

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

Senate Bill 890

BY SENATORS ROBERTS, GRADY, FULLER, DEEDS, AND

BARTLETT

[Reported February 18, 2026, from the Committee on
Education]

1 A BILL to amend and reenact §18-5-45, §18-7A-3, §18-28-2, §18A-4-8, and §18A-4-10 of the
2 Code of West Virginia, 1931, as amended, relating to the school calendar; changing
3 minimum public school 180-instructional day requirement to a minimum 900-instructional
4 hour requirement; changing the minimum public school employment term from 200 days
5 to 1,600 hours; converting other public school calendar provisions from days or months to
6 hours; increasing the time to be designated by the county board to be used by the
7 employees for preparation for opening school; allowing state board rule to clarify certain
8 school calendar requirements and address any unforeseen issues that might arise from
9 changing from an employment and instructional day requirement to an employment and
10 instructional hour requirement; amending definition of "employment term" for Teachers'
11 Retirement System purposes to be consistent with school calendar-related amendments;
12 allowing nonpublic schools to deliver instruction through alternative methods that count
13 toward up to 25 hours of instructional time when schools are closed due to inclement
14 weather or other unforeseen circumstance; and providing that the calculation of personal
15 leave days gained and used is to be based on an eight-hour workday.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-45. School calendar.

1 (a) As used in this section:

2 (1) "Instructional day hour" means ~~a day within the instructional term which meets the~~
3 ~~following criteria:~~

4 ~~(A) Instruction is offered to students for at least the minimum number of minutes as follows:~~

5 ~~(i) For early childhood programs as provided in subsection (d) section forty four of this~~
6 ~~article;~~

7 ~~(ii) For schools with grade levels kindergarten through and including grade five, 315~~
8 ~~minutes of instructional time per day;~~

9 ~~(iii) For schools with grade levels six through and including grade eight, 330 minutes of~~
10 instructional time per day; and

11 ~~(iv) For schools with grade levels nine through and including grade twelve, 345 minutes of~~
12 instructional time per day.

13 ~~(B) Instructional time is an hour~~ used for instruction and cocurricular activities and

14 ~~(C) Other that meets any other~~ criteria as the state board determines appropriate;

15 (2) "Cocurricular activities" are activities that are closely related to identifiable academic
16 programs or areas of study that serve to complement academic curricula as further defined by
17 the state board; and

18 (3) "Instruction delivered through alternative methods" means a plan developed by a
19 county board and approved by the state board for teachers to assign and grade work to be
20 completed by students on days or hours when schools are closed due to inclement weather or
21 other unforeseen circumstances.

22 (b) *Findings.* —

23 (1) The primary purpose of the school system is to provide instruction for students.

24 (2) The school calendar, as defined in this section, is designed to define the school term
25 both for employees and for instruction.

26 (3) The school calendar shall provide for ~~one hundred eighty separate instructional days~~
27 ~~or an equivalent amount~~ 900 hours of instructional time as provided in this section.

28 (c) The county board shall provide a school term for its schools that contains the following:

29 (1) An employment term that excludes Saturdays and Sundays and consists of at least
30 ~~two hundred days~~ 1,600 hours, which need not be successive. The beginning and closing dates
31 of the employment term may not exceed 48 weeks;

32 (2) Within the employment term, an instructional term for students of no less than ~~one~~
33 ~~hundred eighty separate instructional days~~ 900 hours, which includes an inclement weather and

34 emergencies plan designed to guarantee an instructional term for students of no less than one
35 ~~hundred eighty separate instructional days~~ 900 hours, subject to the following:

36 (A) A county board ~~may increase the length of the instructional day as defined in this~~
37 ~~section by at least thirty minutes per day to~~ shall establish a length for the days of instruction,
38 which may vary, that will ensure that it achieves at least ~~an amount of instructional time equivalent~~
39 ~~to one hundred and eighty separate instructional days~~ 900 instructional hours within its school
40 calendar; and

41 (i) ~~Apply up to five days of this equivalent time to cancel days lost due to necessary school~~
42 ~~closures;~~

43 (ii) ~~Plan within its school calendar and not subject to cancellation and rescheduling as~~
44 ~~instructional days up to an additional five days or equivalent portions of days, without students~~
45 ~~present, to be used as determined by the county board exclusively for activities by educators at~~
46 ~~the school level designed to improve instruction; and~~

47 (iii) ~~Apply any additional equivalent time to recover time lost due to late arrivals and early~~
48 ~~dismissals;~~

49 (B) Subject to approval of its plan by the state board, a county board may deliver
50 instruction through alternative methods ~~on~~ that count toward up to ~~five days~~ 25 hours of
51 instructional time when schools are closed due to inclement weather or other unforeseen
52 circumstances and these hours of instruction ~~days, are instructional days~~ count toward meeting
53 the 900-hour instructional time requirement notwithstanding the closure of schools. The number
54 of hours of instruction that count toward the 900-hour instructional time requirement is subject to
55 the approval of the state board. The plan shall include the number of hours of instruction the
56 instruction through alternative methods counts toward meeting the 900-hour instructional time
57 requirement and state board approval of the plan shall be considered to be the state board's
58 approval of the number of hours included in the plan; and

59 (C) The use of ~~equivalent time gained by lengthening the school day to cancel days lost,~~
60 ~~and~~ the delivery of instruction through alternative methods, ~~both~~ as defined in this section, shall
61 be considered instructional ~~days~~ hours for the purpose of meeting the ~~180 separate day~~ 900-hour
62 instructional time requirement and as employment ~~days~~ hours for the purpose of meeting the ~~200-~~
63 ~~day~~ 1,600 hour employment term;

64 (3) A county board may plan within its school calendar and not subject to cancellation and
65 rescheduling as instructional hours up to an additional 25 hours or equivalent portions of hours,
66 without students present, to be used as determined by the county board exclusively for activities
67 by educators at the school level designed to improve instruction. Any time planned and used
68 pursuant to this subdivision shall be considered employment hours but not instructional hours;

69 ~~(3)~~ (4) Within the employment term, noninstructional ~~days~~ hours shall total ~~twenty~~ 160 and
70 shall be comprised of the following:

71 (A) ~~Seven~~ Eight hours for each of seven paid holidays;

72 (B) ~~Election~~ Eight hours for election day as specified in ~~section two, article five, chapter~~
73 ~~eighteen~~ a §18A-5-2 of this code;

74 (C) ~~Six~~ Eight hours for each of six days to be designated by the county board to be used
75 by the employees outside the school environment, with at least four outside-the-school
76 environment days scheduled to occur after the ~~one hundred and thirtieth~~ 650th instructional day
77 hour of the school calendar;

