

1 **ENROLLED**

2 **COMMITTEE SUBSTITUTE**

3 **FOR**

4 **H. B. 2470**

5 (By Delegate Poling, M.)

6 [Passed April 13, 2013; in effect July 1, 2013.]

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9  
10 AN ACT to amend and reenact §18-20-2 of the Code of West Virginia,  
11 1931, as amended; to amend and reenact §18A-2-4 of said code;  
12 and to amend and reenact §18A-4-8 and §18A-4-8a of said code,  
13 all relating to school service personnel classification,  
14 compensation, duties, requirements and training; establishing  
15 certain service personnel classification titles and setting  
16 their wages; specifying employment requirements and duties for  
17 certain classifications titles; modifying certain service  
18 personnel classification titles; and establishing conditions  
19 for employer payment of and continuing education credit  
20 accrual for certain certification acquisition.

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

22 That §18-20-2 of the Code of West Virginia, 1931, as amended,  
23 be amended and reenacted; that §18A-2-4 of said code be amended and  
24 reenacted; and that §18A-4-8 and §18A-4-8a of said code be amended  
25 and reenacted, all to read as follows:

1                               **CHAPTER 18. EDUCATION.**

2 **ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.**

3 **§18-20-2. Providing suitable educational facilities, equipment and**  
4                               **services.**

5           (a) Each county board shall provide suitable educational  
6 facilities, special equipment and special services that are  
7 necessary. Special services include provisions and procedures for  
8 finding and enumerating exceptional children of each type,  
9 diagnosis by appropriate specialists who will certify the child's  
10 need and eligibility for special education and make recommendations  
11 for treatment and prosthesis as may alleviate the disability,  
12 special teaching by qualified and specially trained teachers,  
13 transportation, lunches and remedial therapeutic services.  
14 Qualifications of teachers and therapists shall be in accordance  
15 with standards prescribed or approved by the state board.

16           (b) A county board may provide for educating resident  
17 exceptional children by contracting with other counties or other  
18 educational agencies which maintain special education facilities.  
19 Fiscal matters shall follow policies approved by the state board.

20           (c) The county board shall provide a four-clock-hour program  
21 of training for any teacher aide employed to assist teachers in  
22 providing services to exceptional children under this article prior  
23 to the assignment. The program shall consist of training in areas  
24 specifically related to the education of exceptional children,  
25 pursuant to rules of the state board. The training shall occur

1 during normal working hours and an opportunity to be trained shall  
2 be provided to a service person prior to filling a vacancy in  
3 accordance with the provisions of section eight-b, article four,  
4 chapter eighteen-a of this code.

5 (d) The county board annually shall make available during  
6 normal working hours to all regularly employed teachers' aides  
7 twelve hours of training that satisfies the continuing education  
8 requirements for the aides regarding:

9 (1) Providing services to children who have displayed violent  
10 behavior or have demonstrated the potential for violent behavior;  
11 and

12 (2) Providing services to children diagnosed as autistic or  
13 with autism spectrum disorder. This training shall be structured  
14 to permit the employee to qualify as an autism mentor after a  
15 minimum of four years of training. The county board shall:

16 (A) Notify in writing all teachers' aides of the location,  
17 date and time when training will be offered for qualification as an  
18 autism mentor; and

19 (B) Reimburse any regularly employed or substitute teacher's  
20 aide who elects to attend this training for one half of the cost of  
21 the tuition.

22 (e) For any student whose individualized education plan (IEP)  
23 or education plan established pursuant to Section 504 of the  
24 Rehabilitation Act of 1973, as amended, 29 U.S.C. §794, requires  
25 the services of a sign support specialist or an educational sign  
26 language interpreter I or II:

1 (1) Any educational sign language interpreter I or II assigned  
2 to assist that student is a related service provider member of the  
3 education team who participates in IEP meetings and works with the  
4 team to implement the IEP;

5 (2) A sign support specialist may be assigned to a student  
6 with an exceptionality other than deaf or hard of hearing if it is  
7 determined that the student needs signs to support his or her  
8 expressive communication; and

9 (3) A sign support specialist may be assigned to a student who  
10 is deaf or hard of hearing in lieu of an interpreter only if an  
11 educational sign language interpreter I or II is unavailable, and  
12 the sign support specialist is executing a professional development  
13 plan while actively seeking certification as an educational sign  
14 language interpreter I or II. After two years the sign support  
15 specialist may remain in the assignment only if an educational sign  
16 language interpreter I or II remains unavailable, and with an  
17 approved waiver by the West Virginia Department of Education. An  
18 employee in this situation is entitled to full payment of the costs  
19 of certification acquisition or renewal pursuant to the  
20 certification renewal provisions of section four, article two,  
21 chapter eighteen-a of this code.

22 **CHAPTER 18A. SCHOOL PERSONNEL.**

23 **ARTICLE 2. SCHOOL PERSONNEL.**

24 **§18A-2-4. Commercial driver's license for school personnel;**

25 **intrastate waiver for bus operators diagnosed with**

1                   **diabetes mellitus requiring insulin; reimbursement**  
2                   **of electrician's and commercial driver's license**  
3                   **when required, and educational sign language**  
4                   **interpreter certification.**

5           (a) If a commercial driver's license is required as a  
6 condition of employment for any school employee or qualified  
7 applicant who becomes an employee by a county board the cost is  
8 paid in full by the county board.

9           A county board may not require any employee or applicant who  
10 becomes an employee of the board to pay the cost of acquiring a  
11 commercial driver's license as a condition of employment.

12          (b) The Division of Motor Vehicles shall accept the West  
13 Virginia Department of Education physical and psychomotor test  
14 result forms in lieu of the Division of Motor Vehicles vision  
15 report form.

