

RECEIVED

1993 MAY -0 PM 3: 29

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1993



ENROLLED

Committee Substitute for

HOUSE BILL No. 2160

(By Delegate *Ashcraft*)



Passed *April 9* 1993

In Effect *- Jan -* Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2160
(By DELEGATE ASHCRAFT)

[Passed April 8, 1993; in effect from passage.]

As by
AN ACT to repeal section five, article five, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section six of said article; to amend and reenact section three, article one, chapter five ~~of~~ of said code; to amend and reenact sections one-a, two and four, article five, chapter eighteen of said code; and to further amend said article by adding thereto a new section, designated section fourteen; to amend and reenact sections two, three and six, article five-a of said chapter; to amend and reenact section three-a, article nine of said chapter; and to amend and reenact sections two and fourteen, article four, chapter eighteen-a of said code, all relating repeal of obsolete language and clarification of statutory language relating to the election of county board of education members; permitting county boards of education to start selection process over in original order of preference in negotiating for architect-engineer service bids; relating to the eligibility of members to serve and providing for the circuit court to remove a member who refuses to complete the required training; provides that members appointed to fill vacancies serve until the thirtieth day of June following the next primary election; requiring a public hearing on pro-

posed county board budgets not less than ten days after the budget has been made available to the public and prior to submission of the budget to the state board for approval; requiring county boards to adopt enumerated policies; providing for election of members to local school improvement councils, changing election to September, setting an organizational meeting by the first day of October, providing for elected chair serving a one year term and providing that members be elected for two year terms on staggered election basis; authorizes school improvement councils to seek advisory opinions from the state board when a policy or rule waiver request is denied by or not acted upon by a county board and providing for records and reports of waivers which are requested; directing that curriculum teams be extended to all schools and making science and technology basic skills; changing the time for county boards to publish their financial statements to sixty days after the close of the fiscal year; and requiring planning periods during the school instructional day.

Be it enacted by the Legislature of West Virginia:

That section five, article five, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; that section six of said article be amended and reenacted; that section three, article one, chapter five² of said code be amended and reenacted; that sections one-a, two and four, article five, chapter eighteen of said code be amended and reenacted; that said article be further amended by adding thereto a new section, designated section fourteen; that sections two, three and six, article five-a of said chapter be amended and reenacted; that section three-a, article nine of said chapter be amended and reenacted; that sections two and fourteen, article four, chapter eighteen-a of said code be amended and reenacted, all to read as follows:

CHAPTER 3. ELECTIONS.

ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.

§3-5-6. Election of county board of education members at primary elections.

- 1 (a) An election for the purpose of electing members

2 of the county board of education shall be held on the
3 same date as the primary elections, as provided by law,
4 but upon a nonpartisan ballot printed for the purpose.

5 (b) No more than two members may be elected or
6 serve from the same magisterial district. The eligibility
7 of candidates to be declared elected for full terms of four
8 years and for unexpired terms of two or more years
9 based on this limitation shall be determined at the time
10 of certification of the election.

11 (1) Such eligibility shall be based on the magisterial
12 district residence of incumbent members of the board
13 whose terms will continue beyond the first day of July
14 following the primary election.

15 (A) No person is eligible to be declared elected who
16 resides in a district which has two such incumbent
17 members.

18 (B) No more than one candidate is eligible to be
19 declared elected who resides in a district which has one
20 such incumbent member.

21 (C) A person with the highest number of votes may
22 be declared elected to an unexpired term notwithstand-
23 ing the fact that the person's magisterial district has two
24 representatives serving on the board at the time of the
25 election: *Provided*, That the number of representatives
26 from that magisterial district will be less than two as
27 of the first day of July following the primary.

28 (2) The person declared elected to an unexpired term
29 shall assume the duties of a member of the board of
30 education according to the provisions of section two,
31 article five, chapter eighteen of this code.

32 (c) In each nonpartisan election for board of education
33 the board of canvassers shall:

34 (1) Declare and certify the election of the required
35 number of eligible candidates receiving the highest
36 numbers of votes to fill any full terms;

37 (2) Declare and certify the election of the required
38 number of eligible candidates receiving the next highest
39 numbers of votes, after all full terms are filled, to fill

40 any unexpired terms.

41 (d) It is the intent of this statute that any person
42 declared to be elected under the preceding provisions of
43 this section shall take office as a duly elected member
44 or members, even though the person may not have
45 received a majority or plurality of all votes cast at such
46 election.

47 (e) In case of a tie vote for a seat on a county board
48 of education in any primary election, the provisions of
49 section twelve, article six of this chapter shall control
50 in breaking the tie.