78 (D) ~~One day~~ At least 16 hours for a minimum of two days to be designated by the county
79 board to be used by the employees for preparation for opening school and eight hours for one
80 day to be designated by the county board to be used by the employees for preparation for closing
81 school: *Provided*, That the school preparation days may be used for the purposes set forth in
82 paragraph (E) of this subdivision at the teacher's discretion; and

83 (E) The remaining ~~days~~ hours to be designated by the county board for purposes to
84 include, but not be limited to:

- 85 (i) Curriculum development;
- 86 (ii) Professional development;
- 87 (iii) Teacher-pupil-parent conferences;
- 88 (iv) Professional meetings;
- 89 (v) Making up ~~days~~ hours when instruction was scheduled but not conducted; and
- 90 (vi) At least six two-hour blocks of time for faculty senate meetings with at least one two-
- 91 hour block of time scheduled in the first ~~month~~ 160 hours of the employment term, at least one
- 92 two-hour block of time scheduled in the last ~~month~~ 160 hours of the employment term, and at
- 93 least one two-hour block of time scheduled in each of the months of October, December,
- 94 February, and April; and

95 (4) ~~(5)~~ Scheduled out-of-calendar days that are to be used ~~for~~ to schedule instructional

96 ~~days and employment hours~~ in the event school is canceled for any reason.

97 (d) A county board of education shall develop a policy that requires additional minutes or

98 hours of instruction ~~in the school day or additional days of instruction~~ to recover time lost due to

99 late arrivals and early dismissals.

100 (e) If it is not possible to complete ~~one hundred eighty separate instructional days~~ 900

101 hours with the current school calendar, ~~and the additional five days of instructional time gained~~

102 ~~by increasing the length of the instructional day as provided in subsection (c) of this section are~~

103 ~~insufficient to offset the loss of separate instructional days~~ the county board shall increase the

104 amount of instruction on a day when instruction was previously scheduled or schedule instruction

105 on any available ~~noninstructional~~ day for which instruction was not originally scheduled,

106 regardless of the purpose for which the day originally was scheduled, or an out-of-calendar day

107 and the day will be used for instruction of students: *Provided*, That the provisions of this

108 subsection do not apply to:

- 109 (1) Holidays;
- 110 (2) Election day;

111 (3) Saturdays and Sundays; and

112 (4) The ~~five days~~ 25 hours or equivalent portions of ~~days~~ hours planned within the school
113 calendar exclusively for activities by educators at the school level to improve instruction. ~~that are~~
114 ~~gained by increasing the length of the instructional day as provided in subsection (c) of this~~
115 ~~section.~~

116 (f) The instructional term shall commence and terminate on a date selected by the county
117 board.

118 (g) The state board may not schedule the primary statewide assessment program more
119 than ~~thirty days~~ 150 hours prior to the end of the instructional year unless the state board
120 determines that the nature of the test mandates an earlier testing. ~~date.~~

121 (h) The following applies to cocurricular activities:

122 (1) The state board shall determine what activities may be considered cocurricular;

123 (2) The state board shall determine the amount of instructional time that may be consumed
124 by cocurricular activities; and

125 (3) Other requirements or restrictions the state board may provide in the rule required to
126 be promulgated by this section.

127 (i) Extracurricular activities may not be used for instructional time.

128 (j) Noninstructional interruptions to ~~the instructional day~~ scheduled instruction shall be
129 minimized to allow the classroom teacher to teach.

130 (k) Prior to implementing the school calendar, the county board shall secure approval of
131 its proposed calendar from the state board or, if so designated by the state board, from the state
132 superintendent.

133 (l) In formulation of a school's calendar, a county school board shall hold at least two public
134 meetings that allow parents, teachers, teacher organizations, businesses, and other interested
135 parties within the county to discuss the school calendar. The public notice of the date, time, and
136 place of the public hearing must be published in a local newspaper of general circulation in the

137 area as a Class II legal advertisement, in accordance with the provisions of ~~article three, chapter~~
138 ~~fifty-nine~~ §59-3-1 et seq. of this code.

139 (m) The county board may contract with all or part of the personnel for a longer term of
140 employment.

141 (n) The minimum instructional term may be decreased by order of the state superintendent
142 in any county declared a federal disaster area and in any county subject to an emergency or
143 disaster declaration by the Governor when the event causing the declaration is substantially
144 related to the loss of instructional ~~days~~ hours in the county.

145 (o) Notwithstanding any provision of this code to the contrary, the state board may grant
146 a waiver to a county board for its noncompliance with provisions of chapters 18, 18A, 18B, and
147 18C of this code to maintain compliance in reaching the mandatory ~~one hundred eighty separate~~
148 ~~instructional days~~ 900 annual hours of instruction established in this section.

149 (p) The state board shall promulgate a rule in accordance with the provisions of ~~article~~
150 ~~three b, chapter twenty-nine a~~ §29A-3B-1 et seq. of this code for the purpose of implementing the
151 provisions of this section. If necessary, the rule may clarify the requirements of this section and
152 address any unforeseen issues that might arise from the amendments to this section made during
153 the 2026 regular session of the Legislature: *Provided, That nothing in this rule may conflict with*
154 this code.

ARTICLE 7A. STATE TEACHERS RETIREMENT SYSTEM.

§18-7A-3. Definitions.

1 As used in this article, unless the context clearly requires a different meaning:

2 "Accumulated contributions" means all deposits and all deductions from the gross salary
3 of a contributor plus regular interest.

4 "Accumulated net benefit" means the aggregate amount of all benefits paid to or on behalf
5 of a retired member.

6 "Actuarially equivalent" or "of equal actuarial value" means a benefit of equal value
7 computed upon the basis of the mortality table and interest rates as set and adopted by the
8 retirement board in accordance with the provisions of this article: *Provided*, That when used in
9 the context of compliance with the federal maximum benefit requirements of Section 415 of the
10 Internal Revenue Code, "actuarially equivalent" shall be computed using the mortality tables and
11 interest rates required to comply with those requirements.

12 "Annuities" means the annual retirement payments for life granted beneficiaries in
13 accordance with this article.

14 "Average final salary" means the average of the five highest fiscal year salaries earned as
15 a member within the last 15 fiscal years of total service credit, including military service as
16 provided in this article, or if total service is less than 15 years, the average annual salary for the
17 period on which contributions were made: *Provided*, That salaries for determining benefits during
18 any determination period may not exceed the maximum compensation allowed as adjusted for
19 cost of living in accordance with §5-10D-7 of this code and § 401(a)(17) of the Internal Revenue
20 Code.

21 "Beneficiary" means the recipient of annuity payments made under the retirement system.

22 "Bona fide separation from service upon retirement" means that a retirant has completely
23 terminated any employment relationship with the employer or any participating employer in the
24 system for a period of at least 60 consecutive days from the effective date of retirement and
25 without a prearranged agreement to return to employment with a participating employer. For
26 purposes of this definition, an employment relationship includes employment in any capacity,
27 whether on a permanent, full-time, part-time, substitute, per diem, temporary, or leased employee
28 basis.