16          (c) A school bus operator who is currently employed by a  
17 county board or who is otherwise subject to state board rules  
18 governing school bus operators and who is diagnosed with diabetes  
19 mellitus requiring insulin is not ineligible for employment as a  
20 school bus operator because of the diagnosis if the operator is  
21 issued a passenger endorsement for his or her commercial driver  
22 license through the intrastate waiver program pertaining to  
23 diabetes of the West Virginia Division of Motor Vehicles, subject  
24 to the following:

25          (1) A copy of the information required to be submitted to the

1 Division of Motor Vehicles for waiver application and proof of  
2 passenger endorsement under the waiver program is submitted to his  
3 or her employer; and

4 (2) The operator remains in compliance with the stipulations  
5 of and grounds for eligibility for the intrastate waiver.

6 (d) If a county board requires of any employee who is employed  
7 as an electrician any license renewal when the employee is exempt  
8 from renewing the license pursuant to section three, article  
9 three-b, chapter twenty-nine of this code, the cost of the license  
10 renewal is paid in full by the county board.

11 (e) The cost of certification renewal and satisfying the  
12 requirements of the West Virginia Registry of Interpreters is paid  
13 in full by the employer for any service person who is:

14 (1) Employed as an educational sign language interpreter I or  
15 II and is required to complete any testing, training or continuing  
16 education in order to renew or maintain certification at that  
17 level;

18 (2) Employed as an educational sign language interpreter I and  
19 is required to complete any testing, training or continuing  
20 education to advance to an educational sign language interpreter  
21 II; or

22 (3) Employed as a sign support specialist and is required to  
23 complete any testing, training or continuing education in order to  
24 advance to an educational sign language interpreter I or II.

25 (f) For any service person required to hold certification as  
26 a condition of employment, any time devoted to acquiring or

1 maintaining the certification, including instructional time and  
2 training, constitutes hours of continuing education for purposes of  
3 meeting the annual continuing education requirements in state board  
4 policy.

5 (g) Compliance with or failure to comply by a health care  
6 provider licensed and authorized pursuant to chapter thirty of this  
7 code, with the reporting requirements of the Division of Motor  
8 Vehicles regarding the provisions of subsection (c) of this section  
9 does not constitute negligence, nor may compliance or noncompliance  
10 with the requirements of this section be admissible as evidence of  
11 negligence in any civil or criminal action.

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

13 **§18A-4-8. Employment term and class titles of service personnel;**  
14 **definitions.**

15 (a) The purpose of this section is to establish an employment  
16 term and class titles for service personnel. The employment term  
17 for service personnel may not be less than ten months. A month is  
18 defined as twenty employment days. The county board may contract  
19 with all or part of these service personnel for a longer term.

20 (b) Service personnel employed on a yearly or twelve-month  
21 basis may be employed by calendar months. Whenever there is a  
22 change in job assignment during the school year, the minimum pay  
23 scale and any county supplement are applicable.

24 (c) Service personnel employed in the same classification for  
25 more than the two hundred-day minimum employment term are paid for

1 additional employment at a daily rate of not less than the daily  
2 rate paid for the two hundred-day minimum employment term.

3 (d) A service person may not be required to report for work  
4 more than five days per week without his or her agreement, and no  
5 part of any working day may be accumulated by the employer for  
6 future work assignments, unless the employee agrees thereto.

7 (e) If a service person whose regular work week is scheduled  
8 from Monday through Friday agrees to perform any work assignments  
9 on a Saturday or Sunday, the service person is paid for at least  
10 one-half day of work for each day he or she reports for work. If  
11 the service person works more than three and one-half hours on any  
12 Saturday or Sunday, he or she is paid for at least a full day of  
13 work for each day.

14 (f) A custodian, aide, maintenance, office and school lunch  
15 service person required to work a daily work schedule that is  
16 interrupted is paid additional compensation in accordance with this  
17 subsection.

18 (1) A maintenance person means a person who holds a  
19 classification title other than in a custodial, aide, school lunch,  
20 office or transportation category as provided in section one,  
21 article one of this chapter.

22 (2) A service person's schedule is considered to be  
23 interrupted if he or she does not work a continuous period in one  
24 day. Aides are not regarded as working an interrupted schedule  
25 when engaged exclusively in the duties of transporting students;

26 (3) The additional compensation provided in this subsection:



1 (A) Is equal to at least one eighth of a service person's  
2 total salary as provided by the state minimum pay scale and any  
3 county pay supplement; and

4 (B) Is payable entirely from county board funds.

5 (g) When there is a change in classification or when a service  
6 person meets the requirements of an advanced classification, his or  
7 her salary shall be made to comply with the requirements of this  
8 article and any county salary schedule in excess of the minimum  
9 requirements of this article, based upon the service person's  
10 advanced classification and allowable years of employment.

11 (h) A service person's contract, as provided in section five,  
12 article two of this chapter, shall state the appropriate monthly  
13 salary the employee is to be paid, based on the class title as  
14 provided in this article and on any county salary schedule in  
15 excess of the minimum requirements of this article.