**CHAPTER 5G. PROCUREMENT OF
ARCHITECT - ENGINEER SERVICES
BY STATE AND ITS SUBDIVISIONS.**

**ARTICLE 1. PROCUREMENT OF ARCHITECT - ENGINEER
SERVICES.**

**§5G-1-3. Contracts for architectural and engineering
services; selection process where total project
costs are estimated to cost two hundred fifty
thousand dollars or more.**

1 In the procurement of architectural and engineering
2 services for projects estimated to cost two hundred fifty
3 thousand dollars or more, the director of purchasing
4 shall encourage such firms engaged in the lawful
5 practice of the profession to submit an expression of
6 interest, which shall include a statement of qualifica-
7 tions and performance data, and may include antici-
8 pated concepts and proposed methods of approach to the
9 project. All such jobs shall be announced by public
10 notice published as a Class II legal advertisement in
11 compliance with the provisions of article three, chapter
12 fifty-nine of this code. A committee of three to five
13 representatives of the agency initiating the request shall
14 evaluate the statements of qualifications and perfor-
15 mance data and other material submitted by interested
16 firms and select a minimum of three firms which, in
17 their opinion, are best qualified to perform the desired
18 service. Interviews with each firm selected shall be
19 conducted and the committee shall conduct discussions
20 regarding anticipated concepts and proposed methods of

21 approach to the assignment. The committee shall then
 22 rank, in order of preference, no less than three profes-
 23 sional firms deemed to be the most highly qualified to
 24 provide the services required, and shall commence scope
 25 of service and price negotiations with the highest
 26 qualified professional firm for architectural or engineer-
 27 ing services or both. Should the agency be unable to
 28 negotiate a satisfactory contract with the professional
 29 firm considered to be the most qualified, at a fee
 30 determined to be fair and reasonable, price negotiations
 31 with the firm of second choice shall commence. Failing
 32 accord with the second most qualified professional firm,
 33 the committee shall undertake price negotiations with
 34 the third most qualified professional firm. Should the
 35 agency be unable to negotiate a satisfactory contract
 36 with any of the selected professional firms, it shall select
 37 additional professional firms in order of their compe-
 38 tence and qualifications and it shall continue negotia-
 39 tions in accordance with this section until an agreement
 40 is reached: *Provided*, That county boards of education
 41 may either elect to start the selection process over in the
 42 original order of preference or it may select additional
 43 professional firms in order of their competence and
 44 qualifications and it shall continue negotiations in
 45 accordance with this section until an agreement is
 46 reached.

CHAPTER 18. EDUCATION.

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-1a. Eligibility of members.

1 No person shall be eligible for membership on any
 2 county board who is not a citizen, resident in such
 3 county, or who accepts a position as teacher or service
 4 personnel in the school district in which he or she is a
 5 resident or who is an elected or an appointed member
 6 of any political party executive committee, or who
 7 becomes a candidate for any other office than to succeed
 8 oneself.

9 No member or member-elect of any board shall be
 10 eligible for nomination, election or appointment to any
 11 public office, other than to succeed oneself, or for

12 election or appointment as a member of any political
13 party executive committee, unless and until after that
14 membership on the board, or his status as member-elect
15 to the board, has been terminated at or before the time
16 of his filing for such nomination for, or appointment to,
17 such public office or committee.

18 Any person who is elected or appointed to a county
19 board on or after the fifth day of May, one thousand nine
20 hundred ninety-two, shall possess at least a high school
21 diploma or a general educational development (GED)
22 diploma: *Provided*, That this provision shall not apply
23 to members or members-elect who have taken office
24 prior to the fifth day of May, one thousand nine hundred
25 ninety-two, and who serve continuously therefrom.

26 No person elected to a county board after the first day
27 of July, one thousand nine hundred ninety, shall assume
28 the duties of board member unless he or she has first
29 attended and completed a course of orientation relating
30 to boardsmanship and governance effectiveness which
31 shall be given between the date of election and the
32 beginning of the member's term of office: *Provided*,
33 That a portion or portions of subsequent training such
34 as that offered in orientation may be provided to
35 members after they have commenced their term of
36 office: *Provided, however*, That attendance at the session
37 of orientation given between the date of election and the
38 beginning of the member's term of office shall permit
39 such member or members to assume the duties of board
40 member, as specified in this section. Members appointed
41 to the board shall attend and complete the next such
42 course offered following their appointment: *Provided*
43 *further*, That the provisions of this section relating to
44 orientation shall not apply to members who have taken
45 office prior to the first day of July, one thousand nine
46 hundred eighty-eight, and who serve continuously
47 therefrom.

