

HB 206 FAQ 8.28.19

Faculty Senate

Q1. Do county boards of education need a waiver from State Board Policy 1224.1 to increase the amount teachers can spend without a purchase order to \$300?

A1. No, a waiver is not required. Section 1-19 of State Board Policy 1224.1, the Accounting Procedures Manual for Public Schools in West Virginia, states in part the following:

“Purchase orders, however, are not required for utilities, executed contracts, maintenance agreements, remittances to the central board office, refunds, reimbursement of travel expenses, payments to game officials, or the allocation of faculty senate funds to individual teachers and librarians. Purchase orders are required for the remaining faculty senate funds beyond the individual allocation required by state statute.”

Because the policy language regarding the threshold for purchase orders for faculty senate funds refers back to the individual allocation required by state statute (instead of listing a specific dollar amount), the threshold for a purchase order was automatically increased when the statute was increased from \$100 to \$300.

Please note, however, that State Board Policy 1224.1 Section 1-37 indicates that county boards of education should have local policies regarding how they will handle the faculty senate allotment to classroom teachers, counselors and librarians. All county boards of education should review their local faculty senate policy for specific dollar amounts for purchase orders that may potentially make their local policy more restrictive than the State Board policy that was automatically increased to \$300 with the passage of HB 206. Local policy revisions may be necessary.

Please note that Section 1-37 of State Board Policy 1224.1 does contain a general outdated reference to the former \$200 and \$100 levels. The Office of School Finance will work to update that policy language, but the statutory change in the dollar amounts for faculty senate is very clear and would supersede the old policy language.

BRIM Notification and Coverage

Q2. Does BRIM have a template or sample for the required notification that county boards of education would need to send to their employees?

A2. BRIM is currently working on some guidance to send to county boards of education with the appropriate contact information and coverages. They will send that guidance directly to county boards of education, as well as the WVDE for distribution.

- Q3. For the FY21 coverage increase, will the county boards of education need to do anything with BRIM to increase the coverage amounts or will BRIM increase the coverage automatically?**
- A3.** Per BRIM, the additional coverage will be automatically added on 7/1/2020. County Boards of education will not need to take action related to the increase.
- Q4. Does BRIM have any estimates related to the expected premium increases that county boards of education may experience related to the coverage increase for FY21?**
- A4.** While BRIM does anticipate there will be premium increases for county boards of education related to the coverage increases, the amount of the premium increases has not yet been determined.

Attendance Incentive Bonus

- Q5. Will the State pay the \$500 attendance incentive bonus for federally funded employees?**
- A5.** Yes, funding source will not be taken into consideration when paying the \$500 attendance bonus.
- Q6. For classroom teachers with a contract greater than 200 days, will the eligibility for the attendance incentive bonus be based on a greater number of personal leave days they can miss? The FAQ response to Q5 from 7/17/19 indicates that employees who have a contract term of less than 200 days should use a conversion rate of 26.67% of the actual contract term to determine the number of days an employee can miss to be eligible for the bonus. Does that same logic apply to the classroom teachers with extended contract terms?**
- A6.** For classroom teachers with an extended contract (greater than 200 days), eligibility for the attendance incentive bonus will still be based on the teacher's attendance during the main 200-day contract period. Those classroom teachers will only be able to take four personal leave days during the 200-day employment term. Absences outside of the regular 200-day employment term during the extended contract period will not be taken into consideration since substitute teachers are generally not required outside of the regular 200-day employment term.
- Q7. Is WVDE able to help develop Sequel queries to help county boards of education determine eligibility for the state-funded attendance incentive bonus for classroom teachers? Could WVDE help program a similar query for non-classroom teacher position codes in the event that local county boards of education elect to provide a county-funded incentive for the non-classroom teachers?**
- A7.** Every county board of education utilizes different absence codes currently in WVEIS. In order to develop a Sequel report that would run properly for all county boards of education, we would

likely need to standardize absence codes across the state moving forward. Until such time that the absence codes are standardized, the WVDE will look for possible ways to assist county boards of education in making the eligibility determinations for not only the state funded bonus for classroom teachers, but also for any locally funded bonuses that utilize the same eligibility criteria.