16 (i) The column heads of the state minimum pay scale and class  
17 titles, set forth in section eight-a of this article, are defined  
18 as follows:

19 (1) "Pay grade" means the monthly salary applicable to class  
20 titles of service personnel;

21 (2) "Years of employment" means the number of years which an  
22 employee classified as a service person has been employed by a  
23 county board in any position prior to or subsequent to the  
24 effective date of this section and includes service in the Armed  
25 Forces of the United States, if the employee was employed at the  
26 time of his or her induction. For the purpose of section eight-a

1 of this article, years of employment is limited to the number of  
2 years shown and allowed under the state minimum pay scale as set  
3 forth in section eight-a of this article;

4 (3) "Class title" means the name of the position or job held  
5 by a service person;

6 (4) "Accountant I" means a person employed to maintain payroll  
7 records and reports and perform one or more operations relating to  
8 a phase of the total payroll;

9 (5) "Accountant II" means a person employed to maintain  
10 accounting records and to be responsible for the accounting process  
11 associated with billing, budgets, purchasing and related  
12 operations;

13 (6) "Accountant III" means a person employed in the county  
14 board office to manage and supervise accounts payable, payroll  
15 procedures, or both;

16 (7) "Accounts payable supervisor" means a person employed in  
17 the county board office who has primary responsibility for the  
18 accounts payable function and who either has completed twelve  
19 college hours of accounting courses from an accredited institution  
20 of higher education or has at least eight years of experience  
21 performing progressively difficult accounting tasks.  
22 Responsibilities of this class title may include supervision of  
23 other personnel;

24 (8) "Aide I" means a person selected and trained for a  
25 teacher-aide classification such as monitor aide, clerical aide,  
26 classroom aide or general aide;

1           (9) "Aide II" means a service person referred to in the "Aide  
2 I" classification who has completed a training program approved by  
3 the state board, or who holds a high school diploma or has received  
4 a general educational development certificate. Only a person  
5 classified in an Aide II class title may be employed as an aide in  
6 any special education program

7           (10) "Aide III" means a service person referred to in the  
8 "Aide I" classification who holds a high school diploma or a  
9 general educational development certificate; and

10           (A) Has completed six semester hours of college credit at an  
11 institution of higher education; or

12           (B) Is employed as an aide in a special education program and  
13 has one year's experience as an aide in special education;

14           (11) "Aide IV" means a service person referred to in the "Aide  
15 I" classification who holds a high school diploma or a general  
16 educational development certificate; and

17           (A) Has completed eighteen hours of State Board-approved  
18 college credit at a regionally accredited institution of higher  
19 education, or

20           (B) Has completed fifteen hours of State Board-approved  
21 college credit at a regionally accredited institution of higher  
22 education; and has successfully completed an in-service training  
23 program determined by the State Board to be the equivalent of three  
24 hours of college credit;

25           (12) "Audiovisual technician" means a person employed to  
26 perform minor maintenance on audiovisual equipment, films, and

1 supplies and who fills requests for equipment;

2 (13) "Auditor" means a person employed to examine and verify  
3 accounts of individual schools and to assist schools and school  
4 personnel in maintaining complete and accurate records of their  
5 accounts;

6 (14) "Autism mentor" means a person who works with autistic  
7 students and who meets standards and experience to be determined by  
8 the State Board. A person who has held or holds an aide title and  
9 becomes employed as an autism mentor shall hold a  
10 multiclassification status that includes both aide and autism  
11 mentor titles, in accordance with section eight-b of this article;

12 (15) "Braille specialist" means a person employed to provide  
13 braille assistance to students. A service person who has held or  
14 holds an aide title and becomes employed as a braille specialist  
15 shall hold a multiclassification status that includes both aide and  
16 braille specialist title, in accordance with section eight-b of  
17 this article;

18 (16) "Bus operator" means a person employed to operate school  
19 buses and other school transportation vehicles as provided by the  
20 state board;

21 (17) "Buyer" means a person employed to review and write  
22 specifications, negotiate purchase bids and recommend purchase  
23 agreements for materials and services that meet predetermined  
24 specifications at the lowest available costs;

25 (18) "Cabinetmaker" means a person employed to construct  
26 cabinets, tables, bookcases and other furniture;

1           (19) "Cafeteria manager" means a person employed to direct the  
2 operation of a food services program in a school, including  
3 assigning duties to employees, approving requisitions for supplies  
4 and repairs, keeping inventories, inspecting areas to maintain high  
5 standards of sanitation, preparing financial reports and keeping  
6 records pertinent to food services of a school;

7           (20) "Carpenter I" means a person classified as a carpenter's  
8 helper;

9           (21) "Carpenter II" means a person classified as a journeyman  
10 carpenter;

11          (22) "Chief mechanic" means a person employed to be  
12 responsible for directing activities which ensure that student  
13 transportation or other county board-owned vehicles are properly  
14 and safely maintained;

15          (23) "Clerk I" means a person employed to perform clerical  
16 tasks,

17          (24) "Clerk II" means a person employed to perform general  
18 clerical tasks, prepare reports and tabulations, and operate office  
19 machines;

20          (25) "Computer operator" means a qualified person employed to  
21 operate computers;

22          (26) "Cook I" means a person employed as a cook's helper;

23          (27) "Cook II" means a person employed to interpret menus and  
24 to prepare and serve meals in a food service program of a school.  
25 This definition includes a service person who has been employed as  
26 a "Cook I" for a period of four years;

1           (28) "Cook III" means a person employed to prepare and serve  
2 meals, make reports, prepare requisitions for supplies, order  
3 equipment and repairs for a food service program of a school  
4 system;

5           (29) "Crew leader" means a person employed to organize the  
6 work for a crew of maintenance employees to carry out assigned  
7 projects;

8           (30) "Custodian I" means a person employed to keep buildings  
9 clean and free of refuse;

10          (31) "Custodian II" means a person employed as a watchman or  
11 groundsman;

12          (32) "Custodian III" means a person employed to keep buildings  
13 clean and free of refuse, to operate the heating or cooling systems  
14 and to make minor repairs;

15          (33) "Custodian IV" means a person employed as a head  
16 custodian. In addition to providing services as defined in  
17 "Custodian III" duties may include supervising other custodian  
18 personnel;

19          (34) "Director or coordinator of services" means an employee  
20 of a county board who is assigned to direct a department or  
21 division.

