

HB 206 – Frequently Asked Questions - July 30, 2019

Three-Step Salary Increase for Math and Special Education Teachers

Q1. Are gifted teachers eligible for the three-step increase as special education teachers?

A1. Yes, gifted teachers are considered special education teachers for purposes of the three-step increase.

Q2. Is the three-step increase based only on the state basic minimum salary table or should county boards of education calculate the additional salary amount for eligible employees based on their own county-level salary tables?

A2. Based on the statutory language contained in WVC §18A-4-2, the value of the three-step increase should be based on the county-level salary tables, including any county supplement and not just the state minimum salary tables. The HB206 language indicates that the three-step increases are for purposes of the salary-tables contained in WVC §18A-4-2(b), and that subsection of statute specifically indicates that teachers shall receive the amount in the salary table plus any county supplement in effect in a county.

Q3. Will the extra three-years of experience make an employee eligible for the \$600 annual bonus for having 20+ years of experience?

A3. No, an employee's eligibility for the \$600 annual bonus for having 20+ years of experience is based on their actual years of experience, not the adjusted years of experience for eligible math and special education teachers. The \$600 annual bonus is not built into the state minimum salary tables and is instead an additional bonus amount outside of the salary table itself.

Q4. Several county boards of education have built the \$600 bonus for 20 years of experience into the county-level salary schedules instead of handling the additional \$600 separately. If a county has built the \$600 into their county salary tables, are employees determined to be eligible for the three-step increase entitled to the additional \$600 if the three-step increase gives them 20 or more years of experience?

A4. Yes, if an employee has the \$600 built directly into their county salary tables and the three-step increases for an eligible employee gives them 20 or more years of experience, that employee is entitled to the additional \$600 that is built into the county salary tables.

Q5. In determining if a classroom teacher is teaching math at least 60% of the time they are providing instruction, should lunch and planning periods be excluded when making the determination?

A5. Lunch and planning periods should not be considered when making the 60% determination. A classroom teacher should not be penalized for lunch and planning periods in the 60% determination. For example, if a county elects to use instructional minutes to make the eligibility determination, if there are 300 available instructional minutes in the work day and an employee has a 45 minute planning period, the 60% calculation should be based on 255 minutes. For a county that uses class periods to make the determination, that county would, for example, exclude the planning period out of the 7 class period day and base the 60% determination on the 6 available classes to actually teach during the day.

Q6. Is a full-time classroom teacher that teaches a split of special education and regular education courses eligible for the three-step increase? Should the amount be prorated?

A6. A fully-certified classroom teacher who teaches a split of regular education and special education courses is entitled to a pro-rated share of the three-step increase. For example, if the teacher has a 60/40 regular education/special education split, they would receive 40% of the value of the three-step increase in their z-addenda calculation.

Q7. Do special education co-teachers qualify for the three-step salary increases?

A7. Assuming that the co-teacher is fully certified and is working with special education students as their co-teaching duties, then yes, the co-teacher would be eligible for the three-step increase as a special education teacher.

Q8. If a classroom teacher is working in a regular education job but holds a special education certification, are they entitled to the three-step salary increase?

A8. No, in order to receive the three-step salary increase, a classroom teacher needs to actually be working in a special education position. Simply holding the necessary certification alone does not entitle someone to the additional pay. For example, a regular elementary education teacher who holds a special education certification who happens to have students with IEPs in their regular education classroom is not entitled to the additional pay.

Q9. Are IEP compliance specialists entitled to the three-step salary increase for special education teachers?

A9. No, an IEP compliance specialist is not entitled to the three-step increase. It is our understanding that an IEP compliance specialist is typically coded to position code 201 (Curriculum Specialist) and does not spend the majority of their time working directly with students in a teaching capacity.

Q10. Are Pre-K teachers entitled to the three-step salary increase for special education teachers?

A10. Pre-K classroom teachers may be eligible for the three-step increase depending on the specific circumstances in each county, but aren't automatically entitled to the salary increase even if they hold a Pre-School Special Needs endorsement on their teaching certificate. At a minimum, there must actually be students with IEPs in the teacher's classroom to receive the additional three-step salary increase. However, county boards of education should consider other factors as well before awarding the three step salary increase to a certified Pre-K teacher. For example, can the classroom teacher demonstrate that they are using that additional Pre-School Special Needs endorsement to perform additional job duties beyond that of a regular Pre-K classroom teacher position? Are they preparing the IEPs for any students in their class?

