment county for
26 asbestos removal and an additional \$30 per each day the employee is

1 engaged in asbestos removal and related duties. The additional pay
2 for asbestos removal and related duties shall be payable entirely
3 from county funds. Before service personnel employees may be used
4 in the removal of asbestos material or related duties, they shall
5 have completed a federal Environmental Protection Act approved
6 training program and be licensed. The employer shall provide all
7 necessary protective equipment and maintain all records required by
8 the Environmental Protection Act.

9 (m) For the purpose of qualifying for additional pay as
10 provided in section eight, article five of this chapter, an aide
11 shall be considered to be exercising the authority of a supervisory
12 aide and control over pupils if the aide is required to supervise,
13 control, direct, monitor, escort or render service to a child or
14 children when not under the direct supervision of a certified
15 professional person within the classroom, library, hallway,
16 lunchroom, gymnasium, school building, school grounds or wherever
17 supervision is required. For purposes of this section, "under the
18 direct supervision of a certified professional person" means that
19 certified professional person is present, with and accompanying the
20 aide.