22          (A) Nothing in this subdivision prohibits a professional  
23 person or a professional educator from holding this class title;

24          (B) Professional personnel holding this class title may not be  
25 defined or classified as service personnel unless the professional  
26 person held a service personnel title under this section prior to

1 holding the class title of "director or coordinator of services;"

2 (C) The director or coordinator of services is classified  
3 either as a professional person or a service person for state aid  
4 formula funding purposes;

5 (D) Funding for the position of director or coordinator of  
6 services is based upon the employment status of the director or  
7 coordinator either as a professional person or a service person;  
8 and

9 (E) A person employed under the class title "director or  
10 coordinator of services" may not be exclusively assigned to perform  
11 the duties ascribed to any other class title as defined in this  
12 subsection: *Provided*, That nothing in this paragraph prohibits a  
13 person in this position from being multiclassified;

14 (35) "Draftsman" means a person employed to plan, design and  
15 produce detailed architectural/engineering drawings;

16 (36) "Early Childhood Classroom Assistant Teacher - Temporary  
17 Authorization" means a person who does not possess minimum  
18 requirements for the permanent authorization requirements, but is  
19 enrolled in and pursuing requirements;

20 (37) "Early Childhood Classroom Assistant Teacher - Permanent  
21 Authorization" means a person who has completed the minimum  
22 requirements for a state-awarded certificate for early childhood  
23 classroom assistant teachers that meet or exceed the requirements  
24 for a child development associate. Equivalency for the West  
25 Virginia Department of Education will be determined as the child  
26 development associate or the West Virginia Apprenticeship for Child

1 Development Specialists;

2 (38) "Early Childhood Classroom Assistant Teacher -  
3 Paraprofessional Certificate" means a person who has completed  
4 permanent authorization requirements, as well as additional  
5 requirements comparable to current paraprofessional certificate;

6 (39) "Educational Sign Language Interpreter I" means a person  
7 employed to provide communication access across all educational  
8 environments to students who are deaf or hard of hearing, and who  
9 holds the Initial Paraprofessional Certificate - Educational  
10 Interpreter pursuant to state board policy;

11 (40) "Educational Sign Language Interpreter II" means a person  
12 employed to provide communication access across all educational  
13 environments to students who are deaf or hard of hearing, and who  
14 holds the Permanent Paraprofessional Certificate - Educational  
15 Interpreter pursuant to state board policy;

16 (41) "Electrician I" means a person employed as an apprentice  
17 electrician helper or one who holds an electrician helper license  
18 issued by the State Fire Marshal;

19 (42) "Electrician II" means a person employed as an  
20 electrician journeyman or one who holds a journeyman electrician  
21 license issued by the State Fire Marshal;

22 (43) "Electronic technician I" means a person employed at the  
23 apprentice level to repair and maintain electronic equipment;

24 (44) "Electronic technician II" means a person employed at the  
25 journeyman level to repair and maintain electronic equipment;

26 (45) "Executive secretary" means a person employed as



1 secretary to the county school superintendent or as a secretary who  
2 is assigned to a position characterized by significant  
3 administrative duties;

4 (46) "Food services supervisor" means a qualified person who  
5 is not a professional person or professional educator as defined in  
6 section one, article one of this chapter. The food services  
7 supervisor is employed to manage and supervise a county school  
8 system's food service program. The duties include preparing  
9 in-service training programs for cooks and food service employees,  
10 instructing personnel in the areas of quantity cooking with economy  
11 and efficiency and keeping aggregate records and reports;

12 (47) "Foreman" means a skilled person employed to supervise  
13 personnel who work in the areas of repair and maintenance of school  
14 property and equipment;

15 (48) "General maintenance" means a person employed as a helper  
16 to skilled maintenance employees, and to perform minor repairs to  
17 equipment and buildings of a county school system;

18 (49) "Glazier" means a person employed to replace glass or  
19 other materials in windows and doors and to do minor carpentry  
20 tasks;

21 (50) "Graphic artist" means a person employed to prepare  
22 graphic illustrations;

23 (51) "Groundsman" means a person employed to perform duties  
24 that relate to the appearance, repair and general care of school  
25 grounds in a county school system. Additional assignments may  
26 include the operation of a small heating plant and routine cleaning

1 duties in buildings;

2 (52) "Handyman" means a person employed to perform routine  
3 manual tasks in any operation of the county school system;

4 (53) "Heating and air conditioning mechanic I" means a person  
5 employed at the apprentice level to install, repair and maintain  
6 heating and air conditioning plants and related electrical  
7 equipment;

8 (54) "Heating and air conditioning mechanic II" means a  
9 person employed at the journeyman level to install, repair and  
10 maintain heating and air conditioning plants and related  
11 electrical equipment;

12 (55) "Heavy equipment operator" means a person employed to  
13 operate heavy equipment;

14 (56) "Inventory supervisor" means a person employed to  
15 supervise or maintain operations in the receipt, storage,  
16 inventory and issuance of materials and supplies;

17 (57) "Key punch operator" means a qualified person employed  
18 to operate key punch machines or verifying machines;

19 (58) "Licensed practical nurse" means a nurse, licensed by  
20 the West Virginia Board of Examiners for Licensed Practical  
21 Nurses, employed to work in a public school under the supervision  
22 of a school nurse;

23 (59) "Locksmith" means a person employed to repair and  
24 maintain locks and safes;

25 (60) "Lubrication man" means a person employed to lubricate  
26 and service gasoline or diesel-powered equipment of a county

1 school system;

2 (61) "Machinist" means a person employed to perform machinist  
3 tasks which include the ability to operate a lathe, planer,  
4 shaper, threading machine and wheel press. A person holding this  
5 class title also should have the ability to work from blueprints  
6 and drawings;

