

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2602

By Delegates Toney, Statler, Vance, Ellington,

Cooper, Shamblin, and Kirby

[Introduced January 17, 2023; Referred to the

Committee on Education then Finance]

1 A BILL to amend and reenact §18A-4-8 of the Code of West Virginia, 1931, as amended, relating
2 to adding special teaching assistants Aide V and Aide VI to the class titles of service
3 personnel of the state minimum pay scale and class titles that are set forth in §18A-4-8a of
4 this code.

Be it enacted by the Legislature of West Virginia:

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. A
3 month is defined as 20 employment days. The county board may contract with all or part of these
4 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 minimum employment term are paid for additional employment at a daily rate of not less than the
10 daily rate paid for the 200-day minimum employment term.

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

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

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

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

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

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

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

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

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

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

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

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

43 (2) "Years of employment" means the number of years which an employee classified as a
44 service person has been employed by a county board in any position prior to or subsequent to the

45 effective date of this section and includes service in the armed forces of the United States, if the
46 employee was employed at the time of his or her induction. For the purpose of §18A-4-8a of this
47 code, years of employment is limited to the number of years shown and allowed under the state
48 minimum pay scale as set forth in §18A-4-8a of this code;

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

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

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

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

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

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

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

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

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

71 or

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

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

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

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

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

89 "Aide V (Special Education Assistant Teacher)" means a service person referred to in the
90 "Aide I" classification who holds a high school diploma or a general educational development
91 certificate and who has completed the requirements and experience to be prescribed by the state
92 board of education. No service person shall be entitled to receive the paygrade associated with
93 this classification unless he or she has applied for and been selected to fill a posted position which
94 specifically requires the successful candidate to hold or be enrolled in and pursuing the

95 requirements for the classification. The determination as to whether a position will be posted
96 requiring this classification is solely at the discretion of the county;

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

105 "Aide VI (Behavioral Support Assistant Teacher)" means a person who works with a
106 student or students who have identified behavior difficulties, holds at least an Aide III classification
107 and has completed the requirements and experience to be prescribed by the state board of
108 education. No service person shall be entitled to receive the paygrade associated with this
109 classification unless he or she has applied for and been selected to fill a posted position which
110 specifically requires the successful candidate to hold or be enrolled in and pursuing the
111 requirements for the classification. The determination as to whether a position will be posted
112 requiring this classification is solely at the discretion of the county;

113 ~~(12)~~ (14) "Audiovisual technician" means a person employed to perform minor
114 maintenance on audiovisual equipment, films, and supplies and who fills requests for equipment;

115 ~~(13)~~ (15) "Auditor" means a person employed to examine and verify accounts of individual
116 schools and to assist schools and school personnel in maintaining complete and accurate records
117 of their accounts;

118 ~~(14)~~ (16) "Autism mentor" means a person who works with autistic students and who meets
119 standards and experience to be determined by the State Board. A person who has held or holds

120 an aide title and becomes employed as an autism mentor shall hold a multiclassification status that
121 includes both aide and autism mentor titles, in accordance with §18A-4-8b of this code;

122 ~~(15)~~ (17) "Braille specialist" means a person employed to provide braille assistance to
123 students. A service person who has held or holds an aide title and becomes employed as a braille
124 specialist shall hold a multiclassification status that includes both aide and braille specialist title, in
125 accordance with §18A-4-8b of this code;

126 ~~(16)~~ (18) "Bus operator" means a person employed to operate school buses and other
127 school transportation vehicles as provided by the State Board;

128 ~~(17)~~ (19) "Buyer" means a person employed to review and write specifications, negotiate
129 purchase bids and recommend purchase agreements for materials and services that meet
130 predetermined specifications at the lowest available costs;

131 ~~(18)~~ (20) "Cabinetmaker" means a person employed to construct cabinets, tables,
132 bookcases and other furniture;

133 ~~(19)~~ (21) "Cafeteria manager" means a person referred to in the Cook III classification who
134 is employed to direct the operation of a food services program in a school, including assigning
135 duties to employees, approving requisitions for supplies and repairs, keeping inventories,
136 inspecting areas to maintain high standards of sanitation, monitoring freezers and temperatures
137 on equipment, communicating with the food service supervisor or food service director, preparing
138 financial reports, keeping records pertinent to food services of a school and maintaining that an
139 appropriate time per day will be for ordering/emailing and paper work as needed;