Q11. Can a math or special education teacher who is working on a permit, out of field authorization or alternative certification be eligible for the three-step salary increase?

A11. No, in order to receive the three-step salary increase, a classroom teacher must be fully certified in the content area. They must therefore hold a Certificate Code of 21 (Initial Professional Teaching Certificate), 22 (Professional Teaching Certificate), 23 (Provisional Professional Certificate) or 65 (Permit for Non-US Citizen).

Q12. A county has an employee that is special education certified and teaches an in-school suspension class that will consist of both regular education and special education students depending on discipline issues at the school. Would this individual be qualified for the three-step salary increase for special education teachers?

A12. No, this individual would not be eligible for the three-step salary increase because they are not actively performing the duties of a special education teacher. The mere fact that the teacher holds a special education certification and there may be some special education students who require in-school suspension does not mean that the individual is truly providing instruction per the students' IEPs on a regular basis.

Q13. Should county boards of education obtain board approval to give the three year experience increase for qualified math and special education teachers?

A13. Yes, the three-step salary increases should be listed on a local board agenda for approval. Although these increases were granted by the legislature, the county does have to go through a process to determine who is eligible for the salary increases based on the specific criteria contained in HB206 and the local board should be made aware of the increases that are being

granted. This is similar to advanced salary classifications and other statutorily-based salary increases that are also placed on local board agendas.

Q14. A county has a classroom teacher who holds a Gifted Endorsement (4500) but who taught Multi-Categorical students as part of the Extended School Year (ESY). Is that classroom teacher eligible for the three-step salary increase as part of their ESY daily rate?

A14. No, this classroom teacher is not eligible for the three-step increase because they are not fully-certified in the special education content area. If teaching a multi-categorical course, the classroom teacher must be fully-certified in that specific content area to receive the three-step increase.

Q15. A math teacher holds an endorsement of 1905 (Math through Algebra I) but is teaching a full schedule of Geometry, Trigonometry, and Calculus. In total, they are teaching math more than 60% of their instructional day. Is this teacher eligible for the three-step increase?

A15. No, this teacher is not eligible for the three-step increase because they are not certified to teach the advanced math courses. They are only certified to teach math courses up through Algebra I and you must be fully certified in the content area being taught to be eligible.

Attendance Incentive Bonus

Q16. Will contributions to a leave bank or the donation of a personal day to a coworker count as a personal day used for determination of the \$500 bonus?

A16. No, the donation of days to leave banks or other coworkers will not count as a personal leave day used by an employee for purposes of the eligibility determination for the attendance incentive bonus. Classroom teachers will not be “penalized” for any decision to donate days.

Q17. Will bereavement leave count as a personal day used for determination of the \$500 bonus?

A17. Yes, a bereavement leave day is actually a personal day, so the use of a personal day for that purpose would count as day used for purposes of the eligibility determination for the attendance incentive bonus.

Q18. Are principals and other administrators eligible for the \$500 attendance incentive bonus?

A18. No, only classroom teachers are eligible for the attendance incentive bonus.

Professional Student Support Personnel

Q19. Are behavioral specialists now eligible for Step 5? What about Board Certified Behavior Analysts (BCBA)?

A19. A new position code has been developed for the Certified List of Personnel for a “Student Social and Emotional Support Specialist” that will be eligible for Step 5 funding. The definition for that position is below. If a county believes that a behavioral specialist or a BCBA falls into the definition of a Student Social and Emotional Support Specialist, they should code individuals accordingly on the Certified List of Personnel to be eligible for the Step 5 funding.

If a county determines that such positions do not meet the definition for Student Social and Emotional Support Specialist, keep in mind that county boards of education will be funded at that calculated number of Step 5 positions even if they are under formula. As a result, a county board of education can utilize the additional Step 5 funding to hire additional behavioral specialists or BCBA's instead of other types of professional student support personnel if that would best meet the needs of their county. A county board of education that chooses to do so would simply appear to be more over formula in Step 1 and potentially remain under formula on Step 5.

326 Student Social and Emotional Support Specialist – A staff member who meets the definition of professional personnel in §18A-1-1; possesses at least a bachelor’s degree from an accredited institution of higher learning, and who provides direct social and/or emotional support to students.