7 (62) "Mail clerk" means a person employed to receive, sort,  
8 dispatch, deliver or otherwise handle letters, parcels and other  
9 mail;

10 (63) "Maintenance clerk" means a person employed to maintain  
11 and control a stocking facility to keep adequate tools and  
12 supplies on hand for daily withdrawal for all school maintenance  
13 crafts;

14 (64) "Mason" means a person employed to perform tasks  
15 connected with brick and block laying and carpentry tasks related  
16 to these activities;

17 (65) "Mechanic" means a person employed to perform skilled  
18 duties independently in the maintenance and repair of automobiles,  
19 school buses and other mechanical and mobile equipment to use in  
20 a county school system;

21 (66) "Mechanic assistant" means a person employed as a  
22 mechanic apprentice and helper;

23 (67) "Multiclassification" means a person employed to perform  
24 tasks that involve the combination of two or more class titles in  
25 this section. In these instances the minimum salary scale is the  
26 higher pay grade of the class titles involved;

1 (68) "Office equipment repairman I" means a person employed  
2 as an office equipment repairman apprentice or helper;

3 (69) "Office equipment repairman II" means a person  
4 responsible for servicing and repairing all office machines and  
5 equipment. A person holding this class title is responsible for  
6 the purchase of parts necessary for the proper operation of a  
7 program of continuous maintenance and repair;

8 (70) "Painter" means a person employed to perform duties  
9 painting, finishing and decorating wood, metal and concrete  
10 surfaces of buildings, other structures, equipment, machinery and  
11 furnishings of a county school system;

12 (71) "Paraprofessional" means a person certified pursuant to  
13 section two-a, article three of this chapter to perform duties in  
14 a support capacity including, but not limited to, facilitating in  
15 the instruction and direct or indirect supervision of students  
16 under the direction of a principal, a teacher or another  
17 designated professional educator.

18 (A) A person employed on the effective date of this section  
19 in the position of an aide may not be subject to a reduction in  
20 force or transferred to create a vacancy for the employment of a  
21 paraprofessional;

22 (B) A person who has held or holds an aide title and becomes  
23 employed as a paraprofessional shall hold a multiclassification  
24 status that includes both aide and paraprofessional titles in  
25 accordance with section eight-b of this article; and

26 (C) When a service person who holds an aide title becomes

1 certified as a paraprofessional and is required to perform duties  
2 that may not be performed by an aide without paraprofessional  
3 certification, he or she shall receive the paraprofessional title  
4 pay grade;

5 (72) "Payroll supervisor" means a person employed in the  
6 county board office who has primary responsibility for the payroll  
7 function and who either has completed twelve college hours of  
8 accounting from an accredited institution of higher education or  
9 has at least eight years of experience performing progressively  
10 difficult accounting tasks. Responsibilities of this class title  
11 may include supervision of other personnel;

12 (73) "Plumber I" means a person employed as an apprentice  
13 plumber and helper;

14 (74) "Plumber II" means a person employed as a journeyman  
15 plumber;

16 (75) "Printing operator" means a person employed to operate  
17 duplication equipment, and to cut, collate, staple, bind and  
18 shelve materials as required;

19 (76) "Printing supervisor" means a person employed to  
20 supervise the operation of a print shop;

21 (77) "Programmer" means a person employed to design and  
22 prepare programs for computer operation;

23 (78) "Roofing/sheet metal mechanic" means a person employed  
24 to install, repair, fabricate and maintain roofs, gutters,  
25 flashing and duct work for heating and ventilation;

26 (79) "Sanitation plant operator" means a person employed to

1 operate and maintain a water or sewage treatment plant to ensure  
2 the safety of the plant's effluent for human consumption or  
3 environmental protection;

4 (80) "School bus supervisor" means a qualified person:

5 (A) Employed to assist in selecting school bus operators and  
6 routing and scheduling school buses, operate a bus when needed,  
7 relay instructions to bus operators, plan emergency routing of  
8 buses and promote good relationships with parents, students, bus  
9 operators and other employees; and

10 (B) Certified to operate a bus or previously certified to  
11 operate a bus;

12 (81) "Secretary I" means a person employed to transcribe from  
13 notes or mechanical equipment, receive callers, perform clerical  
14 tasks, prepare reports and operate office machines;

15 (82) "Secretary II" means a person employed in any  
16 elementary, secondary, kindergarten, nursery, special education,  
17 vocational, or any other school as a secretary. The duties may  
18 include performing general clerical tasks; transcribing from  
19 notes; stenotype, mechanical equipment or a sound-producing  
20 machine; preparing reports; receiving callers and referring them  
21 to proper persons; operating office machines; keeping records and  
22 handling routine correspondence. Nothing in this subdivision  
23 prevents a service person from holding or being elevated to a  
24 higher classification;

25 (83) "Secretary III" means a person assigned to the county  
26 board office administrators in charge of various instructional,

1 maintenance, transportation, food services, operations and health  
2 departments, federal programs or departments with particular  
3 responsibilities in purchasing and financial control or any person  
4 who has served for eight years in a position which meets the  
5 definition of "secretary II" or "secretary III";

6 (84) "Sign Support Specialist" means a person employed to  
7 provide sign supported speech assistance to students who are able  
8 to access environments through audition. A person who has held or  
9 holds an aide title and becomes employed as a sign support  
10 specialist shall hold a multi-classification status that includes  
11 both aide and sign support specialist titles, in accordance with  
12 section eight-b of this article.