48 Commencing on the effective date of this section,
49 members shall annually receive seven clock hours of
50 training in areas relating to boardsmanship and
51 governance effectiveness. Such orientation and training
52 shall be approved by the state board and conducted by

53 the West Virginia school board association or other
54 organization or organizations approved by the state
55 board. Failure to attend and complete such an approved
56 course of orientation and training relating to boards-
57 manship and governance effectiveness without good
58 cause as determined by legislative rules of the state
59 board, shall constitute neglect of duty.

60 In the final year of any four-year term of office, a
61 member shall satisfy the annual training requirement
62 before the first day of January. The state board shall
63 petition the circuit court of Kanawha County to remove
64 any county board member who has failed to or who
65 refuses to attend and complete the approved course of
66 orientation and training. If the county board member
67 fails to show good cause for not attending the approved
68 course of orientation and training, the court shall
69 remove the member from office.

§18-5-2. Filling vacancies.

1 (a) The board shall, by appointment, fill within forty-
2 five days any vacancy that occurs in its membership. In
3 the event that the board does not fill the vacancy within
4 forty-five days, the state superintendent of schools shall
5 appoint a person to fill the vacancy.

6 (b) (1) When the vacancy occurs after the eighty-
7 fourth day before a general election, and the affected
8 term of office ends on the thirtieth day of June following
9 the next primary election, the person appointed to fill
10 the vacancy shall continue in office until the completion
11 of the term.

12 (2) When the vacancy occurs after the eighty-fourth
13 day before a general election and not later than the close
14 of candidate filing for the next succeeding primary
15 election, and the affected term of office does not end on
16 the thirtieth day of June following the next primary
17 election, an election for the unexpired term shall be held
18 at the next primary election, and the appointment shall
19 continue until the thirtieth day of June following the
20 primary election with the duly elected and certified
21 successor taking office on the first day of July following
22 the primary election and serving until the expiration of

23 the original term of office.

24 (3) When the vacancy occurs after the close of
25 candidate filing for the primary election and not later
26 than eighty-four days before the general election, the
27 vacancy shall be filled by election in the general
28 election, and the appointment shall continue until a
29 successor is elected and certified.

**§18-5-4. Meetings; employment and assignment of
teachers; budget hearing; compensation of
members; affiliation with state and national
associations.**

1 The board shall meet on the first Monday of January,
2 except that in the year one thousand nine hundred
3 eighty-two, and every year thereafter, the board shall
4 meet on the first Monday of July, and upon the dates
5 provided by law for the laying of levies, and at such
6 other times as the board may fix upon its records. At
7 any meeting as authorized above and in compliance with
8 the provisions of article four of this chapter, the board
9 may employ such qualified teachers, or those who will
10 qualify by the time of entering upon their duties,
11 necessary to fill existing or anticipated vacancies for the
12 current or next ensuing school year. At a meeting of the
13 board, on or before the first Monday of May, the
14 superintendent shall furnish in writing to the board a
15 list of those teachers to be considered for transfer and
16 subsequent assignment for the next ensuing school year;
17 all other teachers not so listed shall be considered as
18 reassigned to the positions held at the time of this
19 meeting. Such list of those recommended for transfer
20 shall be included in the minute record and the teachers
21 so listed shall be notified in writing, which notice shall
22 be delivered in writing, by certified mail, return receipt
23 requested, to such teachers' last-known addresses within
24 ten days following said board meeting, of their having
25 been so recommended for transfer and subsequent
26 assignment.

27 Special meetings may be called by the president or
28 any three members, but no business shall be transacted
29 other than that designated in the call.

30 In addition, a public hearing shall be held concerning
31 the preliminary operating budget for the next fiscal
32 year not less than ten days after such budget has been
33 made available to the public for inspection and within
34 a reasonable time prior to the submission of said budget
35 to the state board for approval and at such hearing
36 reasonable time shall be granted to any person or
37 persons who wish to speak regarding parts or all of such
38 budget. Notice of such hearing shall be published as a
39 Class I legal advertisement in compliance with the
40 provisions of article three, chapter fifty-nine of this code.

41 A majority of the members shall constitute the
42 quorum necessary for the transaction of official
43 business.

44 Board members may receive compensation at a rate
45 not to exceed eighty dollars per meeting attended. But
46 they shall not receive pay for more than fifty-two
47 meetings in any one fiscal year.

48 Members shall also be paid, upon the presentation of
49 an itemized sworn statement, for all necessary traveling
50 expenses, including all authorized meetings, incurred on
51 official business, at the order of the board.

52 When, by a majority vote of its members, a county
53 board deems it a matter of public interest, such board
54 may join the West Virginia school board association and
55 the national school board association, and may pay such
56 dues as may be prescribed by said associations and
57 approved by action of the respective county boards.
58 Membership dues and actual traveling expenses of
59 board members for attending meetings of the West
60 Virginia school board association may be paid by their
61 respective county boards out of funds available to meet
62 actual expenses of the members, but no allowance shall
63 be made except upon sworn itemized statements.