140 ~~(20)~~ (22) "Carpenter I" means a person classified as a carpenter's helper;

141 ~~(21)~~ (23) "Carpenter II" means a person classified as a journeyman carpenter;

142 ~~(22)~~ (24) "Chief mechanic" means a person employed to be responsible for directing
143 activities which ensure that student transportation or other county board-owned vehicles are
144 properly and safely maintained;

145 ~~(23)~~ (25) "Clerk I" means a person employed to perform clerical tasks;

146 ~~(24)~~ (26) "Clerk II" means a person employed to perform general clerical tasks, prepare
147 reports and tabulations, and operate office machines;

148 ~~(25)~~ (27) "Computer operator" means a qualified person employed to operate computers;

149 ~~(26)~~-~~(28)~~ "Cook I" means a person employed as a cook's helper;

150 ~~(27)~~ (29) "Cook II" means a person employed to prepare and serve meals in a food service
151 program of a school. This definition includes a service person who has been employed as a "Cook
152 I" for a period of four years;

153 ~~(28)~~ (30) "Cook III" means a person employed to assist the cafeteria manager, interpret
154 menus and to prepare and serve meals, make reports, prepare requisitions for supplies, order
155 equipment and repairs for a food service program of a school system, and act as the cafeteria
156 manager if that employee is absent;

157 ~~(29)~~ (31) "Crew leader" means a person employed to organize the work for a crew of
158 maintenance employees to carry out assigned projects;

159 ~~(30)~~ (32) "Custodian I" means a person employed to keep buildings clean and free of
160 refuse;

161 ~~(31)~~ (33) "Custodian II" means a person employed as a watchman or groundsman;

162 ~~(32)~~ (34) "Custodian III" means a person employed to keep buildings clean and free of
163 refuse, to operate the heating or cooling systems and to make minor repairs;

164 ~~(33)~~ (35) "Custodian IV" means a person employed as a head custodian. In addition to
165 providing services as defined in "Custodian III" duties may include supervising other custodian
166 personnel;

167 ~~(34)~~ (36) "Director or coordinator of services" means an employee of a county board who is
168 assigned to direct a department or division.

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

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

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

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

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

183 ~~(35)~~ (37) "Draftsman" means a person employed to plan, design and produce detailed
184 architectural/engineering drawings;

185 ~~(36)~~ (38) "Early childhood classroom assistant teacher I" means a person who does not
186 possess minimum requirements for the permanent authorization requirements, but is enrolled in
187 and pursuing requirements;

188 ~~(37)~~ (39) "Early childhood classroom assistant teacher II" means a person who has
189 completed the minimum requirements for a state-awarded certificate for early childhood
190 classroom assistant teachers as determined by the State Board;

191 ~~(38)~~ (40) "Early childhood classroom assistant teacher III" means a person who has
192 completed permanent authorization requirements, as well as additional requirements comparable
193 to current paraprofessional certificate;

194 ~~(39)~~ (41) "Educational sign language interpreter I" means a person employed to provide
195 communication access across all educational environments to students who are deaf or hard of

196 hearing, and who holds the Initial Paraprofessional Certificate – Educational Interpreter pursuant
197 to State Board policy;

198 ~~(40)~~ (42) "Educational sign language interpreter II" means a person employed to provide
199 communication access across all educational environments to students who are deaf or hard of
200 hearing, and who holds the Permanent Paraprofessional Certificate – Educational Interpreter
201 pursuant to State Board policy;

202 ~~(41)~~ (43) "Electrician I" means a person employed as an apprentice electrician helper or
203 one who holds an electrician helper license issued by the State Fire Marshal;

204 ~~(42)~~ (44) "Electrician II" means a person employed as an electrician journeyman or one
205 who holds a journeyman electrician license issued by the State Fire Marshal;

206 ~~(43)~~ (45) "Electronic technician I" means a person employed at the apprentice level to
207 repair and maintain electronic equipment;

208 ~~(44)~~ (46) "Electronic technician II" means a person employed at the journeyman level to
209 repair and maintain electronic equipment;

210 ~~(45)~~ (47) "Executive secretary" means a person employed as secretary to the county
211 school superintendent or as a secretary who is assigned to a position characterized by significant
212 administrative duties;

