



## 2018 GREEN BOOK

West Virginia Department of Education

Informal Guidelines  
for Implementing  
Public Education Bills  
Enacted in Regular Session



**West Virginia Board of Education  
2018-2019**

**David G. Perry**, President  
**Miller L. Hall**, Vice President  
**Thomas W. Campbell, CPA**, Financial Officer

**Robert W. Dunlevy**, Member  
**F. Scott Rotruck**, Member  
**Debra K. Sullivan**, Member  
**Joseph A. Wallace, J.D.**, Member  
**Nancy J. White**, Member  
**James S. Wilson, D.D.S.**, Member

**Carolyn Long**, Ex Officio  
Interim Chancellor  
West Virginia Higher Education Policy Commission

**Sarah Armstrong Tucker**, Ex Officio  
Chancellor  
West Virginia Council for Community and Technical College Education

**Steven L. Paine**, Ex Officio  
State Superintendent of Schools  
West Virginia Department of Education

## FOREWORD

The West Virginia Department of Education (WVDE) is pleased to issue the *Informal Guidelines for Implementing Public Education Bills Enacted in the Regular Session 2018* as a document to assist educators and others in understanding and implementing various education bills enacted by this year's Legislature.

This document should be placed with your most current copy of the *School Laws of West Virginia* as it contains new language/laws that must be reviewed in conjunction with the School Laws book.

For each of the acts included in this publication, the format is as follows: effective date, code reference, title and major new provisions. Please note that this document must not be considered as official interpretations of the State Superintendent of Schools, but rather short summaries of each piece of passed legislation. Formal interpretations to specific questions will be provided upon request. Should you have any questions about a particular bill, please contact the WVDE contact listed on that bill.

We hope that the *Informal Guidelines for Implementing Public Education Bills Enacted in the Regular Session 2018* will be a helpful reference tool during the coming school year. Suggestions for improving this document as a service to the WVDE's clientele are always welcome. This document is available online at the following address: <https://wvde.us/legal-services/>.

Should you need information or have questions regarding education legislation not included in this publication, or from past years, please contact Sarah Stewart (sarah.a.stewart@k12.wv.us; 304.558.3762).



Steven L. Paine, Ed.D.  
State Superintendent of Schools



## CODE CHANGES

<u>Code</u>	<u>Bill</u>	<u>Code</u>	<u>Bill</u>
§4-13-2	HB 4006	§18A-3-2d	HB 4006
§5-26A-3	HB 4006	§18A-3-8	HB 4006
§5B-2C-6	HB 4006	§18A-3A-1	HB 4006
§5F-1-2	HB 4006	§18A-3A-2	HB 4006
§5F-1-6	HB 4006	§18A-3A-2b	HB 4006
§5F-2-1	HB 4006	§18A-3A-3	HB 4006
§6-7-2a	HB 4006	§18A-3A-5	HB 4006
§10-5-2a	HB 4006	§18A-3C-1	HB 4006
§15-2-5	HB 4145	§18A-3C-2	HB 4006
§17-6-1	HB 4042	§18A-3C-3	HB 4006
§18-2-41	HB 4402	§18A-4-2	SB 267 / HB 4145
§18-2A-10	HB 3089	§18A-4-8a	SB 267 / HB 4145
§18-5D-5	HB 4478	§18B-1B-2	HB 4006
§18-8-3	SB 62	§18B-3D-2	HB 4006
§18-8-11	SB 364	§18B-11-4	HB 4006
§18-9A-10	HB 4619	§18B-11-6	HB 4006
§18-10A-1	HB 4006	§18B-16-5	HB 4006
§18-10A-2	HB 4006	§18B-16-8	HB 4006
§18-10A-3	HB 4006	§18B-18B-1	HN 4006
§18-10A-6a	HB 4006	§18C-7-6	SB 319
§18-10A-12	HB 4006	§21-6-3	HB 2799
§18-21-1	HB 4006	§29-3-16a	HB 4138
§18-21-2	HB 4006	§29-24-3	HB 4006
§18-21-3	HB 4006	§29-24-5	HB 4006
§18-21-4	HB 4006	§30-7-1	HB 4156
§18-28-3	HB 4183	§30-7-5	HB 4156
§18A-2-9	HB 4006	§30-7-5A	HB 4156
§18A-2-12	HB 4006	§30-7A-8	HB 4156
§18A-3-1	HB 4006	§49-2-803	SB 465
§18A-3-1d	HB 4006	§61-7-11a	SB 244
§18A-3-2c	HB 4006		

Legend for this page:

- **Black** designates amended code.
- **Blue** designates new code.
- **Red** designates repealed code

## Table of Contents

Senate Bill 62: Adjusting requirements for hiring school attendance directors.....	1
Amends: §18-8-3	
Senate Bill 244: Specifying conditions for unlawful possession of firearm at school sponsored activities.....	3
Amends: §61-7-11a	
Senate Bill 267: Increasing salaries of certain state employees.....	8
Amends: §18-9A-8 (§15-2-5i, §18A-4-2, §18A-4-8a were superseded by HB 4145)	
Senate Bill 319: Allowing individuals who completed home schooling be eligible for PROMISE scholarship without equivalent diploma.....	10
Amends: §18C-7-6	
Senate Bill 364: Allowing parent or legal guardian of home schooled child provide signed statement for obtaining permit or license to operate motor vehicle.....	14
Amends: §18-8-11	
Senate Bill 465: Relating to mandated reporting of child abuse and neglect.....	17
Amends: §49-2-803	
House Bill 2799: Prohibiting the superintendent of schools from requiring a physical examination to be included to the application for a minor's work permit.....	20
Amends: §21-6-3	
House Bill 3089: Relating to the adoption of instructional resources for use in the public schools.....	22
Adds: §18-2A-10	
House Bill 4006: Revising the processes through which professional development is delivered for those who provide public education.....	25
Amends: §4-13-2, §5-26A-3, §5B-2C-6, §5F-1-2, §5F-2-1, §6-7-2a, §18-21-1, §18-2-21, §18-21-4, §18-10A-1, §18-10A-2, §18-10A-3, §18-10A-6a, §18-10A-12, §10-30-4, §18A-2-9, §18A-2-1, §18A-3-1, §18A-3-1d, §18A-3-2c, §18A-3-8, §18A-3C-1, §18A-3C-2, §18A-3C-3, §18B-1B-2, §18B-3D-2, §18B-16-5, §18B-16-8, §18B-18B-1, §29-24-3, and §29-24-5	
Adds: §5F-1-6	
Repeals: §10-5-2a, §18-21-3, §18A-3-2d, §18A-3A-1, §18A-3A-2, §18A-3A-2b, §18A-3A-3, §18A-3A-5, §18B-11-4, and §18B-11-6	
House Bill 4042: Redefining school zone to facilitate placement of school zone signs.....	93
Amends: §17C-6-1	