§18-5-14. Policies to promote school board effectiveness.

1 Prior to the first day of August, one thousand nine
2 hundred ninety-four, each county board in this state
3 shall adopt, and may modify thereafter as necessary,
4 policies that:

5 (a) Establish direct links between the board and its
6 local school improvement councils, and between the
7 board and its faculty senates, for the purpose of enabling
8 the board to receive information, comments and sugges-
9 tions directly from the councils and senates regarding
10 the broad guidelines for oversight procedures, standards
11 of accountability and planning for future needs required
12 by this section; and to further development of these
13 linkages, boards shall meet at least annually with the
14 full membership of each of their schools' local school
15 improvement councils, at a time and in a manner
16 determined by the board. For purposes of this provision,
17 full membership is defined as at least a quorum of the
18 members of each of the school improvement councils.

19 At the conclusion of the school year, each board shall
20 report to the state board details concerning such
21 meeting or meetings held with local school improvement
22 councils, as specified herein, and such information shall
23 become an indicator in the performance accreditation
24 process for each county.

25 Nothing herein shall prohibit boards from meeting
26 with representatives of local school improvement
27 councils: *Provided*, That at least one annual meeting is
28 held, as specified herein.

29 (b) Provide for the development of direct links
30 between the board and the community at large; allow
31 for community involvement at regular board meetings;
32 and specify how the board will regularly communicate
33 with the public regarding important issues;

34 (c) Provide for the periodic review of personnel
35 policies of the district in order to determine their
36 effectiveness;

37 (d) Set broad guidelines for the school district,
38 including the establishment of specific oversight
39 procedures, development and implementation of stand-
40 ards of accountability, and the development of long-
41 range plans to meet future needs required by this
42 section; and

43 (e) Use school-based accreditation and performance

44 data provided by the state board and other available
45 data in board decision-making to meet the education
46 goals of the state and such other goals as the board may
47 establish.

ARTICLE 5A. LOCAL SCHOOL INVOLVEMENT.

§18-5A-2. Local school improvement councils; election.

1 (a) A local school improvement council shall be
2 established at every school consisting of the following:

3 (1) The principal, who shall serve as an ex officio
4 member of the council and be entitled to vote;

5 (2) Three teachers elected by the faculty senate of the
6 school;

7 (3) Two school service personnel elected by the school
8 service personnel employed at the school;

9 (4) Three parents or legal guardians of students
10 enrolled at the school elected by the parent members of
11 the school's parent teacher organization: *Provided*, That
12 if there is no parent teacher organization, the parent or
13 legal guardian members shall be elected by the parents
14 and legal guardians of students enrolled at the school
15 in such manner as may be determined by the principal;

16 (5) Two at-large members appointed by the principal,
17 one of whom resides in the school's attendance area and
18 one of whom represents business or industry, neither of
19 whom is eligible for membership under any of the other
20 elected classes of members;

21 (6) In the case of vocational-technical schools, the
22 vocational director: *Provided*, That if there is no
23 vocational director, then the principal, may appoint no
24 more than two additional representatives, one of whom
25 represents business and one of whom represents indus-
26 try;

27 (7) In the case of a school with students in grade seven
28 or higher, the student body president or other student
29 in grade seven or higher elected by the student body in
30 those grades.

31 (b) The principal shall arrange for such elections to

32 be held prior to the fifteenth day of September of each
33 school year to elect a council and shall give notice of the
34 elections at least one week prior to the elections being
35 held. To the extent practicable, all elections to select
36 council members shall be held within the same week.
37 Parents, teachers, and service personnel elected to the
38 council shall serve a two-year term, and elections shall
39 be arranged in such a manner that no more than two
40 teachers, no more than two parents or legal guardians,
41 and no more than one service person are elected in a
42 given year. All other non-ex-officio members shall serve
43 one-year terms. Council members may only be replaced
44 upon death, resignation, failure to appear at three
45 consecutive meetings of the council for which notice was
46 given, or a change in personal circumstances so that the
47 person is no longer representative of the class of
48 members from which appointed. In the case of replace-
49 ment, an election shall be held to elect another qualified
50 person to serve the unexpired term of the person being
51 replaced.