213 ~~(46)~~ (48) "Food services supervisor" means a qualified person who is not a professional
214 person or professional educator as defined in §18A-1-1 of this code. The food services supervisor
215 is employed to manage and supervise a county school system's food service program. The duties
216 include preparing in-service training programs for cooks and food service employees, instructing
217 personnel in the areas of quantity cooking with economy and efficiency and keeping aggregate
218 records and reports;

219 ~~(47)~~ (49) "Foreman" means a skilled person employed to supervise personnel who work in
220 the areas of repair and maintenance of school property and equipment;

221 ~~(48)~~ (50) "General maintenance" means a person employed as a helper to skilled
222 maintenance employees, and to perform minor repairs to equipment and buildings of a county
223 school system;

224 ~~(49)~~ (51) "Glazier" means a person employed to replace glass or other materials in
225 windows and doors and to do minor carpentry tasks;

226 ~~(50)~~ (52) "Graphic artist" means a person employed to prepare graphic illustrations;

227 ~~(54)~~ (53) "Groundsman" means a person employed to perform duties that relate to the
228 appearance, repair and general care of school grounds in a county school system. Additional
229 assignments may include the operation of a small heating plant and routine cleaning duties in
230 buildings;

231 ~~(52)~~ (54) "Handyman" means a person employed to perform routine manual tasks in any
232 operation of the county school system;

233 ~~(53)~~ (55) "Heating and air conditioning mechanic I" means a person employed at the
234 apprentice level to install, repair and maintain heating and air conditioning plants and related
235 electrical equipment;

236 ~~(54)~~ (56) "Heating and air conditioning mechanic II" means a person employed at the
237 journeyman level to install, repair and maintain heating and air conditioning plants and related
238 electrical equipment;

239 ~~(55)~~ (57) "Heavy equipment operator" means a person employed to operate heavy
240 equipment;

241 ~~(56)~~ (58) "Inventory supervisor" means a person employed to supervise or maintain
242 operations in the receipt, storage, inventory and issuance of materials and supplies;

243 ~~(57)~~ (59) "Key punch operator" means a qualified person employed to operate key punch
244 machines or verifying machines;

245 ~~(58)~~ (60) "Licensed practical nurse" means a nurse, licensed by the West Virginia Board of
246 Examiners for Licensed Practical Nurses, employed to work in a public school under the
247 supervision of a school nurse;

248 ~~(59)~~ (61) "Locksmith" means a person employed to repair and maintain locks and safes;

249 ~~(60)~~ (62) "Lubrication man" means a person employed to lubricate and service gasoline or
250 diesel-powered equipment of a county school system;

251 ~~(61)~~ (63) "Machinist" means a person employed to perform machinist tasks which include
252 the ability to operate a lathe, planer, shaper, threading machine and wheel press. A person holding
253 this class title also should have the ability to work from blueprints and drawings;

254 ~~(62)~~ (64) "Mail clerk" means a person employed to receive, sort, dispatch, deliver or
255 otherwise handle letters, parcels and other mail;

256 ~~(63)~~ (65) "Maintenance clerk" means a person employed to maintain and control a stocking
257 facility to keep adequate tools and supplies on hand for daily withdrawal for all school maintenance
258 crafts;

259 ~~(64)~~ (66) "Mason" means a person employed to perform tasks connected with brick and
260 block laying and carpentry tasks related to these activities;

261 ~~(65)~~ (67) "Mechanic" means a person employed to perform skilled duties independently in
262 the maintenance and repair of automobiles, school buses and other mechanical and mobile
263 equipment to use in a county school system;

264 ~~(66)~~ (68) "Mechanic assistant" means a person employed as a mechanic apprentice and
265 helper;

266 ~~(67)~~ (69) "Multiclassification" means a person employed to perform tasks that involve the
267 combination of two or more class titles in this section. In these instances the minimum salary scale
268 is the higher pay grade of the class titles involved;

269 ~~(68)~~ (70) "Office equipment repairman I" means a person employed as an office equipment
270 repairman apprentice or helper;

271 ~~(69)~~ (71) "Office equipment repairman II" means a person responsible for servicing and
272 repairing all office machines and equipment. A person holding this class title is responsible for the
273 purchase of parts necessary for the proper operation of a program of continuous maintenance and
274 repair;

275 ~~(70)~~ (72) "Painter" means a person employed to perform duties painting, finishing and
276 decorating wood, metal and concrete surfaces of buildings, other structures, equipment,
277 machinery and furnishings of a county school system;

278 ~~(74)~~ (73) "Paraprofessional" means a person certified pursuant to §18A-3-2a of this code
279 to perform duties in a support capacity including, but not limited to, facilitating in the instruction and
280 direct or indirect supervision of students under the direction of a principal, a teacher or another
281 designated professional educator.