House Bill 4138: Requiring certain public or private schools and daycare centers to install carbon monoxide detectors.....	96
Amends: §29-3-16a	
House Bill 4145: Increasing the annual salaries of members of the West Virginia Police, public school teachers and school service personnel.....	99
Amends: §15-2-5, §18A-4-2, and §18A-4-8a	
House Bill 4156: Establishing the qualifications of full and part time nursing school faculty members.....	113
Amends: §30-7-1, §30-7-5, and §30-7A-8	
Adds: §30-7-5a	
House Bill 4183: Relating generally to standardized testing requirements for nonpublic schools.....	118
Amends: §18-28-3	
House Bill 4402: Relating to the prevention of sexual abuse of children .....	120
Adds: §18-2-41	
House Bill 4478: Authorizing public schools to distribute excess foods to students .....	123
Adds: §18-5D-5	
House Bill 4619: Relating to supporting implementation of comprehensive systems for teacher and leader induction and professional growth .....	125
Amends: §18-9A-10	

**Senate Bill 62:                    Adjusting requirements for hiring school attendance directors**

Effective Date:                    May 15, 2018

Code Reference:                    Amends: §18-8-3

WVDE Contact:                    Robert Hagerman, Executive Director, Office of Certification and Professional Preparation

Bill Summary:                    This bill alters the requirements for county attendance directors. Formerly, the attendance director position was required to be posted, and if no fully certified applicant holding a Professional Student Support Certificate endorsed for Social Services and Attendance applied, the county was permitted to hire an individual who holding a Professional Administrative Certificate meeting the special and professional qualifications for attendance directors established by the county board. This bill permits county boards of education to hire individuals for the position of Attendance Director who either holds a Professional Student Support Certificate endorsed for Social Services and Attendance or an individual who holds a Professional Administrative Certificate and who has five years or more of experience. Counties with more than 4,000 pupils must employ full-time director of school attendance or a half-time director if the county has less than 4,000 pupils.

**CHAPTER 18. EDUCATION.**

**ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE**

**§18-8-3. Employment of county director of school attendance and assistants; qualifications; salary and traveling expenses; removal.**

(a) The county board of education of every county, ~~not~~no later than August 1, of each year, shall employ the equivalent of a full-time county director of school attendance if such county has a net enrollment of more than ~~four thousand~~4,000 pupils, at least a half-time director of school attendance if such county has a net enrollment to or less than ~~four thousand~~4,000 pupils and such assistant attendance directors as deemed necessary. All persons to be employed as attendance directors shall have the written recommendation of the county superintendent.

(b) The county board of education may establish special and professional qualifications for attendance directors and assistants as are deemed expedient and proper and are consistent with regulations of the ~~state~~State Board of Education relating thereto: *Provided*, That if the position of attendance director has been posted and no fully certified applicant applies, the county may employ a person who holds full attendance certification or a person who holds a professional administrative certificate ~~and meets the special and professional qualifications established by the county board as attendance director and that person shall not be required to obtain attendance director certification.~~



(c) The attendance director or assistant director shall be paid a monthly salary as fixed by the county board. The attendance director or assistant director shall prepare attendance reports, and such other reports as the county superintendent may request.

(d) The county board of education shall reimburse the attendance directors or assistant directors for their necessary traveling expenses upon presentation of a monthly, itemized, sworn statement approved by the county superintendent.

Bill Sponsors:                    Senators Prezioso, Ojeda, Woelfel and Baldwin

**Senate Bill 244: Specifying conditions for unlawful possession of firearm at school-sponsored activities**

Effective Date: June 8, 2018

Code Reference: Amends: §61-7-11a

WVDE Contact: Heather Hutchens, General Counsel

Bill Summary: This bill modifies and/or clarifies the acceptable circumstances under which firearms and/or deadly weapons may be present on school property or at school-sponsored activities.

The bill clarifies what, while it is unlawful to possess a firearm/deadly weapon at off-site school sponsored functions when such functions occur in areas owned, rented or leased by the WVDE, WVSSAC, a county board of education, or a local public school, the unlawful possession is limited to the actual time and space where the school-sponsored functions is taking place. The bill also requires that appropriate signage shall be conspicuously posted to inform the public that possession of firearms/deadly weapons in that area is not permitted.

The bill alters the requirements that allow retired law enforcement officers to lawfully possess firearms/deadly weapons in prohibited areas. Under the requirements of the bill, retired law enforcement officers that (1) meet requirements to carry a firearm as a qualified retired law enforcement officer under the Law Enforcement Officer Safety Act of 2004, (2) carry the firearm in a concealed manner, and (3) carries on their person official identification in accordance with the Act, may lawfully carry firearms/deadly weapons on school grounds, on school buses and at school-sponsored activities.

The bill modifies the areas within a locked vehicle where a firearm/deadly weapon may lawfully be kept when such vehicle is on school property. Under the terms of the bill those areas now include: t the glove box, an interior compartment, or a locked trunk. It is also allows persons 21 years and older to possess a handgun while in a motor vehicle in a parking lot, traffic circle or other area of vehicular ingress/egress to a public school.

Finally, the bill excludes primary and secondary students from the statutory exception that allows individuals specifically authorized by a county board of education or the school principal to possess a firearm/deadly weapon on school property for the purpose of conducting programs with valid educational purposes.

## CHAPTER 16. CRIMES AND THEIR PUNISHMENT.

### ARTICLE 7. DANGEROUS WEAPONS

#### **§61-7-11a. Possessing deadly weapons on premises of education facilities; reports by school principals; suspension of driver's license; possessing deadly weapons on premises housing courts of law and family law courts.**

(a) The Legislature finds that the safety and welfare of the citizens of this state are inextricably dependent upon assurances of safety for children attending and persons employed by schools in this state and for persons employed by the judicial department of this state. It is for the purpose of providing assurances of safety that ~~subsections (b), (g) and (h) of this section and paragraph (1), subdivision (2), subsection (b) of this section §61-7-11a(b), §61-7-11a(g), and §61-7-11a(h) of this code and §61-7-11a(b)(2)(i) of this code~~ are enacted as a reasonable regulation of the manner in which citizens may exercise the rights accorded to them pursuant to section ~~twenty two~~22, article ~~three~~III of the Constitution of the State of West Virginia.