52 (c) As soon as practicable after the election of council
53 members, and no later than the first day of October of
54 each school year, the principal shall convene an
55 organizational meeting of the school improvement
56 council. The principal shall notify each member in
57 writing at least two employment days in advance of the
58 organizational meeting. At this meeting, the principal
59 shall provide each member with a copy of the current
60 applicable section of this code and any state board rule
61 or regulation promulgated pursuant to the operation of
62 these councils. The council shall elect from its member-
63 ship a chair and two members to assist the chair in
64 setting the agenda for each council meeting. The chair
65 shall serve a term of one year and no person may serve
66 as chair for more than two consecutive terms. If the
67 chair's position becomes vacant for any reason, the
68 principal shall call a meeting of the council to elect
69 another qualified person to serve the unexpired term.

70 (d) Once elected, the chair is responsible for notifying
71 each member of the school improvement council in
72 writing two employment days in advance of any council

73 meeting.

74 School improvement councils shall meet at least once
75 every nine weeks or equivalent grading period at the
76 call of the chair or by three fourths of its members.

77 (e) School improvement councils shall be considered
78 for the receipt of school of excellence awards under
79 section three of this article and competitive grant
80 awards under section twenty-nine, article two of this
81 chapter, and may receive and expend such grants for
82 the purposes provided in such section.

83 In any and all matters which may fall within the scope
84 of both the school improvement councils and the school
85 curriculum teams authorized in section five of this
86 article, the school curriculum teams shall be deemed to
87 have jurisdiction.

88 In order to promote innovations and improvements in
89 the environment for teaching and learning at the school,
90 a school improvement council shall receive cooperation
91 from the school in implementing policies and programs
92 it may adopt to:

93 (1) Encourage the involvement of parents in their
94 child's educational process and in the school;

95 (2) Encourage businesses to provide time for their
96 employees who are parents to meet with teachers
97 concerning their child's education;

98 (3) Encourage advice and suggestions from the
99 business community;

100 (4) Encourage school volunteer programs and mentor-
101 ship programs; and

102 (5) Foster utilization of the school facilities and
103 grounds for public community activities.

**§18-5A-3. Authority and procedures for local school
improvement councils to request waivers of
certain rules, policies and interpretations.**

1 The intent of this section is to establish a mechanism
2 which allows local school level initiatives to be designed
3 and implemented to meet local school needs and

4 circumstances. In accordance with this intent, a local
5 school improvement council established under the
6 provisions of this article may propose alternatives to the
7 operation of the public school which alternatives will
8 meet or exceed the high quality standards established
9 by the state board and will increase administrative
10 efficiency, enhance the delivery of instructional pro-
11 grams, promote community involvement in the local
12 school system or improve the educational performance
13 of the school generally. The proposal of the council shall
14 set forth the objective or objectives to be accomplished
15 under the proposal, how the accomplishment of such
16 objective or objectives will meet or exceed the standards
17 established by the state board, the indicators upon
18 which the meeting of such standards should be judged
19 and a projection of any funds to be saved by the proposal
20 and how such funds will be reallocated within the
21 school. The alternatives proposed by the council may
22 include matters which require the waiver of policies or
23 rules promulgated by the state or county board and state
24 superintendent interpretations: *Provided*, That such
25 request for waiver be submitted to the appropriate
26 board adopting said rule or policy and that board may
27 approve the waiver. When a county board does not act
28 within two months after receiving a request for waiver
29 of a county board policy or rule or disapproves such a
30 request, the local school improvement council may seek
31 an advisory opinion from the state board regarding the
32 waiver request. The county board shall furnish the state
33 board with copies of all waiver requests together with
34 their response thereto: *Provided, however*, That when a
35 local school improvement council votes to waive a state
36 superintendent's interpretation, the state superintendent
37 need only be notified that the local council intends to
38 waive the state superintendent's interpretation: *Pro-*
39 *vided further*, That notwithstanding any other provisions
40 of the law to the contrary, council is not prohibited from
41 permitting off-site classrooms to be developed in
42 conjunction with local businesses if those sites have met
43 the requirements established by the local board and if
44 sites are located off campus. For an alternative to be
45 proposed, at least two-thirds of the members must vote

46 in favor thereof: *And provided further*, That if the
47 alternative to be proposed relates to a waiver of policies
48 or rules promulgated by the state or county board and
49 state superintendent interpretations affecting em-
50 ployees, then prior to the proposal of the alternative, a
51 majority of the local affected employee group involved
52 must agree.

53 A council may also submit a written statement, with
54 supporting reasons, to the legislative oversight commis-
55 sion on education accountability recommending a
56 waiver of a statute or legislative rule, which the
57 commission shall review and determine whether a
58 recommendation should be made to the Legislature to
59 waive such statute or rule.