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

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

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

291 ~~(72)~~ (74) "Payroll supervisor" means a person employed in the county board office who has
292 primary responsibility for the payroll function and who either has completed 12 college hours of
293 accounting from an accredited institution of higher education or has at least eight years of
294 experience performing progressively difficult accounting tasks. Responsibilities of this class title
295 may include supervision of other personnel;

296 ~~(73)~~ (75) "Plumber I" means a person employed as an apprentice plumber and helper;

297 ~~(74)~~ (76) "Plumber II" means a person employed as a journeyman plumber;

298 ~~(75)~~ (77) "Printing operator" means a person employed to operate duplication equipment,
299 and to cut, collate, staple, bind and shelve materials as required;

300 ~~(76)~~ (78) "Printing supervisor" means a person employed to supervise the operation of a
301 print shop;

302 ~~(77)~~ (79) "Programmer" means a person employed to design and prepare programs for
303 computer operation;

304 ~~(78)~~ (80) "Roofing/sheet metal mechanic" means a person employed to install, repair,
305 fabricate and maintain roofs, gutters, flashing and duct work for heating and ventilation;

306 ~~(79)~~ (81) "Sanitation plant operator" means a person employed to operate and maintain a
307 water or sewage treatment plant to ensure the safety of the plant's effluent for human consumption
308 or environmental protection;

309 ~~(80)~~ (82) "School bus supervisor" means a qualified person:

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

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

315 ~~(81)~~ (83) "Secretary I" means a person employed to transcribe from notes or mechanical
316 equipment, receive callers, perform clerical tasks, prepare reports and operate office machines;

317 ~~(82)~~ (84) "Secretary II" means a person employed in any elementary, secondary,
318 kindergarten, nursery, special education, vocational, or any other school as a secretary. The duties
319 may include performing general clerical tasks; transcribing from notes; stenotype, mechanical
320 equipment or a sound-producing machine; preparing reports; receiving callers and referring them
321 to proper persons; operating office machines; keeping records and handling routine

322 correspondence. Nothing in this subdivision prevents a service person from holding or being
323 elevated to a higher classification;

324 ~~(83)~~ (85) "Secretary III" means a person assigned to the county board office administrators
325 in charge of various instructional, maintenance, transportation, food services, operations and
326 health departments, federal programs or departments with particular responsibilities in purchasing
327 and financial control or any person who has served for eight years in a position which meets the
328 definition of "Secretary II" or "Secretary III";

329 ~~(84)~~ (86) "Sign support specialist" means a person employed to provide sign supported
330 speech assistance to students who are able to access environments through audition. A person
331 who has held or holds an aide title and becomes employed as a sign support specialist shall hold a
332 multiclassification status that includes both aide and sign support specialist titles, in accordance
333 with §18A-4-8b of this code.

334 ~~(85)~~ (87) "Supervisor of maintenance" means a skilled person who is not a professional
335 person or professional educator as defined in §18A-1-1 of this code. The responsibilities include
336 directing the upkeep of buildings and shops, and issuing instructions to subordinates relating to
337 cleaning, repairs and maintenance of all structures and mechanical and electrical equipment of a
338 county board;

339 ~~(86)~~ (88) "Supervisor of transportation" means a qualified person employed to direct school
340 transportation activities properly and safely, and to supervise the maintenance and repair of
341 vehicles, buses and other mechanical and mobile equipment used by the county school system.
342 After July 1, 2010, all persons employed for the first time in a position with this classification title or
343 in a multiclassification position that includes this title shall have five years of experience working in
344 the transportation department of a county board. Experience working in the transportation
345 department consists of serving as a bus operator, bus aide, assistant mechanic, mechanic, chief
346 mechanic or in a clerical position within the transportation department;

347 ~~(87)~~ (89) "Switchboard operator-receptionist" means a person employed to refer incoming
348 calls, to assume contact with the public, to direct and to give instructions as necessary, to operate
349 switchboard equipment and to provide clerical assistance;