13 (85) "Supervisor of maintenance" means a skilled person who  
14 is not a professional person or professional educator as defined  
15 in section one, article one of this chapter. The responsibilities  
16 include directing the upkeep of buildings and shops, and issuing  
17 instructions to subordinates relating to cleaning, repairs and  
18 maintenance of all structures and mechanical and electrical  
19 equipment of a county board;

20 (86) "Supervisor of transportation" means a qualified person  
21 employed to direct school transportation activities properly and  
22 safely, and to supervise the maintenance and repair of vehicles,  
23 buses and other mechanical and mobile equipment used by the county  
24 school system. After July 1, 2010, all persons employed for the  
25 first time in a position with this classification title or in a  
26 multi-classification position that includes this title shall have

1 five years of experience working in the transportation department  
2 of a county board. Experience working in the transportation  
3 department consists of serving as a bus operator, bus aide,  
4 assistant mechanic, mechanic, chief mechanic or in a clerical  
5 position within the transportation department;

6 (87) "Switchboard operator-receptionist" means a person  
7 employed to refer incoming calls, to assume contact with the  
8 public, to direct and to give instructions as necessary, to  
9 operate switchboard equipment and to provide clerical assistance;

10 (88) "Truck driver" means a person employed to operate light  
11 or heavy duty gasoline and diesel-powered vehicles;

12 (89) "Warehouse clerk" means a person employed to be  
13 responsible for receiving, storing, packing and shipping goods;

14 (90) "Watchman" means a person employed to protect school  
15 property against damage or theft. Additional assignments may  
16 include operation of a small heating plant and routine cleaning  
17 duties;

18 (91) "Welder" means a person employed to provide acetylene or  
19 electric welding services for a school system; and

20 (92) "WVEIS data entry and administrative clerk" means a  
21 person employed to work under the direction of a school principal  
22 to assist the school counselor or counselors in the performance of  
23 administrative duties, to perform data entry tasks on the West  
24 Virginia Education Information System, and to perform other  
25 administrative duties assigned by the principal.

26



1 (j) Notwithstanding any provision in this code to the  
2 contrary, and in addition to the compensation provided for service  
3 personnel in section eight-a of this article, each service person  
4 is entitled to all service personnel employee rights, privileges  
5 and benefits provided under this or any other chapter of this code  
6 without regard to the employee's hours of employment or the  
7 methods or sources of compensation.

8 (k) A service person whose years of employment exceeds the  
9 number of years shown and provided for under the state minimum pay  
10 scale set forth in section eight-a of this article may not be paid  
11 less than the amount shown for the maximum years of employment  
12 shown and provided for in the classification in which he or she is  
13 employed.

14 (l) Each county board shall review each service person's job  
15 classification annually and shall reclassify all service persons  
16 as required by the job classifications. The state superintendent  
17 may withhold state funds appropriated pursuant to this article for  
18 salaries for service personnel who are improperly classified by  
19 the county boards. Further, the state superintendent shall order  
20 a county board to correct immediately any improper classification  
21 matter and, with the assistance of the Attorney General, shall  
22 take any legal action necessary against any county board to  
23 enforce the order.

24 (m) Without his or her written consent, a service person may  
25 not be:

26 (1) Reclassified by class title; or

1           (2) Relegated to any condition of employment which would  
2 result in a reduction of his or her salary, rate of pay,  
3 compensation or benefits earned during the current fiscal year; or  
4 for which he or she would qualify by continuing in the same job  
5 position and classification held during that fiscal year and  
6 subsequent years.

7           (n) Any county board failing to comply with the provisions of  
8 this article may be compelled to do so by mandamus and is liable  
9 to any party prevailing against the board for court costs and the  
10 prevailing party's reasonable attorney fee, as determined and  
11 established by the court.

12           (o) Notwithstanding any provision of this code to the  
13 contrary, a service person who holds a continuing contract in a  
14 specific job classification and who is physically unable to  
15 perform the job's duties as confirmed by a physician chosen by the  
16 employee, shall be given priority status over any employee not  
17 holding a continuing contract in filling other service personnel  
18 job vacancies if the service person is qualified as provided in  
19 section eight-e of this article.

20           (p) Any person employed in an aide position on the effective  
21 date of this section may not be transferred or subject to a  
22 reduction in force for the purpose of creating a vacancy for the  
23 employment of a licensed practical nurse.

24           (q) Without the written consent of the service person, a  
25 county board may not establish the beginning work station for a  
26 bus operator or transportation aide at any site other than a

1 county board-owned facility with available parking. The workday  
2 of the bus operator or transportation aide commences at the bus at  
3 the designated beginning work station and ends when the employee  
4 is able to leave the bus at the designated beginning work station,  
5 unless he or she agrees otherwise in writing. The application or  
6 acceptance of a posted position may not be construed as the  
7 written consent referred to in this subsection.

8 (r) Itinerant status means a service person who does not have  
9 a fixed work site and may be involuntarily reassigned to another  
10 work site. A service person is considered to hold itinerant  
11 status if he or she has bid upon a position posted as itinerant or  
12 has agreed to accept this status. A county board may establish  
13 positions with itinerant status only within the aide and autism  
14 mentor classification categories and only when the job duties  
15 involve exceptional students. A service person with itinerant  
16 status may be assigned to a different work site upon written  
17 notice ten days prior to the reassignment without the consent of  
18 the employee and without posting the vacancy. A service person  
19 with itinerant status may be involuntarily reassigned no more than  
20 twice during the school year. At the conclusion of each school  
21 year, the county board shall post and fill, pursuant to section  
22 eight-b of this article, all positions that have been filled  
23 without posting by a service person with itinerant status. A  
24 service person who is assigned to a beginning and ending work site  
25 and travels at the expense of the county board to other work sites  
26 during the daily schedule, is not considered to hold itinerant

1 status.