60 When a council decides to propose an alternative, it
61 shall forward a copy of the proposal to the state board
62 and the affected local board. The state board shall
63 acknowledge receipt of the proposed alternative,
64 promptly review the proposed alternative in consulta-
65 tion with the county board or their agents and, in its
66 discretion, approve implementation of the alternative or
67 reply to the council within a reasonable time as to its
68 reasons for not approving the proposed alternative. If
69 the state board approves a proposed alternative, the
70 state board shall provide appropriate notice to the local
71 school improvement council and the county board and
72 shall establish a process for evaluation of the operation
73 of the alternative. Approval for the operation of the
74 alternative may be continued or revoked at any time
75 based on the results and findings of the evaluation.

76 The state board shall submit a report to the legislative
77 oversight commission on education accountability and
78 the governor on the first day of September of each year
79 summarizing the proposed alternatives received, ap-
80 proved or rejected, continued or revoked during the
81 preceding school year and the results and findings of the
82 evaluations. The report shall specifically identify all
83 policy, rule, and interpretation waiver requests includ-
84 ing those requests made to county boards by local school
85 improvement councils received during the preceding
86 year and the disposition of each.

§18-5A-6. Establishment of school curriculum teams.

1 There shall be established at each school in the state
2 a school curriculum team composed of the school
3 principal, the counselor designated to serve that school
4 and no fewer than three teachers representative of the
5 grades taught at the school and chosen by the faculty
6 senate.

7 The school curriculum team shall establish the
8 programs and methods for implementing a curriculum
9 based on state-approved instructional goals and objec-
10 tives based on the needs of the individual school with
11 a focus on reading, composition, mathematics, science
12 and technology. The curriculum thus established shall
13 be submitted to the county board for approval or for
14 return to the school for reconsideration.

15 The school curriculum team may apply through the
16 school's local school improvement council for a waiver
17 from the textbook adoption process established in article
18 two-a, of this chapter if, in the judgment of the team,
19 materials necessary for the implementation of such
20 curriculum are not available through the normal
21 adoption process.

22 The school team may apply for a grant from the state
23 board for the development or implementation, or both,
24 of remedial and accelerated programs to meet the needs
25 of the students at the individual school.

§18-9-3a. Preparation, publication and disposition of financial statements by county boards of education.

1 The county board of every county, within sixty days
2 after the beginning of each fiscal year, shall prepare on
3 a form to be prescribed by the state tax commissioner
4 and the state superintendent of free schools, and cause
5 to be published a statement revealing (a) the receipts
6 and expenditures of the board during the previous fiscal
7 year arranged under descriptive headings, (b) the name
8 of each firm, corporation, and person who received more
9 than fifty dollars in the aggregate from all funds during
10 the previous fiscal year, together with the aggregate

11 amount received from all funds and the purpose for
 12 which paid: *Provided*, That such statement shall not
 13 include the name of any person who has entered into a
 14 contract with this board pursuant to the provisions of
 15 sections two, three, four and five, article two, chapter
 16 eighteen-a of this code, and (c) all debts of the board,
 17 the purpose for which each debt was contracted, its due
 18 date, and to what date the interest thereon has been
 19 paid. Such statement shall be published as a Class I-0
 20 legal advertisement in compliance with the provisions of
 21 article three, chapter fifty-nine of this code, and the
 22 publication area for such publication shall be the county.
 23 The county board shall pay the cost of publishing such
 24 statement from the maintenance fund of the board.

25 As soon as is practicable following the close of the
 26 fiscal year, a copy of the published statement herein
 27 required shall be filed by the county board with the
 28 state tax commissioner and with the state superintend-
 29 ent of free schools.

30 The county board shall transmit to any resident of the
 31 county requesting the same a copy of the published
 32 statement for the fiscal year designated, supplemented
 33 by a list of the names of all school personnel employed
 34 by the board during such fiscal year showing the
 35 amount paid to each, and a list of the names of each
 36 firm, corporation, and person who received less than
 37 fifty dollars from any fund during such fiscal year
 38 showing the amount paid to each and the purpose for
 39 which paid.

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFIT.

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

1 Effective the first day of July, one thousand nine
 2 hundred ninety-two and thereafter, each teacher shall
 3 receive the amount prescribed in the "state minimum
 4 salary schedule I" as set forth in this section, specific
 5 additional amounts prescribed in this section or article,
 6 and any county supplement in effect in a county
 7 pursuant to section five-a of this article during the

8 contract year.