350 ~~(88)~~ (90) "Truck driver" means a person employed to operate light or heavy duty gasoline
351 and diesel-powered vehicles;

352 ~~(89)~~ (91) "Warehouse clerk" means a person employed to be responsible for receiving,
353 storing, packing and shipping goods;

354 ~~(90)~~ (92) "Watchman" means a person employed to protect school property against
355 damage or theft. Additional assignments may include operation of a small heating plant and
356 routine cleaning duties;

357 ~~(91)~~ (93) "Welder" means a person employed to provide acetylene or electric welding
358 services for a school system; and

359 ~~(92)~~ (94) "WVEIS data entry and administrative clerk" means a person employed to work
360 under the direction of a school principal to assist the school counselor or counselors in the
361 performance of administrative duties, to perform data entry tasks on the West Virginia Education
362 Information System, and to perform other administrative duties assigned by the principal.

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

368 (k) A service person whose years of employment exceeds the number of years shown and
369 provided for under the state minimum pay scale set forth in §18A-4-8a of this code may not be paid
370 less than the amount shown for the maximum years of employment shown and provided for in the
371 classification in which he or she is employed.

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

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

380 (1) Reclassified by class title; or

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

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

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

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

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

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

403 (r) Itinerant status means a service person who does not have a fixed work site and may be
404 involuntarily reassigned to another work site. A service person is considered to hold itinerant
405 status if he or she has bid upon a position posted as itinerant or has agreed to accept this status. A
406 county board may establish positions with itinerant status only within the aide and autism mentor
407 classification categories and only when the job duties involve exceptional students. A service
408 person with itinerant status may be assigned to a different work site upon written notice 10 days
409 prior to the reassignment without the consent of the employee and without posting the vacancy. A
410 service person with itinerant status may be involuntarily reassigned no more than twice during the
411 school year. At the conclusion of each school year, the county board shall post and fill, pursuant to
412 §18A-4-8b of this code, all positions that have been filled without posting by a service person with
413 itinerant status. A service person who is assigned to a beginning and ending work site and travels
414 at the expense of the county board to other work sites during the daily schedule, is not considered
415 to hold itinerant status.

416 (s) Any service person holding a classification title on June 30, 2013, that is removed from
417 the classification schedule pursuant to amendment and reenactment of this section in the year
418 2013, has his or her employment contract revised as follows:

419 (1) Any service person holding the braille or sign language specialist classification title has
420 that classification title renamed on his or her employment contract as either braille specialist or
421 sign support specialist. This action does not result in a loss or reduction of salary or supplement by
422 any employee. Any seniority earned in the braille or sign language specialist classification prior to

423 July 1, 2013, continues to be credited as seniority earned in the braille specialist or sign support
424 specialist classification;

425 (2) Any service person holding the paraprofessional classification title and holding the
426 initial paraprofessional certificate – educational interpreter has the title educational sign language
427 interpreter I added to his or her employment contract. This action does not result in a loss or
428 reduction of salary or supplement by any employee. Any seniority earned in the paraprofessional
429 classification prior to July 1, 2013, continues to be credited as seniority earned in the educational
430 sign language interpreter I classification; and

431 (3) Any service person holding the paraprofessional classification title and holding the
432 permanent paraprofessional certificate – educational interpreter has the title educational sign
433 language interpreter II added to his or her employment contract. This action does not result in a
434 loss or reduction of salary or supplement by any employee. Any seniority earned in the
435 paraprofessional classification prior to July 1, 2013, continues to be credited as seniority earned in
436 the educational sign language interpreter II classification;

437 (t) Any person employed as an aide in a kindergarten program who is eligible for full
438 retirement benefits before the first day of the instructional term in the 2020-2021 school year, may
439 not be subject to a reduction in force or transferred to create a vacancy for the employment of a
440 less senior early childhood classroom assistant teacher;

441 (u) A person who has held or holds an aide title and becomes employed as an early
442 childhood classroom assistant teacher shall hold a multiclassification status that includes aide
443 and/or paraprofessional titles in accordance with §18A-4-8b of this code.

NOTE: The purpose of this bill is to add special teaching assistants Aide V and Aide VI to the class titles of service personnel of the state minimum pay scale and class titles that are set forth in §18A-4-8a of this code. These classifications were inadvertently omitted from 2002 HB4829 that passed in 2022.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.