(b) (1) It is unlawful ~~for a person~~ to possess a firearm or other deadly weapon:

~~(A) On~~ (A) On a school bus as defined in ~~section one, article one, chapter seventeen a §17A-1-1~~ of this code;

~~(B) or in~~ (B) or in ~~on a public the grounds of any~~ primary or secondary ~~education building, structure, educational facility or grounds including a vocational education building, structure, facility or grounds where secondary vocational education programs are conducted or at a school-sponsored function, or in or on a private primary or secondary education building, structure or facility of any type:~~ the grounds of any primary or secondary education building, structure or facility of any type: *Provided,* That it shall not be unlawful to possess a firearm or other deadly weapon ~~in or on or in a~~ the grounds of any private primary or secondary education building, structure or facility ~~when~~ school, if such institution has adopted ~~a~~ a written ~~policies~~ policy allowing for possession of firearms ~~on or~~ other deadly weapons in the institution's buildings, structures ~~facility or facilities~~ on the ground thereof;

~~(C) At a school-sponsored function that is taking place in a specific area that is owned, rented, or leased by the West Virginia Department of Education, the West Virginia Secondary Schools Activities Commission, a county school board, or local public school for the actual period of time the function is occurring.~~

(2) This subsection does not apply to:

(A) A law-enforcement officer employed by a federal, state, county or municipal law-enforcement agency;

(B) Any probation officer appointed pursuant to ~~section five, article twelve, chapter sixty two~~ §62-12-5 or chapter ~~forty nine~~49 of this code in the performance of his or her duties;

(C) A retired law-enforcement officer who:

~~(i) Is employed by a state, county or municipal law enforcement agency;~~

~~(ii) Is covered for liability purposes by his or her employer;~~

~~(iii) Is authorized by a county board of education and the school principal to serve as security for a school;~~

~~(iv) Meets meets all the requirements to carry a firearm as a qualified retired law-enforcement officer under the Law-Enforcement Officer Safety Act of 2004, as amended, pursuant to 18 U. S. C. §926C(c), carries that firearm in a concealed manner, and has on their person official identification in accordance with that act; and~~

~~(v) Meets all of the requirements for handling and using a firearm established by his or her employer and has qualified with his or her firearm to those requirements;~~

(D) A person, other than a student of a primary and secondary facility, specifically authorized by the board of education of the county or principal of the school where the property is located to conduct programs with valid educational purposes;

(E) A person who, as otherwise permitted by the provisions of this article, possesses an unloaded firearm or deadly weapon in a motor vehicle or leaves an unloaded firearm or deadly weapon in a locked motor vehicle;

(F) Programs or raffles conducted with the approval of the county board of education or school which include the display of unloaded firearms;

(G) The official mascot of West Virginia University, commonly known as the Mountaineer, acting in his or her official capacity;

(H) The official mascot of Parkersburg South High School, commonly known as the Patriot, acting in his or her official capacity; or

(I) Any person, ~~twenty-one~~21 years old or older, who has a valid concealed handgun permit may possess a concealed handgun while in a motor vehicle in a parking lot, traffic circle or other areas of vehicular ingress or egress to a public school: *Provided*, That:

(i) When he or she is occupying the vehicle the person stores the handgun out of view from persons outside the vehicle; or

(ii) When he or she is not occupying the vehicle the person stores the handgun out of view from persons outside the vehicle, the vehicle is locked, and the handgun is in a ~~locked trunk,~~ glove box or other interior compartment, or in a locked trunk, or in a locked container securely fixed to the vehicle.

(3) A person violating this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a definite term of years of not less than two years nor more than ~~ten~~10 years, or fined not more than \$5,000, or both fined and imprisoned.

(c) A school principal subject to the authority of the State Board of Education who discovers a violation of ~~subsection (b) of this section~~§61-7-11a(b) of this code shall report the violation as soon as possible to:

(1) The State Superintendent of Schools. The State Board of Education shall keep and maintain these reports and may prescribe rules establishing policy and procedures for making and delivering the reports as required by this subsection; and

(2) The appropriate local office of the State Police, county sheriff or municipal police agency.

(d) In addition to the methods of disposition provided by ~~article five, chapter forty nine §49-5-1 et seq.~~ of this code, a court which adjudicates a person who is fourteen years of age or older as delinquent for a violation of ~~subsection §61-7-11a(b)~~ of this ~~section code~~ may order the Division of Motor Vehicles to suspend a driver's license or instruction permit issued to the person for a period of time as the court considers appropriate, not to extend beyond the person's nineteenth birthday. If the person has not been issued a driver's license or instruction permit by this state, a court may order the Division of Motor Vehicles to deny the person's application for a license or permit for a period of time as the court considers appropriate, not to extend beyond the person's nineteenth birthday. A suspension ordered by the court pursuant to this subsection is effective upon the date of entry of the order. Where the court orders the suspension of a driver's license or instruction permit pursuant to this subsection, the court shall confiscate any driver's license or instruction permit in the adjudicated person's possession and forward to the Division of Motor Vehicles.

(e)(1) If a person ~~eighteen-18~~ years of age or older is convicted of violating ~~subsection §61-7-11a(b)~~ of this ~~section code~~ and if the person does not act to appeal the conviction within the time periods described in ~~subdivision §61-7-11a(e)(2)~~ of this ~~subsection code~~, the person's license or privilege to operate a motor vehicle in this state shall be revoked in accordance with the provisions of this section.

(2) The clerk of the court in which the person is convicted as described in ~~subdivision (1) of this subsection §61-7-11a(e)(1) of this code~~ shall forward to the commissioner a transcript of the judgment of conviction. If the conviction is the judgment of a magistrate court, the magistrate court clerk shall forward the transcript when the person convicted has not requested an appeal within ~~twenty-20~~ days of the sentencing for the conviction. If the conviction is the judgment of a circuit court, the circuit clerk shall forward a transcript of the judgment of conviction when the person convicted has not filed a notice of intent to file a petition for appeal or writ of error within ~~thirty-30~~ days after the judgment was entered.