29 "Contributor" means a member of the retirement system who has an account in the
30 Teachers Accumulation Fund.

31 "Deposit" means a voluntary payment to his or her account by a member.

32 "Electing charter school" means a public charter school established pursuant to §18-5G-
33 1 *et seq.* of this code which has elected to participate in this retirement system as permitted in the
34 definitions of "nonteaching member" and "teacher member" in this section.

35 "Employer" means the agency of and within the state which has employed or employs a
36 member, a county board of education which has employed or employs a member, or an electing
37 charter school which has employed or employs a member. "Participating public employer" or
38 "participating employer" means "employer" unless the context clearly requires otherwise.

39 "Employer error" means an omission, misrepresentation, or deliberate act in violation of
40 relevant provisions of the West Virginia Code, or the West Virginia Code of State Regulations, or
41 the relevant provisions of both the West Virginia Code and of the West Virginia Code of State
42 Regulations by the participating public employer that has resulted in an underpayment or
43 overpayment of contributions required.

44 "Employment term" means employment for at least 10 months, a month being defined as
45 20 employment days or 160 employment hours.

46 "Gross salary" means the fixed annual or periodic cash wages paid by a participating
47 public employer to a member for performing duties for the participating public employer for which
48 the member was hired. Gross salary shall be allocated and reported in the fiscal year in which the
49 work was done. Gross salary also includes retroactive payments made to a member to correct a
50 clerical error, or made pursuant to a court order or final order of an administrative agency charged
51 with enforcing federal or state law pertaining to the member's rights to employment or wages, with
52 all retroactive salary payments to be allocated to and considered paid in the periods in which the
53 work was or would have been done. Gross salary does not include lump sum payments for
54 bonuses, early retirement incentives, severance pay, or any other fringe benefit of any kind
55 including, but not limited to, transportation allowances, automobiles or automobile allowances, or
56 lump sum payments for unused, accrued leave of any type or character.

57 "Internal Revenue Code" means the Internal Revenue Code of 1986, as it has been
58 amended.

59 "Medical examination" means an in-person or virtual examination of a member's physical
60 or mental health, or both, by a physician or physicians selected or approved by the board; or, at
61 the discretion of the board, a medical record review of the member's physical or mental health, or
62 both, by a physician selected or approved by the board.

63 "Member" means any person who has accumulated contributions standing to his or her
64 credit in the State Teachers Retirement System. A member shall remain a member until the
65 benefits to which he or she is entitled under this article are paid or forfeited, or until cessation of
66 membership pursuant to §18-7A-13 of this code.

67 "Members of the administrative staff of the public schools" means deans of instruction,
68 deans of men, deans of women, and financial and administrative secretaries.

69 "Members of the extension staff of the public schools" means every agricultural agent,
70 boys and girls club agent, and every member of the agricultural extension staff whose work is not
71 primarily stenographic, clerical, or secretarial.

72 "New entrant" means a teacher who is not a present teacher.

73 "Nonteaching member" means any person, except a teacher member, who is regularly
74 employed for full-time service by: (A) Any county board of education or educational services
75 cooperative; (B) the State Board of Education; (C) the Higher Education Policy Commission; (D)
76 the West Virginia Council for Community and Technical College Education; (E) a governing board,
77 as defined in §18B-1-2 of this code; or (F) a public charter school established pursuant to §18-
78 5G-1 *et seq.* of this code if the charter school includes in its charter contract entered into pursuant
79 to §18-5G-7 of this code a determination to participate in the retirement systems under this article
80 and §18-7B-1 *et seq.* of this code, subject to §18-7B-7a of this code: *Provided*, That any person
81 whose employment with the Higher Education Policy Commission, the West Virginia Council for

82 Community and Technical College Education, or a governing board commences on or after July
83 1, 1991, is not considered a nonteaching member.

84 "Plan year" means the 12-month period commencing on July 1 and ending the following
85 June 30 of any designated year.

86 "Present member" means a present teacher or nonteacher who is a member of the
87 retirement system.

88 "Present teacher" means any person who was a teacher within the 35 years beginning
89 July 1, 1934, and whose membership in the retirement system is currently active.

90 "Prior service" means all service as a teacher completed prior to July 1, 1941, and all
91 service of a present member who was employed as a teacher and did not contribute to a
92 retirement account because he or she was legally ineligible for membership during the service.

93 "Public schools" means all publicly supported schools, including colleges and universities,
94 in this state. Unless the context clearly requires otherwise, "public school" may not include a public
95 charter school which is not an "electing charter school" as defined herein.

96 "Refund beneficiary" means the estate of a deceased contributor or a person he or she
97 has nominated as beneficiary of his or her contributions by written designation duly executed and
98 filed with the retirement board.

99 "Regular interest" means interest at four percent compounded annually, or a higher
100 earnable rate if set forth in the formula established in legislative rules, series seven of the
101 Consolidated Public Retirement Board, 162 CSR 7.

102 "Regularly employed for full-time service" means employment in a regular position or job
103 throughout the employment term regardless of the number of hours worked or the method of pay.

104 "Required beginning date" means April 1 of the calendar year following the later of: (1)
105 The calendar year in which the member attains the applicable age as set forth in this paragraph;
106 or

107 (2) The calendar year in which he or she retires or otherwise separates from covered
108 employment.

109 The applicable age is:

110 (A) Seventy-two, if the individual attains age 72 prior to January 1, 2023;

111 (B) Seventy-three, if the individual attains age 72 after December 31, 2022, and attains
112 age 73 before January 1, 2033; or

113 (C) Seventy-five, if the individual attains age 74 after December 31, 2032; provided that
114 the applicable age shall be determined in accordance with the provisions of §401(a)(9) of the
115 Internal Revenue Code and the Treasury Regulations thereunder, as the same may be amended
116 from time to time.

117 "Retirant" means any member who commences an annuity payable by the retirement
118 system.

119 "Retirement board" means the Consolidated Public Retirement Board created pursuant to
120 §5-10D-1 *et seq.* of this code.

121 "Retirement system" means the State Teachers Retirement System established by this
122 article.