Q8. Do annual leave days count as personal days in the attendance incentive bonus eligibility determination?

A8. Classroom teacher positions would rarely, if ever, have a 261 day contract that would make them eligible for annual leave on top of their personal leave days. If a classroom teacher had previously worked in a central office administrator position that was eligible for annual leave and had unused annual leave days at the point they returned to a classroom teacher position, the individual should not be able to utilize those annual leave days from the classroom teacher position – the annual leave days would be “held” until such time that the individual returned to a position that was eligible for annual leave. As such, classroom teachers should never be taking annual leave. However, if under some extremely rare circumstance a classroom teacher did take annual leave, the WVDE believes that the use of such leave should count towards the four personal leave days to be eligible for the attendance incentive bonus. The purpose of the attendance incentive bonus is to encourage classroom teachers to limit absences and be present in the classroom, and a teacher certainly has discretion over the use of annual leave just like they do over personal leave.

Q9. We are a county with the \$600 additional bonus for classroom teachers with 20 years of experience built into our professional salary tables. As such, all professional employees receive the additional pay at the 20-year level instead of just classroom teachers. In light of HB206 and the response to Q4 on the 7/30/19 FAQ, can we amend our salary tables to move the \$600 out of the actual tables and provide it as a supplement moving forward? What about for a county that has it built into the salary tables but only provides the \$600 to classroom teachers and reduces other professional salaries to the appropriate amounts?

A9. If a county wants to modify how the \$600 bonus for classroom teachers with 20 years of experience is reflected in their local salary tables, a county would have the option to do so. This does not actually change the salary for a classroom teacher with 20 years of experience. However, if this action would result in a change in pay for employees who receive the \$600 bonus, this should not be done. WVDE recommends you consult with local legal counsel regarding the necessary procedural steps for making this change.

Three-Step Increase for Math and Special Education Teachers

Q10. Are Adult Basic Education (ABE) teachers eligible for the three-step increase for providing math instruction greater than 60% of their day?

A10. No, ABE teachers or other Adult instructors are not eligible for the three-step increase.

Q11. Are individuals who fill positions such as Special Education Liaison or Special Education Curriculum Specialist eligible for the there-step increase?

A11. Individuals who fill such positions generally do not spend the majority of their time in a direct special education instructional relationship with students and therefore are not considered special education teachers eligible for the bonus. However, each situation/position should be evaluated individually based on job duties.

Q12. Does a fully certified special education teacher who provides math instruction in a certified content area for more than 60% of their day qualify for a six-step increase or are they limited to only a three-step increase?

A12. A fully certified special education teachers who is providing specialized math instruction in their certified content area to students with IEPs meets the criteria for both the special education three-step increase and the math three-step increase, making them eligible for a total of a six-step increase. We believe this will be a rare scenario and should be closely scrutinized. This does not apply to a classroom teacher who is teaching a regular education math course where there may be students with IEPs in the regular education math class.

The following new codes were added to the Certified List of Personnel to account for very specific, limited instances where an individual is eligible for both increases:

| Code | Description | Z-Addenda Code |
|------|---|----------------|
| 5 | Special Education Math Teacher with typical three step increase | ZSPMA |
| 6 | Special Education Math Teacher with three step bump including years 3 and 4 | ZSPMA4 |

Q13. Does a math interventionist qualify for the three-step increase?

A13. A fully certified math interventionist who is providing direct math instruction to students greater than 60% of their day would qualify for the three-step increase. However, if the math interventionist is not providing direct math instruction or assistance to students greater than 60% of the day, that individual would not be eligible for the three-step increase. Time spent working with other classroom teachers regarding math curriculum and instruction is not direct instructional time with students and does not count towards meeting the 60% requirement.