(3) If, upon examination of the transcript of the judgment of conviction, the commissioner determines that the person was convicted as described in ~~subdivision (1) of this subsection §61-7-11a(e)(1) of this code~~, the commissioner shall make and enter an order revoking the person's license or privilege to operate a motor vehicle in this state for a period of one year or, in the event the person is a student enrolled in a secondary school, for a period of one year or until the person's twentieth birthday, whichever is the greater period. The order shall contain the reasons for the revocation and the revocation period. The order of suspension shall advise the person that because of the receipt of the court's transcript, a presumption exists that the person named in the order of suspension is the same person named in the transcript. The commissioner may grant an administrative hearing which substantially complies with the requirements of the provisions of ~~section two, article five a, chapter seventeen c §17C-5A-2~~ of this code upon a preliminary showing that a possibility exists that the person named in the notice of conviction is not the same person whose license is being suspended. The request for hearing shall be made within ~~ten-10~~ days after receipt of a copy of the order of suspension. The sole purpose of this hearing is for the person requesting the hearing to present evidence that he or she is not the person named in the notice. If the commissioner grants an administrative hearing, the commissioner shall stay the license suspension pending the commissioner's order resulting from the hearing.

(4) For the purposes of this subsection, a person is convicted when he or she enters a plea of guilty or is found guilty by a court or jury.

(f)(1) It is unlawful for a parent, guardian, or custodian of a person less than eighteen years of age who knows that the person is in violation of ~~subsection §61-7-11a(b)~~ of this ~~section code~~ or has reasonable cause to believe that the person's violation of ~~subsection §61-7-11a(b) of this code~~ is imminent to fail to immediately report his or her knowledge or belief to the appropriate school or law-enforcement officials.

(2) A person violating this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or shall be confined in jail not more than one year, or both fined and confined.

(g)(1) It is unlawful for a person to possess a firearm or other deadly weapon on the premises of a court of law, including family courts.

(2) This subsection does not apply to:

(A) A law-enforcement officer acting in his or her official capacity; and

(B) A person exempted from the provisions of this subsection by order of record entered by a court with jurisdiction over the premises or offices.

(3) A person violating this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or shall be confined in jail not more than one year, or both fined and confined.

(h)(1) It is unlawful for a person to possess a firearm or other deadly weapon on the premises of a court of law, including family courts, with the intent to commit a crime.

(2) A person violating this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a definite term of years of not less than two years nor more than ~~ten~~ 10 years, or fined not more than \$5,000, or both fined and imprisoned.

(i) Nothing in this section may be construed to be in conflict with the provisions of federal law.

Bill Sponsors:                      Senators Azinger and Rucker

**Senate Bill 267:           Increasing salaries of certain state employees**

Effective Date:           July 1, 2018

Code Reference:          Amends: §18-9A-8 (§15-2-5i, §18A-4-2, §18A-4-8a were superseded by House Bill 4145)

WVDE Contact:          Amy Willard, Executive Director, Office of School Finance

Bill Summary:            Many parts of this bill were superseded by HB4145. §18-9A-8 is the only remaining section, which increases the amount of funding under the Public School Support Plan (PSSP) for professional student support personnel (counselors and nurses) as the result of any increase in the State Minimum Salary Schedule effective for the fiscal year beginning July 1, 2018, and any increases thereafter. The funding for professional student support personnel under Step 5 of PSSP had previously been fixed at the 2013 amount and no additional state aid funding had been added for any legislatively granted pay increases, forcing county boards of education to use local funds to cover such pay increases for school counselors and nurses.

**CHAPTER 18. EDUCATION.**

**ARTICLE 9. PUBLIC SCHOOL SUPPORT.**

**§18-9A-8. Foundation allowance for professional student support services.**

(a) The basic foundation allowance to the county for professional student support personnel shall be the amount of money determined in accordance with the following:

(1) The sum of the state minimum salaries, as determined in accordance with the provisions of ~~article four, chapter eighteen §18-4-1 et seq~~ of this code, for all state aid eligible school nurse and counselor positions in the county during the ~~two thousand eight~~2008 fiscal year which number shall be reduced in the same proportion as the number of professional educators allowed to be funded under ~~section four §18-9A-4~~ of this ~~article code~~ to the total number of professional educators employed that are state aid eligible. In performing this calculation, the numerator shall be the number of professional educators actually funded under section four of this article and the denominator shall be the total number of professional educators employed that are eligible to be funded under ~~section four §18-9A-4~~ of this ~~article code~~;

(2) The amount derived from the calculation in ~~subdivision §18-9A-8(a)~~ (1) of this ~~subsection code~~ is increased by one half percent;

(3) The amount derived from the calculation in ~~subdivision §18-9A-8(a)~~ (2) of this ~~subsection code~~ is the basic foundation allowance to the county for professional student support personnel for the ~~two thousand nine~~2009 fiscal year;

(4) For fiscal years ~~two thousand ten, two thousand eleven~~2010, 2011, ~~two thousand~~

~~twelve 2012~~ and ~~two thousand thirteen 2013~~, the basic foundation allowance to the county for professional student support personnel increases by one-half percent per year over the allowance for the previous year; and

(5) For all fiscal years thereafter, the basic foundation allowance to the county for professional student support personnel remains the same amount as in the ~~two thousand thirteen 2013~~ fiscal year, plus any additional amount of funding necessary to cover the increases in the State Minimum Salary Schedule set forth in §18A-4-2 of this code effective for the fiscal year beginning July 1, 2018 and thereafter.

(b) The additional positions for counselors that may be created as a result of the one percent increase provided pursuant to this section shall be assigned to schools where the counselor can:

- (1) Enhance student achievement;
- (2) Provide early intervention for students in grades prekindergarten through five; and
- (3) Enhance student development and career readiness.

Bill Sponsors:                 Senators Carmichael and Prezioso



**Senate Bill 319: Allowing individuals who completed home schooling be eligible for PROMISE scholarship without equivalent diploma**

Effective Date: July 1, 2018

Code Reference: Amends: §18C-7-6

WVDE Contact: Carrie Reeves, Coordinator, Office of Leadership & System Support

Bill Summary: Currently, in order to be eligible for the PROMISE scholarship, home schooled students must complete and submit official scores on a state approved high school equivalency examination. Home school applicants must also provide documentation of home-schooled status from their county school board office. Documentation must show that they were homeschooled during the 11th and 12th grades.

This bill, for 2019 graduates and after, removes the requirement that home schooled students must earn a high school equivalency diploma to be eligible for the PROMISE scholarship.