123 "Teacher member" means the following persons, if regularly employed for full-time service:

124 (A) Any person employed by a public school for instructional service in the public schools of West

125 Virginia; (B) principals employed by a public school; (C) librarians employed by a public school;

126 (D) superintendents of schools and assistant county superintendents of schools; (E) any county

127 school attendance director holding a West Virginia teacher's certificate; (F) members of the

128 research, extension, administrative, or library staffs of the public schools; (G) the State

129 Superintendent of Schools, heads and assistant heads of the divisions under his or her

130 supervision, or any other employee under the state superintendent performing services of an

131 educational nature; (H) employees of the State Board of Education who are performing services

132 of an educational nature; (I) any person employed in a nonteaching capacity by the State Board

133 of Education, any county board of education, the State Department of Education, or the State
134 Teachers Retirement Board, if that person was formerly employed as a teacher in the public
135 schools; (J) all classroom teachers, principals, and educational administrators in schools under
136 the supervision of the Division of Corrections and Rehabilitation, the Division of Health, or the
137 Division of Human Services; (K) an employee of the State Board of School Finance, if that person
138 was formerly employed as a teacher in the public schools; (L) employees of an educational
139 services cooperative who are performing services of an educational nature; (M) any person
140 designated as a 21st Century Learner Fellow pursuant to §18A-3-11 of this code who elects to
141 remain a member of the State Teachers Retirement System provided in this article; and (N) any
142 person employed for instructional service or as a principal or librarian by a public charter school
143 established pursuant to §18-5G-1 *et seq.* of this code if the charter school includes in its charter
144 contract entered into pursuant to §18-5G-7 of this code a determination to participate in the
145 retirement systems under this article and §18-7B-1 *et seq.* of this code.

146 "Total service" means all service as a teacher or nonteacher while a member of the
147 retirement system since last becoming a member and, in addition thereto, credit for prior service,
148 if any.

149 Age more than 70 years shall be considered to be 70 years.

**ARTICLE 28. PRIVATE, PAROCHIAL OR CHURCH SCHOOLS, OR SCHOOLS OF A
RELIGIOUS ORDER.**

§18-28-2. Attendance; health and safety regulations.

1 The following is applicable to private, parochial, or church schools, or schools of a religious
2 order:

3 (a) Each school shall observe a minimum instructional term of 900 hours per school year:

4 Provided, That the school may deliver instruction through alternative methods that count toward
5 up to 25 hours of instructional time when schools are closed due to inclement weather or other

6 unforeseen circumstance and these hours of instruction shall count toward meeting the 900-hour
7 instructional time requirement notwithstanding the closure of the school;

8 (b) Each school shall make and maintain annual attendance and disease immunization
9 records for each pupil enrolled and regularly attending classes. The attendance records shall be
10 made available to the parents or legal guardians;

11 (c) Upon the request of the county superintendent, a school (or a parents' organization
12 composed of the parents or guardians of children enrolled in the school) shall furnish to the county
13 board a list of the names and addresses of all children enrolled in the school between the ages
14 of seven and 16 years;

15 (d) Attendance by a child at any school which complies with this article satisfies the
16 requirements of compulsory school attendance;

17 (e) Each school is subject to reasonable fire, health, and safety inspections by state,
18 county, and municipal authorities as required by law, and is required to comply with the West
19 Virginia school bus safety regulations; and

20 (f) Each school shall establish, file, and update a school specific crisis response plan which
21 complies with the requirements established for it by the state board and the Division of Homeland
22 Security and Emergency Management pursuant to §18-9F-9 of this code.

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 4. SALARIES, WAGES, AND OTHER BENEFITS.

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

1 (a) The purpose of this section is to establish an employment term and class titles for
2 service personnel. The employment term for service personnel may not be less than 10 months.
3 A month is defined as 20 employment days or 160 employment hours. The county board may
4 contract with all or part of these service personnel for a longer term.

5 (b) Service personnel employed on a yearly or 12-month basis may be employed by
6 calendar months. Whenever there is a change in job assignment during the school year, the
7 minimum pay scale and any county supplement are applicable.

8 (c) Service personnel employed in the same classification for more than the ~~200-day~~
9 1,600-hour minimum employment term are paid for additional employment at a ~~daily~~ an hourly
10 rate of not less than the ~~daily~~ hourly rate paid for the ~~200-day~~ 1,600-hour minimum employment
11 term.

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

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

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

23 (1) A maintenance person means a person who holds a classification title other than in a
24 custodial, aide, school lunch, office, or transportation category as provided in §18A-1-1 of this
25 code.

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

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

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

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

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

38 (h) A service person's contract, as provided in §18A-2-5 of this code, shall state the
39 appropriate monthly salary the employee is to be paid, based on the class title as provided in this
40 article and on any county salary schedule in excess of the minimum requirements of this article.

41 (i) The column heads of the state minimum pay scale and class titles set forth in §18A-4-8a
42 of this code are defined as follows:

43 "Pay grade" means the monthly salary applicable to class titles of service personnel;

44 "Years of employment" means the number of years which an employee classified as a
45 service person has been employed by a county board in any position prior to or subsequent to
46 the effective date of this section and includes service in the armed forces of the United States, if
47 the employee was employed at the time of his or her induction. For the purpose of §18A-4-8a of
48 this code, years of employment is limited to the number of years shown and allowed under the
49 state minimum pay scale as set forth in §18A-4-8a of this code;

50 "Class title" means the name of the position or job held by a service person;

51 "Accountant I" means a person employed to maintain payroll records and reports and
52 perform one or more operations relating to a phase of the total payroll;

53 "Accountant II" means a person employed to maintain accounting records and to be
54 responsible for the accounting process associated with billing, budgets, purchasing, and related
55 operations;

56 "Accountant III" means a person employed in the county board office to manage and
57 supervise accounts payable, payroll procedures, or both;

58 "Accounts payable supervisor" means a person employed in the county board office who
59 has primary responsibility for the accounts payable function and who either has completed 12
60 college hours of accounting courses from an accredited institution of higher education or has at
61 least eight years of experience performing progressively difficult accounting tasks.
62 Responsibilities of this class title may include supervision of other personnel;

63 "Aide I" means a person selected and trained for a teacher-aide classification such as
64 monitor aide, clerical aide, classroom aide, or general aide;

65 "Aide II" means a service person referred to in the "Aide I" classification who has
66 completed a training program approved by the state board, or who holds a high school diploma
67 or has received a general educational development certificate. Only a person classified in an Aide
68 II class title may be employed as an aide in any special education program;

69 "Aide III" means a service person referred to in the "Aide I" classification who holds a high
70 school diploma or a general educational development certificate; and

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

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

75 "Aide IV" means a service person referred to in the "Aide I" classification who holds a high
76 school diploma or a general educational development certificate; and

77 (A) Has completed 18 hours of state board-approved college credit at a regionally
78 accredited institution of higher education; or

79 (B) Has completed 15 hours of state board-approved college credit at a regionally
80 accredited institution of higher education; and has successfully completed an in-service training
81 program determined by the state board to be the equivalent of three hours of college credit;

82 "Aide V (Special Education Assistant Teacher) – Temporary Authorization" means a
83 person who does not possess minimum requirements for the Aide V permanent authorization but
84 is enrolled in and pursuing requirements as prescribed by the state board. ~~of education~~ No service
85 person shall be entitled to receive the ~~paygrade~~ pay grade associated with this classification
86 unless he or she has applied for and been selected to fill a posted position which specifically
87 requires the successful candidate to hold or be enrolled in and pursuing the requirements for the
88 classification. The determination as to whether a position will be posted requiring this
89 classification is solely at the discretion of the county;