1 STATE MINIMUM SALARY SCHEDULE I

2	(1)	(2)	(3)	(4)	(5)	(6)	(7)
3	Years	4th	3rd	2nd	A.B.	A.B.	
4	Exp.	Class	Class	Class	A.B.	+15	M.A.
5	0	16,816	17,453	17,708	18,918	19,653	21,361
6	1	17,032	17,669	17,924	19,318	20,053	21,761
7	2	17,248	17,886	18,141	19,718	20,453	22,161
8	3	17,465	18,102	18,357	20,118	20,853	22,561
9	4	17,917	18,554	18,810	20,754	21,489	23,197
10	5	18,133	18,771	19,026	21,154	21,889	23,597
11	6	18,350	18,987	19,242	21,554	22,289	23,997
12	7		19,203	19,459	21,954	22,689	24,397
13	8		19,420	19,675	22,354	23,089	24,797
14	9			19,891	22,754	23,489	25,197
15	10			20,107	23,155	23,890	25,598
16	11				23,555	24,290	25,998
17	12				23,955	24,690	26,398
18	13				24,355	25,090	26,798
19	14						27,198
20	15						27,598
21	16						27,998
22	17						
23	18						
24	19						
25		(8)	(9)	(10)			
26	Years	M.A.	M.A.	Doc-			
27	Exp.	+15	+30	torate			
28	0	22,096	22,831	23,831			
29	1	22,496	23,231	24,231			
30	2	22,896	23,631	24,631			
31	3	23,296	24,031	25,031			
32	4	23,932	24,667	25,667			
33	5	24,332	25,067	26,067			
34	6	24,732	25,467	26,467			
35	7	25,132	25,867	26,867			
36	8	25,532	26,267	27,267			
37	9	25,932	26,667	27,667			
38	10	26,333	27,068	28,068			
39	11	26,733	27,468	28,468			

40	12	27,133	27,868	28,868
41	13	27,533	28,268	29,268
42	14	27,933	28,668	29,668
43	15	28,333	29,068	30,068
44	16	28,733	29,468	30,468
45	17		29,868	30,868
46	18		30,268	31,268
47	19		30,668	31,668

48 Six hundred dollars shall be paid annually to each
 49 classroom teacher who has at least twenty years of
 50 teaching experience. Such payments shall be in addition
 51 to any amounts prescribed in the "state minimum salary
 52 schedule I", shall be paid in equal monthly installments,
 53 and shall be deemed a part of the state minimum
 54 salaries for teachers.

55 Effective the first day of July, one thousand nine
 56 hundred ninety-four and thereafter, each teacher shall
 57 receive the amount prescribed in the "state minimum
 58 salary schedule II" as set forth in this section, specific
 59 additional amounts prescribed in this section or article,
 60 and any county supplement in effect in a county
 61 pursuant to section five-a of this article during the
 62 contract year.

1 STATE MINIMUM SALARY SCHEDULE II

2	(1)	(2)	(3)	(4)	(5)	(6)	(7)
3	Years	4th	3rd	2nd	A.B.	A.B.	
4	Exp.	Class	Class	Class	A.B.	+15	M.A.
5	0	16,816	17,453	17,708	18,918	19,653	21,361
6	1	17,032	17,669	17,924	19,318	20,053	21,761
7	2	17,248	17,886	18,141	19,718	20,453	22,161
8	3	17,465	18,102	18,357	20,118	20,853	22,561
9	4	17,917	18,554	18,810	20,754	21,489	23,197
10	5	18,133	18,771	19,026	21,154	21,889	23,597
11	6	18,350	18,987	19,242	21,554	22,289	23,997
12	7		19,203	19,459	21,954	22,689	24,397
13	8		19,420	19,675	22,354	23,089	24,797
14	9			19,891	22,754	23,489	25,197
15	10			20,107	23,155	23,890	25,598
16	11				23,555	24,290	25,998
17	12				23,955	24,690	26,398

18	13				24,355	25,090	26,798
19	14						27,198
20	15						27,598
21	16						27,998
22	17						
23	18						
24	19						

25		(8)	(9)	(10)	(11)
26	Years	M.A.	M.A.	M.A.	Doc-
27	Exp.	+15	+30	+45	torate
28	0	22,096	22,831	23,566	24,566
29	1	22,496	23,231	23,966	24,966
30	2	22,896	23,631	24,366	25,366
31	3	23,296	24,031	24,766	25,766
32	4	23,932	24,667	25,402	26,402
33	5	24,332	25,067	25,802	26,802
34	6	24,732	25,467	26,202	27,202
35	7	25,132	25,867	26,602	27,602
36	8	25,532	26,267	27,002	28,002
37	9	25,932	26,667	27,402	28,402
38	10	26,333	27,068	27,803	28,803
39	11	26,733	27,468	28,203	29,203
40	12	27,133	27,868	28,603	29,603
41	13	27,533	28,268	29,003	30,003
42	14	27,933	28,668	29,403	30,403
43	15	28,333	29,068	29,803	30,803
44	16	28,733	29,468	30,203	31,203
45	17		29,868	30,603	31,603
46	18		30,268	31,003	32,003
47	19		30,668	31,403	32,403

48 Six hundred dollars shall be paid annually to each
 49 classroom teacher who has at least twenty years of
 50 teaching experience. Such payments shall be in addition
 51 to any amounts prescribed in the "state minimum salary
 52 schedule", shall be paid in equal monthly installments,
 53 and shall be deemed a part of the state minimum
 54 salaries for teachers.