**CHAPTER 18C. TRAFFIC REGULATIONS AND LAWS OF THE ROAD.**

**ARTICLE 7. WEST VIRGINIA PROVIDING REAL OPPORTUNITIES FOR MAXIMIZING IN-STATE STUDENT EXCELLENCE SCHOLARSHIP PROGRAM**

**§18C-7-6. Promise scholarship program requirements; legislative rule.**

(a) A PROMISE scholarship annual award shall meet the following conditions:

(1) For a student enrolled in a state institution of higher education, the annual award is equal to the lesser of the cost of tuition or \$4,750, except that a student who was awarded and used a PROMISE scholarship annual award prior to January 1, 2010, shall continue to receive the annual award calculated under the same terms and conditions that applied on the day before the effective date of this article;

(2) For a student enrolled in an eligible institution other than a state institution of higher education, the annual award is equal to, but may not exceed, the lesser of the cost of tuition or \$4,750, except that a student who was awarded and used a PROMISE scholarship annual award prior to January 1, 2010, shall continue to receive the annual award calculated under the same terms and conditions that applied on the day before the effective date of this article;

(3) The annual award may exceed \$4,750, if the commission determines that adequate funds are available, but in any case, may not be greater than the actual cost of tuition;

(4) The annual award shall be used by an eligible institution to supplement, but may not supplant, a tuition and fee waiver for which the individual is eligible pursuant to ~~section five, six-a, seven or seven-b, article ten, chapter eighteen-b~~ [§18B-10-5](#), [§18B-10-6a](#), [§18B-10-7](#), or [§18B-10-7b](#) of this code.

(b) The total cost of all scholarships awarded by the commission in any year may not exceed the amount of funds available to the commission during that fiscal year.

(c) In order to be eligible to receive a PROMISE scholarship award an individual shall:

(1) Submit a scholarship award application to the commission:

(A) Within two years of ~~graduating from high school~~ completing a secondary education program in a public, private, or home school or within two years of ~~acquiring a general equivalency degree if provided instruction in the home or other approved place pursuant to subsection (c), section one, article eight, chapter eighteen of this code~~ obtaining a GED or equivalent; or

(B) Within seven years of initially entering military service, and within one year of discharge from military service, if the individual has entered the United States armed services within two years after ~~graduating from high school~~ completing a secondary education program in a public, private, or home school or obtaining a GED or equivalent;

(2) Apply for and submit a Free Application for Federal Student Aid;

(3) Maintain a grade point average of at least 3.0 on a 4.0 grading scale in the required core and elective course work necessary to prepare students for success in post-secondary education at the associate and baccalaureate degree levels as determined by the commission, if the individual has completed not more than one semester or term at an institution of higher education, excluding credits earned in advanced placement, international baccalaureate, dual credit and comparable courses while the student is enrolled in high school;

(4) Maintain appropriate academic progress toward the completion of a degree at the undergraduate education level as determined by the commission if the individual has completed more than one semester or term at an institution of higher education, excluding credits earned in advanced placement, international baccalaureate, dual credit and comparable courses while the student is enrolled in high school;

(5) Be a United States citizen or legal immigrant to the United States;

(6) Meet additional objective standards the commission considers necessary to promote academic excellence and to maintain the financial stability of the fund; and

(7) Enroll in an eligible institution. A student enrolled at an eligible institution who receives a PROMISE scholarship award may retain and renew the scholarship to complete his or her undergraduate education at that institution or any other eligible institution under the following circumstances:

(A) The institution at which the student is enrolled loses its status as an eligible institution pursuant to the provisions of ~~subdivision (1), subsection §18B-7-3(b), section three~~ of this ~~article~~ code; and

(B) The student meets all other renewal requirements of this code and of commission rules.

(d) It is the intent of the Legislature that the commission shall strongly encourage prospective candidates for the PROMISE scholarship to perform at least ~~twenty~~ 20 hours of

unpaid community service while in high school to help prepare them for success in post-secondary education. The community service may include, but is not limited to, participation with nonprofit, governmental or community-based organizations designed with any or all of the following purposes:

- (1) Improving the quality of life for community residents;
- (2) Meeting the needs of community residents; or
- (3) Fostering civic responsibility.

(e) The commission shall promulgate a legislative rule in accordance with the provisions of ~~article three a, chapter twenty nine a~~ [§29A-3A-1 et seq.](#) of this code.

(1) The rule shall include at least the following provisions:

(A) The amount of a PROMISE scholarship award in combination with aid from all other sources may not exceed the cost of education at the institution the recipient is attending. This provision does not apply to members of the West Virginia National Guard, recipients of an Underwood-Smith teacher scholarship and recipients of a West Virginia engineering, science and technology scholarship;

(B) Additional objective standards the commission considers necessary:

- (i) To promote academic excellence;
- (ii) To maintain the financial stability of the fund; and
- (iii) To operate the program within the limits of available funds.

(C) Provisions for making the highest and best use of the PROMISE Scholarship Program in conjunction with the West Virginia College Prepaid Tuition and Savings Program Act set forth in ~~article thirty, chapter eighteen~~ [§18-30-1 et seq.](#) of this code;

(D) A provision defining the relationship of PROMISE scholarship awards to all other sources of student financial aid to ensure maximum coordination. The provision shall include the following:

- (i) Methods to maximize student eligibility for federal student financial aid;
- (ii) A requirement that PROMISE scholarship awards not supplant tuition and fee waivers; and
- (iii) Clarification of the relationship between the PROMISE Scholarship Program, tuition savings plans and other state-funded student financial aid programs;

(E) A method for awarding scholarships within the limits of available appropriations, including circumstances when program funds are not sufficient to provide awards to all eligible applicants. The commission may not use any of the following methods:

(i) Providing for an annual PROMISE scholarship award that is less than the amounts provided for in this section; or

(ii) Eliminating any current recipient from eligibility; and

(F) A method for applicants to appeal determinations of eligibility and renewal.

(2) The rule may provide for or require the following at the commission's discretion:

(A) Requiring repayment of the amount of the scholarship, in whole or in part, if a scholarship recipient chooses to work outside the state after graduation. The rule may not require a recipient to repay a scholarship, in whole or in part, unless the prospective recipient has been informed of this requirement in writing before initial acceptance of the PROMISE scholarship award;

(B) Targeting a portion of the scholarship funds to be used for applicants enrolled in an engineering, science, technology or other designated program;

(C) Determining what other sources of funding for higher education are to be deducted from the PROMISE scholarship award; and

(D) Providing additional criteria as determined by the commission.

(3) The Legislature finds that an emergency exists and, therefore, the commission shall file a rule to implement the provisions of this section as an emergency rule pursuant to the provisions of [§29A-3A-1 et seq.](#) ~~article three-a, chapter twenty-nine-a~~ of this code. The rule is subject to the prior approval of the Legislative Oversight Commission on Education Accountability.