Q14. Do math teachers who are working at a county CTE center or a multi-county vocational center qualify for the three-step increase?

A14. Assuming that the math teacher is fully certified in the math content area and providing instruction in excess of 60% of the day, yes, they are eligible for the three-step increase. The fact that the math teacher is working at a CTE center does not preclude them from being eligible.

Q15. Are CTE embedded math teachers eligible for the three-step increase?

A15. The fact that an individual is co-teaching math as part of another CTE course should not be held against them in determining their eligibility for the three-step increase. As long as the teacher is providing math instruction for at least 60% of their instructional day and are fully certified in the math being taught, they would be eligible for the three-step increase.

Q16. Some CTE instructors teach subjects such Aerospace Engineering, Robotics, etc. that require a significant background in Math. Are those CTE instructors eligible for the three-step increase?

No, such CTE instructors are not eligible for the three-step increase.

Q17. If an individual deemed eligible for the three-step increase also serves on the faculty senate hiring committee and works a day outside of their normal contract to serve on the hiring committee, is that additional day of pay based on the higher daily rate including the three-step increase?

A17. Yes, the daily rate of pay for that teacher based on their contract would be based on the salary including the three-step increase.

Q18. We have a special education teacher that is fully-certified in Visually Impaired (4203) but only has a permit/waiver for the Hearing Impaired endorsement (4202). The special education teacher provides both visual and hearing impaired services to students. Does this teacher qualify for the three-step increase?

A18. These situations must be examined carefully. The primary consideration for eligibility for the three-step increase for special education teachers is whether the actual content being taught matches the endorsement code held.

- Q19.** We have a special education teacher that is employed in a position that was posted for LD/MI/BD/Autism. The classroom teacher only holds an endorsement in LD and is applying for a waiver for MI, BD and Autism. Is the teacher eligible for the three-step pay increase?
- A19.** These situations must be examined carefully. The primary consideration for eligibility for the three-step increase for special education teachers is whether the actual content being taught matches the endorsement code held.
- Q20.** The response to Q6 on the 7/30/19 FAQ indicates that if a classroom teacher teaches both regular education and special education classes, the amount of the three-step increase should be prorated based on the split. We have a fully-certified classroom teacher that teaches special education for one of eight class periods in the school day. Does this mean the classroom teacher is eligible for 1/8 of the value of the three-step increase?
- A20.** Yes, the teacher is eligible for 1/8 of the value of the three-step increase and should be split-coded on the CL of Personnel to indicate the appropriate FTE related to special education. In any scenario like this, the teacher must actually be assigned to teach solely special education for a portion of the day and must be full certified to do so. It does not apply to situations where a regular education teacher happens to have students with IEPs in their regular education classes.
- Q21.** Our county has Title I teachers that are co-teaching in math classes in elementary schools. They hold a Multi-Subjects endorsement (3605). If these teachers are co-teaching math at least 60% of their time for the school year, are they entitled to the additional three-step increase for math teachers?
- A21.** Yes, a Title I math co-teacher in the situation described is eligible for the three-step increase because they both meet the 60% threshold and hold an endorsement that is valid to teach elementary math courses.
- Q22.** Does an English as a Second Language (ESL) teacher qualify as a Special Education teacher for purposes of the three-step increase?
- A22.** No, an ESL teacher is not considered a special education teacher and is therefore not eligible for the three-step increase.
- Q23.** Are Alternative Education teachers considered special education teachers for purposes of the three-step increase? What if the Alternative Education teacher holds a special education certification?
- A23.** No, alternative education teachers are not automatically considered special education teachers for the purposes of the three-step increase. Even if the alternative education teacher holds a special education certification, alternative education is not considered special education.

Reductions in Force

Q24. Does the new process for Reductions in Force (RIF) that considers employee evaluations also apply to service personnel or does it only apply to professional employees?

A24. The changes made by HB206 related to the RIF process only apply to professional personnel. No statutory changes were made to the RIF process for service personnel.