§18A-4-14. Duty-free lunch and daily planning period for certain employees.

1 (1) Notwithstanding the provisions of section seven,

2 article two of this chapter, every teacher who is
3 employed for a period of time more than one-half the
4 class periods of the regular school day and every service
5 personnel whose employment is for a period of more
6 than three and one-half hours per day and whose pay
7 is at least the amount indicated in the "state minimum
8 pay scale" as set forth in section eight-a of this article
9 shall be provided a daily lunch recess of not less than
10 thirty consecutive minutes, and such employee shall not
11 be assigned any responsibilities during this recess. Such
12 recess shall be included in the number of hours worked,
13 and no county shall increase the number of hours to be
14 worked by an employee as a result of such employee
15 being granted a recess under the provisions of this
16 section.

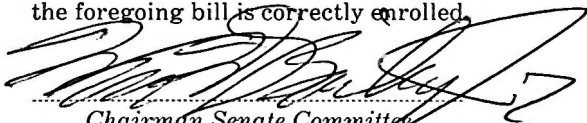
17 (2) Every teacher who is regularly employed for a
18 period of time more than one-half the class periods of
19 the regular school day shall be provided at least one
20 planning period within each school instructional day to
21 be used to complete necessary preparations for the
22 instruction of pupils. Such planning period shall be the
23 length of the usual class period in the school to which
24 such teacher is assigned, and shall be not less than thirty
25 minutes. No teacher shall be assigned any responsibil-
26 ities during this period, and no county shall increase the
27 number of hours to be worked by a teacher as a result
28 of such teacher being granted a planning period
29 subsequent to the adoption of this section (March 13,
30 1982).

31 Principals, and assistant principals, where applicable,
32 shall cooperate in carrying out the provisions of this
33 subsection, including, but not limited to, assuming
34 control of the class period or supervision of students
35 during the time the teacher is engaged in the planning
36 period. Substitute teachers may also be utilized to assist
37 with classroom responsibilities under this subsection:
38 *Provided*, That any substitute teacher who is employed
39 to teach a minimum of two consecutive days in the same
40 position shall be granted a planning period pursuant to
41 this section.


42 (3) Nothing in this section shall be construed to

43 prevent any teacher from exchanging his lunch recess
44 or a planning period or any service personnel from
45 exchanging his lunch recess for any compensation or
46 benefit mutually agreed upon by the employee and the
47 county superintendent of schools or his agent: *Provided,*
48 That a teacher and the superintendent or his agent may
49 not agree to terms which are different from those
50 available to any other teacher granted rights under this
51 section within the individual school or to terms which
52 in any way discriminate among such teachers within the
53 individual school, and that service personnel granted
54 rights under this section and the superintendent or his
55 agent may not agree to terms which are different from
56 those available to any other service personnel within the
57 same classification category granted rights under this
58 section within the individual school or to terms which
59 in any way discriminate among such service personnel
60 within the same classification category within the
61 individual school.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



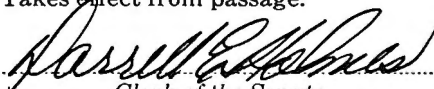
Chairman Senate Committee



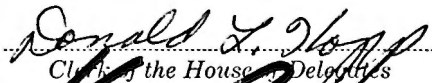
Chairman House Committee

Originating in the House.

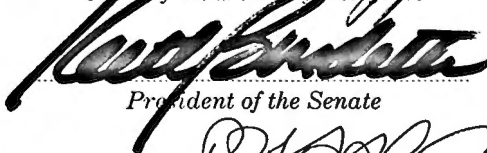
Takes effect from passage.



Clerk of the Senate



Clerk of the House of Delegates

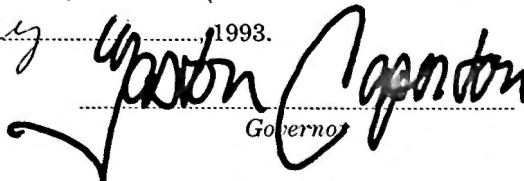


President of the Senate



Speaker of the House of Delegates

The within is approved this the 6th day of May 1993.



Governor

PRESENTED TO THE

GOVERNOR

Date 4/27/93

Time 11:22am