(4) Any rule promulgated by the commission pursuant to previous enactments of this article in effect on the effective date of the amendment and reenactment of this article in the year 2009 remains in effect until amended, modified, repealed or replaced by the commission.

Bill Sponsors:                    Senators Rucker, Azinger, Drennan, Gaunch, Karnes, Smith, Sypolt,  
Trump, Unger, Cline, Boso, Plymale, Clements, Maroney, and Takubo

**Senate Bill 364:** **Allowing parent or legal guardian of homeschooled child provide signed statement for obtaining permit or license to operate motor vehicle**

Effective Date: May 31, 2018

Code Reference: Amends: §18-8-11

WVDE Contact: Carrie Reeves, Coordinator, Office of Leadership & System Support

Bill Summary: Current law requires home school students to verify academic progress to obtain a driver's eligibility certificate. A driver's eligibility certificate must be produced by the student in order to obtain a learner's permit or driver's license. To verify academic progress, home school students must produce a copy of their most recent assessment (within past year).

The bill allows home school students to provide a statement signed by the student's parent or legal guardian affirming the student is being home schooled in accordance with state law in lieu of the driver's eligibility certificate.

## CHAPTER 18. EDUCATION

### ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.

#### **§18-8-11. School attendance and satisfactory academic progress as conditions of licensing for privilege of operation of motor vehicle.**

(a) In accordance with the provisions of ~~sections three-a and five, article two, chapter seventeen-b §17B-2-3a and §17B-1-5~~ of this code, the Division of Motor Vehicles shall deny a license or instruction permit for the operation of a motor vehicle to any person under the age of ~~eighteen-18~~ who does not at the time of application present a diploma or other certificate of graduation issued to the person from a secondary high school of this state or any other state or documentation that the person: (1) Is enrolled and making satisfactory progress in a course leading to a general educational development certificate (GED) from a state-approved institution or organization or has obtained the certificate; (2) is enrolled and is making satisfactory academic progress in a secondary school of this state or any other state; (3) is excused from the requirement due to circumstances beyond his or her control; or (4) is enrolled in an institution of higher education as a full-time student in this state or any other state.

(b) The attendance director or chief administrator shall upon request provide a driver's eligibility certificate on a form approved by the Department of Education to any student at least ~~fifteen-15~~ but less than ~~eighteen-18~~ years of age who is properly enrolled and is making satisfactory academic progress in a school under the jurisdiction of the official for presentation to the Division of Motor Vehicles on application for or reinstatement of an instruction permit or license to operate a motor vehicle. Provided, That a parent or legal guardian of a child who is being educated pursuant to §18-8-1(c) of this code may provide a

signed statement in lieu of a driver eligibility certificate issued by the attendance director or chief administrator affirming that the child is being educated in accordance with law, is making satisfactory academic progress, and meets the conditions to be eligible to obtain any permit or license under this section.

(c) Whenever a student at least ~~fifteen~~ 15 but less than ~~eighteen~~ 18 years of age, except as provided in ~~subsection §18-8-11(g)~~ of this ~~section~~ code, withdraws from school, the attendance director or chief administrator shall notify the Division of Motor Vehicles of the student's withdrawal no later than five days from the date of the withdrawal. Within five days of receipt of the notice, the Division of Motor Vehicles shall send notice to the student that the student's instruction permit or license to operate a motor vehicle will be suspended under the provisions of ~~section six, article three, chapter seventeen-b~~ §17B-3-6 of this code on the thirtieth day following the date the notice was sent unless documentation of compliance with the provisions of this section is received by the Division of Motor Vehicles before that time. The notice shall also advise the student that he or she is entitled to a hearing before the county superintendent of schools or his or her designee or before the appropriate private school official concerning whether the student's withdrawal from school was due to a circumstance or circumstances beyond the control of the student. If suspended, the division may not reinstate an instruction permit or license until ~~such time as~~ the student returns to school and shows satisfactory academic progress or until ~~such time as~~ the student attains ~~eighteen~~ 18 years of age.

(d) Whenever a student at least ~~fifteen~~ 15 but less than ~~eighteen~~ 18 years of age is enrolled in a secondary school and fails to maintain satisfactory academic progress, the attendance director or chief administrator shall follow the procedures set out in ~~subsection (c) of this section §18-8-11(c)~~ of this code to notify the Division of Motor Vehicles. Within five days of receipt of the notice, the Division of Motor Vehicles shall send notice to the student that the student's instruction permit or license will be suspended under the provisions of ~~section six, article three, chapter seventeen-b~~ §17B-3-6 of this code on the thirtieth day following the date the notice was sent unless documentation of compliance with the provisions of this section is received by the Division of Motor Vehicles before that time. The notice shall also advise the student that he or she is entitled to a hearing before the county superintendent of schools or his or her designee or before the appropriate private school official concerning whether the student's failure to make satisfactory academic progress was due to a circumstance or circumstances beyond the control of the student. Once suspension is ordered, the division may not reinstate an instruction permit or license until ~~such time as~~ the student shows satisfactory academic progress or until ~~such time as~~ the student attains ~~eighteen~~ 18 years of age.

(e) Upon written request of a student, within ~~ten~~ 10 days of receipt of a notice of suspension as provided by this section, the Division of Motor Vehicles shall afford the student the opportunity for an administrative hearing. The scope of the hearing shall be limited to determining if there is a question of improper identity, incorrect age, or some other clerical error.

(f) For the purposes of this section:

(1) Withdrawal is defined as more than ~~ten~~ 10 consecutive or ~~fifteen~~ 15 total days unexcused absences during a school year, or suspension pursuant to ~~subsections §18A-5-1(a) and §18-5-1(b)~~ of section one-a, article five, chapter eighteen-a of this code.



**Senate Bill 465: Relating to mandated reporting of child abuse and neglect**

Effective Date: June 5, 2018

Code Reference: Amends: §49-2-803

WVDE Contact: Heather Hutchens, General Counsel

Bill Summary: The bill resulted from the task force on the prevention of sexual abuse of children that was statutorily established a few years ago. Its purpose is to attempt to clarify and streamline the various statutory reporting requirements for mandatory reporters. It changes the reporting window for all mandatory reporters that have reasonable cause to suspect a child is neglected or abused from 48 hours to 24 hours. The bill clarified that mandatory reporters are to report information directly to DHHR or State Policy (when warranted), not simply to the mandatory reporter's supervisor.