2 (s) Any service person holding a classification title on June  
3 30, 2013, that is removed from the classification schedule  
4 pursuant to amendment and reenactment of this section in the year  
5 2013, has his or her employment contract revised as follows:

6 (1) Any service person holding the Braille or Sign Language  
7 Specialist classification title has that classification title  
8 renamed on his or her employment contract as either Braille  
9 Specialist or Sign Support Specialist. This action does not  
10 result in a loss or reduction of salary or supplement by any  
11 employee. Any seniority earned in the Braille or Sign Language  
12 Specialist classification prior to July 1, 2013, continues to be  
13 credited as seniority earned in the Braille Specialist or Sign  
14 Support Specialist classification;

15 (2) Any service person holding the Paraprofessional  
16 classification title and holding the Initial Paraprofessional  
17 Certificate - Educational Interpreter has the title Educational  
18 Sign Language Interpreter I added to his or her employment  
19 contract. This action does not result in a loss or reduction of  
20 salary or supplement by any employee. Any seniority earned in the  
21 Paraprofessional classification prior to July 1, 2013, continues  
22 to be credited as seniority earned in the Educational Sign  
23 Language Interpreter I classification; and

24 (3) Any service person holding the Paraprofessional  
25 classification title and holding the Permanent Paraprofessional  
26 Certificate - Educational Interpreter has the title Educational

1 Sign Language Interpreter II added to his or her employment  
2 contract. This action does not result in a loss or reduction of  
3 salary or supplement by any employee. Any seniority earned in the  
4 Paraprofessional classification prior to July 1, 2013, continues  
5 to be credited as seniority earned in the Educational Sign  
6 Language Interpreter II classification;

7 **§18A-4-8a. Service personnel minimum monthly salaries.**

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

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

18 STATE MINIMUM PAY SCALE PAY GRADE

19 Years

20 Exp. Pay Grade

21		<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
22	0	1,627	1,648	1,689	1,741	1,793	1,855	1,886	1,958
23	1	1,659	1,680	1,721	1,773	1,825	1,887	1,918	1,990
24	2	1,691	1,712	1,753	1,805	1,857	1,919	1,950	2,022
25	3	1,723	1,744	1,785	1,837	1,889	1,951	1,982	2,054
26	4	1,755	1,776	1,817	1,869	1,921	1,983	2,014	2,087
27	5	1,787	1,808	1,849	1,901	1,953	2,015	2,046	2,119
28	6	1,819	1,840	1,882	1,933	1,985	2,047	2,078	2,151
29	7	1,852	1,872	1,914	1,965	2,017	2,079	2,110	2,183

1	8	1,884	1,904	1,946	1,997	2,049	2,111	2,142	2,215
2	9	1,916	1,936	1,978	2,030	2,081	2,143	2,174	2,247
3	10	1,948	1,969	2,010	2,062	2,113	2,176	2,207	2,279
4	11	1,980	2,001	2,042	2,094	2,145	2,208	2,239	2,311
5	12	2,012	2,033	2,074	2,126	2,178	2,240	2,271	2,343
6	13	2,044	2,065	2,106	2,158	2,210	2,272	2,303	2,375
7	14	2,076	2,097	2,138	2,190	2,242	2,304	2,335	2,407
8	15	2,108	2,129	2,170	2,222	2,274	2,336	2,367	2,439
9	16	2,140	2,161	2,202	2,254	2,306	2,368	2,399	2,472
10	17	2,172	2,193	2,235	2,286	2,338	2,400	2,431	2,504
11	18	2,204	2,225	2,267	2,318	2,370	2,432	2,463	2,536
12	19	2,237	2,257	2,299	2,350	2,402	2,464	2,495	2,568
13	20	2,269	2,289	2,331	2,383	2,434	2,496	2,527	2,601
14	21	2,301	2,321	2,363	2,415	2,466	2,528	2,559	2,634
15	22	2,333	2,354	2,395	2,447	2,498	2,561	2,593	2,666
16	23	2,365	2,386	2,427	2,479	2,531	2,594	2,625	2,699
17	24	2,397	2,418	2,459	2,511	2,563	2,627	2,658	2,732
18	25	2,429	2,450	2,491	2,543	2,596	2,659	2,691	2,764
19	26	2,461	2,482	2,523	2,576	2,629	2,692	2,723	2,797
20	27	2,493	2,514	2,555	2,608	2,661	2,724	2,756	2,829
21	28	2,525	2,546	2,588	2,641	2,694	2,757	2,789	2,863
22	29	2,557	2,579	2,621	2,673	2,726	2,790	2,821	2,896
23	30	2,591	2,611	2,654	2,706	2,759	2,822	2,854	2,928
24	31	2,623	2,644	2,687	2,739	2,792	2,855	2,887	2,961
25	32	2,656	2,676	2,719	2,772	2,824	2,888	2,919	2,994
26	33	2,689	2,709	2,752	2,805	2,857	2,920	2,953	3,026
27	34	2,721	2,743	2,785	2,838	2,890	2,954	2,986	3,059
28	35	2,754	2,775	2,817	2,870	2,923	2,987	3,018	3,092
29	36	2,787	2,808	2,850	2,903	2,956	3,019	3,051	3,124
30	37	2,819	2,841	2,883	2,936	2,989	3,052	3,083	3,157
31	38	2,852	2,873	2,915	2,968	3,021	3,084	3,116	3,190
32	39	2,885	2,906	2,948	3,001	3,054	3,117	3,149	3,222
33	40	2,917	2,939	2,980	3,033	3,087	3,150	3,181	3,256

34

35 (2) Each service employee shall receive the amount prescribed

1 in the Minimum Pay Scale in accordance with the provisions of this  
 2 subsection according to their class title and pay grade as set  
 3 forth in this subdivision:

4 CLASS TITLE	PAY GRADE
5 Accountant I. . . . .	D
6 Accountant II.. . . .	E
7 Accountant III. . . . .	F
8 Accounts Payable Supervisor.. . . .	G
9 Aide I. . . . .	A
10 Aide II.. . . .	B
11 Aide III. . . . .	C
12 Aide IV.. . . .	D
13 Audiovisual Technician. . . . .	C
14 Auditor.. . . .	G
15 Autism Mentor.. . . .	F
16 Braille Specialist. . . . .	E
17 Bus Operator. . . . .	D
18 Buyer.. . . .	F
19 Cabinetmaker. . . . .	G
20 Cafeteria Manager.. . . .	D
21 Carpenter I.. . . .	E
22 Carpenter II. . . . .	F
23 Chief Mechanic. . . . .	G
24 Clerk I.. . . .	B
25 Clerk II. . . . .	C
26 Computer Operator.. . . .	E

1	Cook I. . . . .	A
2	Cook II.. . . .	B
3	Cook III. . . . .	C
4	Crew Leader.. . . .	F
5	Custodian I.. . . .	A
6	Custodian II. . . . .	B
7	Custodian III.. . . .	C
8	Custodian IV. . . . .	D
9	Director or Coordinator of Services.. . . .	H
10	Draftsman.. . . .	D
11	Early Childhood Classroom Assistant Teacher - Temporary	
12	Authorization. . . . .	E
13	Early Childhood Classroom Assistant Teacher - Permanent	
14	Authorization. . . . .	E
15	Early Childhood Classroom Assistant Teacher - Paraprofessional	
16	Certificate . . . . .	F
17	Educational Sign Language Interpreter I .....	F
18	Educational Sign Language Interpreter II .....	G
19	Electrician I.. . . .	F
20	Electrician II. . . . .	G
21	Electronic Technician I.. . . .	F
22	Electronic Technician II. . . . .	G
23	Executive Secretary.. . . .	G
24	Food Services Supervisor. . . . .	G
25	Foreman.. . . .	G
26	General Maintenance.. . . .	C



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

1	Printing Supervisor.. . . . .	D
2	Programmer. . . . .	H
3	Roofing/Sheet Metal Mechanic. . . . .	F
4	Sanitation Plant Operator.. . . . .	G
5	School Bus Supervisor.. . . . .	E
6	Secretary I.. . . . .	D
7	Secretary II. . . . .	E
8	Secretary III.. . . . .	F
9	Sign Support Specialist .....	E
10	Supervisor of Maintenance.. . . . .	H
11	Supervisor of Transportation. . . . .	H
12	Switchboard Operator-Receptionist.. . . . .	D
13	Truck Driver. . . . .	D
14	Warehouse Clerk.. . . . .	C
15	Watchman. . . . .	B
16	Welder. . . . .	F
17	WVEIS Data Entry and Administrative Clerk.. . . . .	B

18           (b) An additional \$12 per month is added to the minimum  
19 monthly pay of each service person who holds a high school diploma  
20 or its equivalent.

21           (c) An additional \$11 per month also is added to the minimum  
22 monthly pay of each service person for each of the following:

23           (1) A service person who holds twelve college hours or  
24 comparable credit obtained in a trade or vocational school as  
25 approved by the state board;

26           (2) A service person who holds twenty-four college hours or

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

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

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

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

12 (6) A service person who holds seventy-two college hours or  
13 comparable credit obtained in a trade or vocational school as  
14 approved by the state board;

15 (7) A service person who holds eighty-four college hours or  
16 comparable credit obtained in a trade or vocational school as  
17 approved by the state board;

18 (8) A service person who holds ninety-six college hours or  
19 comparable credit obtained in a trade or vocational school as  
20 approved by the state board;

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

24 (10) A service person who holds one hundred twenty college  
25 hours or comparable credit obtained in a trade or vocational school  
26 as approved by the state board;

1 (d) An additional \$40 per month also is added to the minimum  
2 monthly pay of each service person for each of the following:

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

7 (e) An additional \$11 per month is added to the minimum  
8 monthly pay of each service person for each of the following:

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

19 (f) To meet the objective of salary equity among the counties,  
20 each service person is paid an equity supplement, as set forth in  
21 section five of this article, of \$152 per month, subject to the  
22 provisions of that section. These payments: (i) Are in addition to  
23 any amounts prescribed in the applicable State Minimum Pay Scale  
24 Pay Grade, any specific additional amounts prescribed in this  
25 section and article and any county supplement in effect in a county  
26 pursuant to section five-b of this article; (ii) is paid in equal

1 monthly installments; and (iii) is considered a part of the state  
2 minimum salaries for service personnel.

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

8 (h) Any service person required to work on any legal school  
9 holiday is paid at a rate one and one-half times the person's usual  
10 hourly rate.

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

17 (j) A service person may not have his or her daily work  
18 schedule changed during the school year without the employee's  
19 written consent and the person's required daily work hours may not  
20 be changed to prevent the payment of time and one-half wages or the  
21 employment of another employee.

22 (k) The minimum hourly rate of pay for extra duty assignments  
23 as defined in section eight-b of this article is no less than one  
24 seventh of the person's daily total salary for each hour the person  
25 is involved in performing the assignment and paid entirely from  
26 local funds: *Provided*, That an alternative minimum hourly rate of

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

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

1 regular employment county for asbestos removal and an additional  
2 \$30 per each day the employee is engaged in asbestos removal and  
3 related duties. The additional pay for asbestos removal and  
4 related duties shall be payable entirely from county funds. Before  
5 service personnel may be used in the removal of asbestos material  
6 or related duties, they shall have completed a federal  
7 Environmental Protection Act approved training program and be  
8 licensed. The employer shall provide all necessary protective  
9 equipment and maintain all records required by the Environmental  
10 Protection Act.

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