90 "Aide V (Special Education Assistant Teacher)" means a service person referred to in the
91 "Aide I" classification who holds a high school diploma or a general educational development
92 certificate and who has completed the requirements and experience to be prescribed by the state
93 board. ~~of education~~ No service person shall be entitled to receive the ~~paygrade~~ pay grade
94 associated with this classification unless he or she has applied for and been selected to fill a
95 posted position which specifically requires the successful candidate to hold or be enrolled in and
96 pursuing the requirements for the classification. The determination as to whether a position will
97 be posted requiring this classification is solely at the discretion of the county;

98 "Aide VI (Behavioral Support Assistant Teacher – Temporary Authorization)" means a
99 person who does not possess minimum requirements for the Aide VI permanent authorization but
100 is enrolled in and pursuing the requirements as prescribed by the state board of education. No
101 service person shall be entitled to receive the ~~paygrade~~ pay grade associated with this
102 classification unless he or she has applied for and been selected to fill a posted position which
103 specifically requires the successful candidate to hold or be enrolled in and pursuing the
104 requirements for the classification. The determination as to whether a position will be posted
105 requiring this classification is solely at the discretion of the county;

106 "Aide VI (Behavioral Support Assistant Teacher)" means a person who works with a
107 student or students who have identified behavior difficulties, holds at least an Aide III classification

108 and has completed the requirements and experience to be prescribed by the state board. of
109 ~~education~~ No service person shall be entitled to receive the ~~paygrade~~ pay grade associated with
110 this classification unless he or she has applied for and been selected to fill a posted position which
111 specifically requires the successful candidate to hold or be enrolled in and pursuing the
112 requirements for the classification. The determination as to whether a position will be posted
113 requiring this classification is solely at the discretion of the county;

114 "Audiovisual technician" means a person employed to perform minor maintenance on
115 audiovisual equipment, films, and supplies and who fills requests for equipment;

116 "Auditor" means a person employed to examine and verify accounts of individual schools
117 and to assist schools and school personnel in maintaining complete and accurate records of their
118 accounts;

119 "Autism mentor" means a person who works with students having been identified as a
120 person of autism and who meets standards and experience to be determined by the state board.
121 A person who has held or holds an aide title and becomes employed as an autism mentor shall
122 hold a multiclassification status that includes both aide and autism mentor titles in accordance
123 with §18A-4-8b of this code;

124 "Braille specialist" means a person employed to provide braille assistance to students. A
125 service person who has held or holds an aide title and becomes employed as a braille specialist
126 shall hold a multiclassification status that includes both aide and braille specialist title, in
127 accordance with §18A-4-8b of this code;

128 "Bus operator" means a person employed to operate school buses and other school
129 transportation vehicles as provided by the state board;

130 "Buyer" means a person employed to review and write specifications, negotiate purchase
131 bids, and recommend purchase agreements for materials and services that meet predetermined
132 specifications at the lowest available costs;

133 "Cabinetmaker" means a person employed to construct cabinets, tables, bookcases, and
134 other furniture;

135 "Cafeteria manager" means a person employed to direct the operation of a food services
136 program in a school, including assigning duties to employees, approving requisitions for supplies
137 and repairs, keeping inventories, inspecting areas to maintain high standards of sanitation,
138 preparing financial reports, and keeping records pertinent to food services of a school;

139 "Carpenter I" means a person classified as a carpenter's helper;

140 "Carpenter II" means a person classified as a journeyman carpenter;

141 "Chief mechanic" means a person employed to be responsible for directing activities which
142 ensure that student transportation or other county board-owned vehicles are properly and safely
143 maintained;

144 "Clerk I" means a person employed to perform clerical tasks;

145 "Clerk II" means a person employed to perform general clerical tasks, prepare reports and
146 tabulations, and operate office machines;

147 "Computer operator" means a qualified person employed to operate computers;

148 "Cook I" means a person employed as a cook's helper;

149 "Cook II" means a person employed to interpret menus and to prepare and serve meals
150 in a food service program of a school. This definition includes a service person who has been
151 employed as a "Cook I" for a period of four years;

152 "Cook III" means a person employed to prepare and serve meals, make reports, prepare
153 requisitions for supplies, and order equipment and repairs for a food service program of a school
154 system;

155 "Crew leader" means a person employed to organize the work for a crew of maintenance
156 employees to carry out assigned projects;

157 "Custodian I" means a person employed to keep buildings clean and free of refuse;

158 "Custodian II" means a person employed as a watchman or groundsman;

159 "Custodian III" means a person employed to keep buildings clean and free of refuse, to
160 operate the heating or cooling systems, and to make minor repairs;

161 "Custodian IV" means a person employed as a head custodian. In addition to providing
162 services as defined in "Custodian III" duties may include supervising other custodian personnel;

163 "Director or coordinator of services" means an employee of a county board who is
164 assigned to direct a department or division.

165 (A) Nothing in this subdivision prohibits a professional person or a professional educator
166 from holding this class title: *Provided*, That after July 1, 2024, all persons employed for the first
167 time in a position with this classification title as a director, assistant director, or coordinator of
168 transportation shall possess a commercial driver's license within one year of employment except
169 that this requirement shall not apply to persons who are multi-classified, hold multiple job titles,
170 or provide documentation from a physician that they have a medical diagnosis that renders them
171 physically unqualified to obtain a commercial driver's license;

172 (B) Professional personnel holding this class title may not be defined or classified as
173 service personnel unless the professional person held a service personnel title under this section
174 prior to holding the class title of "director or coordinator of services";

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

177 (D) Funding for the position of director or coordinator of services is based upon the
178 employment status of the director or coordinator either as a professional person or a service
179 person; and

180 (E) A person employed under the class title "director or coordinator of services" may not
181 be exclusively assigned to perform the duties ascribed to any other class title as defined in this
182 subsection: *Provided*, That nothing in this paragraph prohibits a person in this position from being
183 multi-classified;

184 "Draftsman" means a person employed to plan, design, and produce detailed
185 architectural/engineering drawings;

186 "Early Childhood Classroom Assistant Teacher I" means a person who does not possess
187 minimum requirements for the permanent authorization requirements but is enrolled in and
188 pursuing requirements;

189 "Early Childhood Classroom Assistant Teacher II" means a person who has completed
190 the minimum requirements for a state-awarded certificate for early childhood classroom assistant
191 teachers as determined by the state board;

192 "Early Childhood Classroom Assistant Teacher III" means a person who has completed
193 permanent authorization requirements as well as additional requirements comparable to current
194 paraprofessional certificate;