The bill removes the current statutory language providing a different process for reporting information relating to the sexual abuse of a child. Mandatory reporters that have reasonable cause to suspect a child is/has been sexually abused are to follow the same reporting requirements described above for reporting suspected abuse and/or neglect.

Finally the bill clarifies that the statute is not applicable to persons under the age of 18 (minors are not be considered mandatory reporters).

**CHAPTER 49. CHILD WELFARE.**

**ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.**

**§49-2-803. Persons mandated to report suspected abuse and neglect; requirements.**

(a) Any medical, dental or mental health professional, Christian Science practitioner, religious healer, school teacher or other school personnel, social service worker, child care or foster care worker, emergency medical services personnel, peace officer or law-enforcement official, humane officer, member of the clergy, circuit court judge, family court judge, employee of the Division of Juvenile Services, magistrate, youth camp administrator or counselor, employee, coach or volunteer of an entity that provides organized activities for children, or commercial film or photographic print processor who has reasonable cause to suspect that a child is neglected or abused or observes the child being subjected to conditions that are likely to result in abuse, including sexual abuse or sexual assault, or neglect shall immediately, and not more than ~~forty-eight~~<sup>24</sup> hours after suspecting this abuse or neglect, report the circumstances ~~or cause a report to be made~~ to the Department of Health and Human Resources. In any case where the reporter believes that the child suffered serious physical abuse or sexual abuse or sexual assault, the reporter shall also immediately report ~~, or cause a report to be made,~~ to the State Police and any law-enforcement agency having jurisdiction



to investigate the complaint. Any person required to report under this article who is a member of the staff or volunteer of a public or private institution, school, entity that provides organized activities for children, facility or agency shall also immediately notify the person in charge of the institution, school, entity that provides organized activities for children, facility or agency, or a designated agent thereof, who may supplement the report or cause an additional report to be made: Provided, That notifying a person in charge, supervisor, or superior does not exempt a person from his or her mandate to report suspected abuse or neglect.

~~(b) Any person over the age of eighteen who receives a disclosure from a credible witness or observes any sexual abuse or sexual assault of a child, shall immediately, and not more than forty-eight hours after receiving that disclosure or observing the sexual abuse or sexual assault, report the circumstances or cause a report to be made to the Department of Health and Human Resources or the State Police or other law enforcement agency having jurisdiction to investigate the report. In the event that the individual receiving the disclosure or observing the sexual abuse or sexual assault has a good faith belief that the reporting of the event to the police would expose either the reporter, the subject child, the reporter's children or other children in the subject child's household to an increased threat of serious bodily injury, the individual may delay making the report while he or she undertakes measures to remove themselves or the affected children from the perceived threat of additional harm and the individual makes the report as soon as practicable after the threat of harm has been reduced. The law enforcement agency that receives a report under this subsection shall report the allegations to the Department of Health and Human Resources and coordinate with any other law enforcement agency, as necessary to investigate the report.~~

~~(c) Any school teacher or other school personnel who receives a disclosure from a witness, which a reasonable prudent person would deem credible, or personally observes any sexual contact, sexual intercourse or sexual intrusion, as those terms are defined in article eight-b, chapter sixty one, of a child on school premises or on school buses or on transportation used in furtherance of a school purpose shall immediately, but not more than 24 hours, report the circumstances or cause a report to be made to the State Police or other law enforcement agency having jurisdiction to investigate the report: *Provided*, That this subsection will not impose any reporting duty upon school teachers or other school personnel who observe, or receive a disclosure of any consensual sexual contact, intercourse, or intrusion occurring between students who would not otherwise be subject to section three, five, seven or nine of article eight-8, chapter sixty one of this code: *Provided, however*, That any teacher or other school personnel shall not be in violation of this section if he or she makes known immediately, but not more than 24 hours, to the principal, assistant principal or similar person in charge, a disclosure from a witness, which a reasonable prudent person would deem credible, or personal observation of conduct described in this section: *Provided further*, That a principal, assistant principal or similar person in charge made aware of such disclosure or observation from a teacher or other school personnel shall be responsible for immediately, but not more than 24 hours, reporting such conduct to law enforcement.~~

~~(d)~~(b) County boards of education and private school administrators shall provide all employees with a written statement setting forth the requirements contained in this subsection and shall obtain and preserve a signed acknowledgment from school employees that they have received and understand the reporting requirement.

~~(e) The reporting requirements contained in this section specifically include reported, disclosed or observed conduct involving or between students enrolled in a public or private~~

~~institution of education, or involving a student and school teacher or personnel. When the alleged conduct is between two students or between a student and school teacher or personnel, the law enforcement body that received the report under this section is required to make such a report under this section shall additionally immediately, but not more than 24 hours, notify the students' parents, guardians, and custodians about the allegations.~~

~~(f)(c)~~ Nothing in this article is intended to prevent individuals from reporting suspected abuse or neglect on their own behalf. In addition to those persons and officials specifically required to report situations involving suspected abuse or neglect of children, any other person may make a report if that person has reasonable cause to suspect that a child has been abused or neglected in a home or institution or observes the child being subjected to conditions or circumstances that would reasonably result in abuse or neglect.

(d) The provisions of this section are not applicable to persons under the age of 18.

Bill Sponsors:                      Senators Trump, Boso, Ferns, Baldwin, and Cline

**House Bill 2799: Prohibiting the superintendent of schools from requiring a physical examination to be included to the application for a minor's work permit**

Effective Date: June 8, 2018

Code Reference: Amends: §21-6-3

WVDE Contact: Heather Hutchens, General Counsel

Bill Summary: The bill prohibits the superintendent of schools from making a physical examination a mandatory requirement to receiving a work permit, unless a physical examination is required by a prospective employer. Further, the State Superintendent may not require that a minor seeking a work permit personally appear prior to making a decision on whether a work permit should or should not be issued.

**CHAPTER 21. LABOR.**

**ARTICLE 6. CHILD LABOR.**

**§21-6-3. Issuance of work permit.**

(a) A child fourteen or fifteen years of age may be employed or permitted to work in any gainful occupation, except as provided in section two of this article, when the person, firm or corporation by whom the child is employed or permitted to work, obtains and keeps on file and accessible to officers charged with the enforcement of this article, a work permit issued by the superintendent of schools of the county in which the child resides, or by some person authorized by him or her in writing. Whenever a work permit has been issued, or wherever an age certificate has been issued under the provisions of section five of this article, it shall be conclusive as to the age of the child on whose behalf the work permit or age certificate was issued.