195 "Educational Sign Language Interpreter I" means a person employed to provide
196 communication access across all educational environments to students who are deaf or hard of
197 hearing and who holds the Initial Paraprofessional Certificate – Educational Interpreter pursuant
198 to state board policy;

199 "Educational Sign Language Interpreter II" means a person employed to provide
200 communication access across all educational environments to students who are deaf or hard of
201 hearing and who holds the Permanent Paraprofessional Certificate – Educational Interpreter
202 pursuant to state board policy;

203 "Electrician I" means a person employed as an electrician helper or one who holds an
204 electrician helper license issued by the State Fire Marshal;

205 "Electrician II" means a person employed as an electrician journeyman or one who holds
206 a journeyman electrician license issued by the State Fire Marshal;

207 "Electronic technician I" means a person employed to repair and maintain electronic
208 equipment;

209 "Electronic technician II" means a person employed at the journeyman level to repair and
210 maintain electronic equipment;

211 "Executive secretary" means a person employed as secretary to the county school
212 superintendent or as a secretary who is assigned to a position characterized by significant
213 administrative duties;

214 "Food services supervisor" means a qualified person who is not a professional person or
215 professional educator as defined in §18A-1-1 of this code. The food services supervisor is
216 employed to manage and supervise a county school system's food service program. The duties
217 include preparing in-service training programs for cooks and food service employees, instructing
218 personnel in the areas of quantity cooking with economy and efficiency, and keeping aggregate
219 records and reports;

220 "Foreman" means a skilled person employed to supervise personnel who work in the areas
221 of repair and maintenance of school property and equipment;

222 "General maintenance" means a person employed as a helper to skilled maintenance
223 employees and to perform minor repairs to equipment and buildings of a county school system;

224 "Glazier" means a person employed to replace glass or other materials in windows and
225 doors and to do minor carpentry tasks;

226 "Graphic artist" means a person employed to prepare graphic illustrations;

227 "Groundsman" means a person employed to perform duties that relate to the appearance,
228 repair, and general care of school grounds in a county school system. Additional assignments
229 may include the operation of a small heating plant and routine cleaning duties in buildings;

230 "Handyman" means a person employed to perform routine manual tasks in any operation
231 of the county school system;

232 "Heating and air conditioning mechanic I" means a person employed to install, repair, and
233 maintain heating and air conditioning plants and related electrical equipment;

234 "Heating and air conditioning mechanic II" means a person employed at the journeyman
235 level to install, repair, and maintain heating and air conditioning plants and related electrical
236 equipment;

237 "Heavy equipment operator" means a person employed to operate heavy equipment;

238 "Inventory supervisor" means a person employed to supervise or maintain operations in
239 the receipt, storage, inventory, and issuance of materials and supplies;

240 "Licensed practical nurse" means a nurse, licensed by the West Virginia Board of
241 Examiners for Licensed Practical Nurses, employed to work in a public school under the
242 supervision of a school nurse;

243 "Locksmith" means a person employed to repair and maintain locks and safes;

244 "Lubrication man" means a person employed to lubricate and service gasoline- or diesel-
245 powered equipment of a county school system;

246 "Machinist" means a person employed to perform machinist tasks which include the ability
247 to operate a lathe, planer, shaper, threading machine, and wheel press. A person holding this
248 class title also should have the ability to work from blueprints and drawings;

249 "Mail clerk" means a person employed to receive, sort, dispatch, deliver, or otherwise
250 handle letters, parcels, and other mail;

251 "Maintenance clerk" means a person employed to maintain and control a stocking facility
252 to keep adequate tools and supplies on hand for daily withdrawal for all school maintenance crafts;

253 "Mason" means a person employed to perform tasks connected with brick and block laying
254 and carpentry tasks related to these activities;

255 "Mechanic" means a person employed to perform skilled duties independently in the
256 maintenance and repair of automobiles, school buses, and other mechanical and mobile
257 equipment to use in a county school system;

258 "Mechanic assistant" means a person employed as a mechanic apprentice and helper;

259 "Multiclassification" means a person employed to perform tasks that involve the
260 combination of two or more class titles in this section. In these instances, the minimum salary
261 scale is the higher pay grade of the class titles involved;

262 "Office equipment repairman I" means a person employed as an office equipment
263 repairman apprentice or helper;

264 "Office equipment repairman II" means a person responsible for servicing and repairing
265 all office machines and equipment. A person holding this class title is responsible for the purchase
266 of parts necessary for the proper operation of a program of continuous maintenance and repair;

267 "Painter" means a person employed to perform duties painting, finishing, and decorating
268 wood, metal, and concrete surfaces of buildings, other structures, equipment, machinery, ~~and~~ or
269 furnishings of a county school system;

270 "Paraprofessional" means a person certified pursuant to §18A-3-2a of this code to perform
271 duties in a support capacity including, but not limited to, facilitating in the instruction and direct or
272 indirect supervision of students under the direction of a principal, a teacher, or another designated
273 professional educator.

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

277 (B) A person who has held or holds an aide title and becomes employed as a
278 paraprofessional shall hold a multiclassification status that includes both aide and
279 paraprofessional titles in accordance with §18A-4-8b of this code; and

280 (C) When a service person who holds an aide title becomes certified as a paraprofessional
281 and is required to perform duties that may not be performed by an aide without paraprofessional
282 certification, he or she shall receive the paraprofessional title pay grade;

283 "Payroll supervisor" means a person employed in the county board office who has primary
284 responsibility for the payroll function and who either has completed 12 college hours of accounting

285 from an accredited institution of higher education or has at least eight years of experience
286 performing progressively difficult accounting tasks. Responsibilities of this class title may include
287 supervision of other personnel;

288 "Plumber I" means a person employed as an apprentice plumber and helper;

289 "Plumber II" means a person employed as a journeyman plumber;

290 "Printing operator" means a person employed to operate duplication equipment, and to
291 cut, collate, staple, bind, and shelve materials as required;

292 "Printing supervisor" means a person employed to supervise the operation of a print shop;

293 "Programmer" means a person employed to design and prepare programs for computer
294 operation;

295 "Roofing/sheet metal mechanic" means a person employed to install, repair, fabricate, and
296 maintain roofs, gutters, flashing, and duct work for heating and ventilation;

297 "Sanitation plant operator" means a person employed to operate and maintain a water or
298 sewage treatment plant to ensure the safety of the plant's effluent for human consumption or
299 environmental protection;

300 "School bus supervisor" means a qualified person:

301 (A) Employed to assist in selecting school bus operators and routing and scheduling
302 school buses, operate a bus when needed, relay instructions to bus operators, plan emergency
303 routing of buses, and promote good relationships with parents, students, bus operators, and other
304 employees; and

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

306 "Secretary I" means a person employed to transcribe from notes or mechanical
307 equipment, receive callers, perform clerical tasks, prepare reports, and operate office machines;

308 "Secretary II" means a person employed in any elementary, secondary, kindergarten,
309 nursery, special education, vocational, or any other school as a secretary. The duties may include
310 performing general clerical tasks; transcribing from notes, stenotype, mechanical equipment, or

311 a sound-producing machine; preparing reports; receiving callers and referring them to proper
312 persons; operating office machines; and keeping records and handling routine correspondence.
313 Nothing in this subdivision prevents a service person from holding or being elevated to a higher
314 classification;

315 "Secretary III" means a person assigned to the county board office administrators in
316 charge of various instructional, maintenance, transportation, food services, operations and health
317 departments, federal programs, or departments with particular responsibilities in purchasing and
318 financial control or any person who has served for eight years in a position which meets the
319 definition of "Secretary II" or "Secretary III";

320 "Sign Support Specialist" means a person employed to provide sign-supported speech
321 assistance to students who can access environments through audition. A person who has held or
322 holds an aide title and becomes employed as a sign support specialist shall hold a
323 multiclassification status that includes both aide and sign support specialist titles, in accordance
324 with §18A-4-8b of this code;

325 "Supervisor of maintenance" means a skilled person who is not a professional person or
326 professional educator as defined in §18A-1-1 of this code. The responsibilities include directing
327 the upkeep of buildings and shops, and issuing instructions to subordinates relating to cleaning,
328 repairs, and maintenance of all structures and mechanical and electrical equipment of a county
329 board;

330 "Supervisor of transportation" means a qualified person employed to direct school
331 transportation activities properly and safely, and to supervise the maintenance and repair of
332 vehicles, buses, and other mechanical and mobile equipment used by the county school system.
333 After July 1, 2010, all persons employed for the first time in a position with this classification title
334 or in a multiclassification position that includes this title shall have five years of experience working
335 in the transportation department of a county board. Experience working in the transportation

336 department consists of serving as a bus operator, bus aide, assistant mechanic, mechanic, chief
337 mechanic, or in a clerical position within the transportation department;

338 "Switchboard operator-receptionist" means a person employed to refer incoming calls, to
339 assume contact with the public, to direct and to give instructions as necessary, to operate
340 switchboard equipment, and to provide clerical assistance;

341 "Truck driver" means a person employed to operate light or heavy-duty gasoline- and
342 diesel-powered vehicles;

343 "Warehouse clerk" means a person employed to be responsible for receiving, storing,
344 packing, and shipping goods;

345 "Watchman" means a person employed to protect school property against damage or
346 theft. Additional assignments may include operation of a small heating plant and routine cleaning
347 duties;

348 "Welder" means a person employed to provide acetylene or electric welding services for
349 a school system; and

350 "WVEIS data entry and administrative clerk" means a person employed to work under the
351 direction of a school principal to assist the school counselor or counselors in the performance of
352 administrative duties, to perform data entry tasks on the West Virginia Education Information
353 System, and to perform other administrative duties assigned by the principal.

354 (j) Notwithstanding any provision in this code to the contrary, and in addition to the
355 compensation provided for service personnel in §18A-4-8a of this code, each service person is
356 entitled to all service personnel employee rights, privileges, and benefits provided under this or
357 any other chapter of this code without regard to the employee's hours of employment or the
358 methods or sources of compensation.

359 (k) A service person whose years of employment exceeds the number of years shown and
360 provided for under the state minimum pay scale set forth in §18A-4-8a of this code may not be

361 paid less than the amount shown for the maximum years of employment shown and provided for
362 in the classification in which he or she is employed.

363 (l) Each county board shall review each service person's job classification annually and
364 shall reclassify all service persons as required by the job classifications. The state superintendent
365 may withhold state funds appropriated pursuant to this article for salaries for service personnel
366 who are improperly classified by the county boards. Further, the state superintendent shall order
367 a county board to immediately correct any improper classification matter and, with the assistance
368 of the Attorney General, shall take any legal action necessary against any county board to enforce
369 the order.

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

371 (1) Reclassified by class title; or

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

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

379 (o) Notwithstanding any provision of this code to the contrary, a service person who holds
380 a continuing contract in a specific job classification and who is physically unable to perform the
381 job's duties as confirmed by a physician chosen by the employee, shall be given priority status
382 over any employee not holding a continuing contract in filling other service personnel job
383 vacancies if the service person is qualified as provided in §18A-4-8e of this code.

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

387 (q) Without the written consent of the service person, a county board may not establish
388 the beginning work station for a bus operator or transportation aide at any site other than a county
389 board-owned facility with available parking. The workday of the bus operator or transportation
390 aide commences at the bus at the designated beginning work station and ends when the
391 employee is able to leave the bus at the designated beginning work station, unless he or she
392 agrees otherwise in writing. The application or acceptance of a posted position may not be
393 construed as the written consent referred to in this subsection.

394 (r) Itinerant status means a service person who does not have a fixed work site and may
395 be involuntarily reassigned to another work site. A service person is considered to hold itinerant
396 status if he or she has bid upon a position posted as itinerant or has agreed to accept this status.
397 A county board may establish positions with itinerant status only within the aide and autism mentor
398 classification categories and only when the job duties involve exceptional students. A service
399 person with itinerant status may be assigned to a different work site upon written notice 10 days
400 prior to the reassignment without the consent of the employee and without posting the vacancy.
401 A service person with itinerant status may be involuntarily reassigned no more than twice during
402 the school year. At the conclusion of each school year, the county board shall post and fill,
403 pursuant to §18A-4-8b of this code, all positions that have been filled without posting by a service
404 person with itinerant status. A service person who is assigned to a beginning and ending work
405 site and travels at the expense of the county board to other work sites during the daily schedule
406 is not considered to hold itinerant status.

407 (s) Any service person holding a classification title on June 30, 2013, that is removed from
408 the classification schedule pursuant to amendment and reenactment of this section in the year
409 2013, has his or her employment contract revised as follows:

410 (1) Any service person holding the Braille or Sign Language Specialist classification title
411 has that classification title renamed on his or her employment contract as either Braille Specialist
412 or Sign Support Specialist. This action does not result in a loss or reduction of salary or

413 supplement by any employee. Any seniority earned in the Braille or Sign Language Specialist
414 classification prior to July 1, 2013, continues to be credited as seniority earned in the Braille
415 Specialist or Sign Support Specialist classification;

416 (2) Any service person holding the Paraprofessional classification title and holding the
417 Initial Paraprofessional Certificate – Educational Interpreter has the title Educational Sign
418 Language Interpreter I added to his or her employment contract. This action does not result in a
419 loss or reduction of salary or supplement by any employee. Any seniority earned in the
420 paraprofessional classification prior to July 1, 2013, continues to be credited as seniority earned
421 in the Educational Sign Language Interpreter I classification; and

422 (3) Any service person holding the Paraprofessional classification title and holding the
423 Permanent Paraprofessional Certificate – Educational Interpreter has the title Educational Sign
424 Language Interpreter II added to his or her employment contract. This action does not result in a
425 loss or reduction of salary or supplement by any employee. Any seniority earned in the
426 Paraprofessional classification prior to July 1, 2013, continues to be credited as seniority earned
427 in the Educational Sign Language Interpreter II classification;

428 (t) Any person employed as an aide in a kindergarten program who is eligible for full
429 retirement benefits before the first day of the instructional term in the 2020-2021 school year may
430 not be subject to a reduction in force or transferred to create a vacancy for the employment of a
431 less senior Early Childhood Classroom Assistant Teacher;

432 (u) A person who has held or holds an aide title and becomes employed as an Early
433 Childhood Classroom Assistant Teacher shall hold a multiclassification status that includes aide
434 and/or paraprofessional titles in accordance with §18A-4-8b of this code.

§18A-4-10. Personal leave for illness and other causes; leave banks; substitutes.

1 (a) Personal Leave.

2 (1) At the beginning of the employment term, any full-time employee of a county board is
3 entitled annually to at least one and one-half days personal leave for each employment month or

4 major fraction thereof in the employee's employment term. Unused leave shall be accumulative
5 without limitation and is transferable within the state. A change in job assignment during the school
6 year does not affect the employee's rights or benefits. The calculation of days gained, and days
7 used pursuant to this section shall be based on an eight-hour workday.

8 (2) A regular full-time employee who is absent from assigned duties due to accident,
9 sickness, death in the immediate family, or life-threatening illness of the employee's spouse,
10 parents, or child, or other cause authorized or approved by the board, shall be paid the full salary
11 from his or her regular budgeted salary appropriation during the period which the employee is
12 absent, but not to exceed the total amount of leave to which the employee is entitled.

13 (3) Each employee is permitted to use ~~four days of leave annually without regard to the~~
14 ~~cause for the absence: *Provided*, That effective July 1, 2023, each employee is permitted to use~~
15 five days of leave annually without regard to the cause for the absence. Personal leave without
16 cause may not be used on consecutive workdays unless authorized or approved by the
17 employee's principal or immediate supervisor, as appropriate, or the employee may provide 14
18 days' notice. For non-consecutive days, the employee shall give notice of leave without cause to
19 the principal or immediate supervisor at least 24 hours in advance, except that in the case of
20 sudden and unexpected circumstances, notice shall be given as soon as reasonably practicable.
21 The principal or immediate supervisor may deny use of the day if, at the time notice is given,
22 either 15 percent of the employees or three employees, whichever is greater, under the
23 supervision of the principal or immediate supervisor, have previously given notice of their intention
24 to use that day for leave. Personal leave may not be used in connection with a concerted work
25 stoppage or strike. Where the cause for leave originated prior to the beginning of the employment
26 term, the employee shall be paid for time lost after the start of the employment term. If an
27 employee uses personal leave which the employee has not yet accumulated on a monthly basis
28 and subsequently leaves the employment, the employee is required to reimburse the board for
29 the salary or wages paid for the unaccumulated leave.

30 (4) The state board shall maintain a rule to restrict the payment of personal leave benefits
31 and the charging of personal leave time used to an employee receiving a workers' compensation
32 benefit from a claim filed against and billed to the county board by which the person is employed.
33 If an employee is awarded this benefit, the employee shall receive personal leave compensation
34 only to the extent the compensation is required, when added to the workers' compensation
35 benefit, to equal the amount of compensation regularly paid the employee. If personal leave
36 compensation equal to the employee's regular pay is paid prior to the award of the workers'
37 compensation benefit, the amount which, when added to the benefit, is in excess of the
38 employee's regular pay shall be deducted from the employee's subsequent pay. The employee's
39 accrued personal leave days shall be charged only for such days as equal the amount of personal
40 leave compensation required to compensate the employee at the employee's regular rate of pay.

41 (5) The county board may establish reasonable rules for reporting and verification of
42 absences for cause. If any error in reporting absences occurs, the county board may make
43 necessary salary adjustments:

44 (A) In the next pay after the employee has returned to duty; or

45 (B) In the final pay if the absence occurs during the last month of the employment term.

46 (b) Leave Banks.

47 (1) Each county board shall establish a personal leave bank that is available to all school
48 personnel. The board may establish joint or separate banks for professional personnel and school
49 service personnel. Each employee may contribute up to two days of personal leave per school
50 year. An employee may not be coerced or compelled to contribute to a personal leave bank.

51 (2) The personal leave bank shall be established and operated pursuant to a rule adopted
52 by the county board. The rule:

53 (A) May limit the maximum number of days used by an employee;

54 (B) Shall limit the use of leave bank days to an active employee with fewer than five days
55 accumulated personal leave who is absent from work due to accident or illness of the employee;
56 and

57 (C) Shall prohibit the use of days to:

58 (i) Qualify for or add to service for any retirement system administered by the state; or

59 (ii) Extend insurance coverage pursuant to §5-16-13 of this code.

60 (D) Shall require that each personal leave day contributed:

61 (i) Is deducted from the number of personal leave days to which the donor employee is
62 entitled by this section;

63 (ii) Is not deducted from the personal leave days without cause to which a donor employee
64 is entitled if sufficient general personal leave days are otherwise available to the donor employee;

65 (iii) Is credited to the receiving employee as one full personal leave day;

66 (iv) May not be credited for more or less than a full day by calculating the value of the
67 leave according to the hourly wage of each employee; and

68 (v) May be used only for an absence due to the purpose for which the leave was
69 transferred. Any transferred days remaining when the catastrophic medical emergency ends
70 revert back to the leave bank.

71 (3) The administration, subject to county board approval, may use its discretion as to the
72 need for a substitute where limited absence may prevail, when an allowable absence does not:

73 (i) Directly affect the instruction of the students; or

74 (ii) Require a substitute employee because of the nature of the work and the duration of
75 the cause for the absence.

76 (4) If funds in any fiscal year, including transfers, are insufficient to pay the full cost of
77 substitutes for meeting the provisions of this section, the remainder shall be paid on or before ~~the~~
78 August 31 from the budget of the next fiscal year.

79 (5) A county board may supplement the leave provisions in any manner it considers
80 advisable in accordance with applicable rules of the state board and the provisions of this chapter
81 and chapter 18 of this code.

82 (c) Effective July 1, 2019, a classroom teacher who has not utilized more than four days
83 of personal leave during the ~~200-day~~ 1,600-hour employment term shall receive a bonus of \$500
84 at the end of the school year. If the appropriations to the Department of Education for this purpose
85 are insufficient to compensate all applicable classroom teachers, the Department of Education
86 shall request a supplemental appropriation in an amount sufficient to compensate all eligible
87 classroom teachers. This bonus may not be counted as part of the final average salary for the
88 purpose of calculating retirement.