(b) The superintendent of schools, or person authorized by him or her in writing, shall issue the work permit only upon receipt of the following documents:

(1) A written statement, signed by the person for whom the child expects to work, that he or she intends legally to employ the child;

(2) A brief written description of the job the child is expected to perform;

(3) A birth certificate, or attested transcript thereof, issued by the registrar of vital statistics or other officer charged with the duty of recording births;

(4) A certificate signed by the principal or registrar of the school attended showing that the child is attending school; and

(5) The written consent of the parent or parents, guardian or custodian of the child.

(c) The superintendent of schools may not require a physical examination to be

included in the application for a work permit.

(d) The superintendent of schools is not required to certify that the minor personally appeared before him or her prior to the issuance, modification, or rejection of a work permit.

Bill Sponsors: Delegates Foster, Higginbotham, Kessinger, Hill, Cowles, Fast, R. Miller and Isner

**House Bill 3089: Relating to the adoption of instructional resources for use in the public schools**

Effective Date: June 7, 2018

Code Reference: Adds: §18-2A-10

WVDE Contact: Joey Wiseman, Executive Director, Office of Middle & Secondary Learning

Bill Summary: Currently, county boards of education must purchase primary instructional resources from an approved list. The bill allows county boards of education more flexibility in the selection and adoption of instructional materials. The State Board of Education will set the adoption cycle. Any person, firm or corporation wishing to offer instructional resources must file a statement with the state board on or before January 1<sup>st</sup>. The state board will provide to all county boards of education a list of all vendors that complete the verification statement. The county cannot adopt or use instructional resources that are from a person, firm or corporation that has not compiled with the verification statement. Every county must conduct a review of instructional materials or rely on an instructional material review completed by WVDE. The review must meet all non-negotiable and have a minimum of 80% alignment to the set criteria. County boards of education must adopt a policy regarding the adoption of instructional resources and annually report adopted resources.

**CHAPTER 18. EDUCATION.**

**ARTICLE 2A. ADOPTION OF INSTRUCTIONAL RESOURCES.**

**§18-2A-10. Transition to system of instructional resources adoption at county board level.**

(a) The purpose of this section is to provide for a transition to the county board level of the process for review and adoption of instructional resources required to be used in the schools under the jurisdiction of the county board. Notwithstanding any other provision of this article to the contrary, for instructional resources adopted by a county board for use in the school year beginning July 1, 2019, and successive school years, the provisions of sections one, two, three, four, five, six, seven and eight of this article are repealed to the extent that they are in conflict with the provisions of this section: *Provided*, That nothing in this section limits or prevents a county board from adopting instructional resources approved and included on the state multiple list under those provisions for the duration of the adoption cycle if they choose to do so.

(b) As used in this section, “instructional resources” means print materials, electronic resources and systems, or combinations of such instructional resources which convey information to a student that covers no less than eighty percent the required content and skills

approved by the state board for subjects taught in the public schools of the state.

(c) The state board shall set by rule an adoption cycle for instructional resources.

(d) Any person, firm or corporation desiring to offer instructional resources for use by students in the public schools of West Virginia shall, before the instructional resources may be adopted and purchased by any county board, file with the state superintendent, on or before January 1 of each year, a statement containing and verifying the following information:

(1) The instructional resources to be offered for purchase meet the non-negotiable evaluation criteria established by the state board;

(2) The instructional resources to be offered for purchase by the vendor covers no less than eighty percent of the required content and skills for the subject as approved by the state board;

(3) The list wholesale price to county boards in West Virginia for the specified instructional resource will be no more than the lowest list wholesale price available to school districts in any other state; and

(4) The list wholesale price filed for any specified number of electronic files for any print instructional resources the publisher offers with the print instructional resources does not exceed the list wholesale price for the same number of the printed version of the print instructional resources.

(e) The state board shall annually provide to all county boards of education a list of all vendors that have provided a statement in accordance with subsection (d) of this section.

(f) A county board may not adopt or cause to be used in the public schools any instructional resource unless the person, firm or corporation offering the instructional resource for adoption or use has complied with this section, except for the adoption of instructional resources approved and included on the state multiple list as provided in subsection (a) of this section.

(g) If a person, firm or corporation files a statement under subsection (d) of this section and fails or refuses to furnish the instructional resources to any county board in accordance with the terms provided in the statement, the board at once shall notify the state superintendent of the failure or refusal. If the state superintendent finds the failure or refusal to be true, the state superintendent shall disqualify the person, firm or corporation and notify each county board that its instructional resources may not thereafter be adopted and purchased by any county board until the person, firm or corporation is requalified.

(h) This section does not apply to the purchase of supplementary instructional resources, including, but not limited to, reading books, library books, reference books, or any other books. These supplementary instructional resources shall be ordered, received, examined, and paid for in the same manner and by the same persons as other supplies and equipment.

(i) Each county board shall furnish, free of charge, the necessary instructional resources to the students attending the public schools in that county. A county board that chooses to furnish electronic instructional resources to its students shall provide reasonable access to

the electronic resources and necessary computer equipment to students required to complete homework assignments that require using the resources and equipment and to teachers providing these homework assignments. All instructional resources furnished as provided in this section shall be the property of the county board and loaned to students on terms as each board prescribes.

(j) Every county board shall adopt a policy regarding the adoption of instructional resources which shall include, at a minimum, the following:

(1) The process for reviewing instructional resources to ensure the resources meet the non-negotiable requirements established by the state board and cover no less than eighty percent of the required content and skills for a subject as approved by the state board: *Provided*, That a county board may rely on an instructional material review completed by the state department of education to fulfill this requirement;

(2) The composition, duties and responsibilities of the county's instructional resource review committee;

(3) The process for recommending instructional resources that are proposed for adoption;

(4) At a properly noticed meeting, the county board shall determine by a majority vote of all members elected which instructional resources shall be required in the schools under its control; and

(5) The county board shall provide an annual report of the instructional resources adopted to the state board of education.

(k) A board of education member or employee may not act as sales agent, either directly or indirectly, for any person, firm, or corporation that files an instructional resources statement with the state superintendent.

Bill Sponsors: Delegates Espinosa, Statler, Higginbotham, Upson, Cooper, Rowan, Harshbarger and Dean

**House Bill 4006**      **Revising the processes through which professional development is delivered for those who provide public education**

Effective Date:            June 8, 2018

Code Reference:            Amends: §4-13-2; §5-26A-3; §5B-2C-6; §5F-1-2; §5F-2-1; §6-7-2a; §18-21-1; §18-2-21 §18-21-4; §18-10A-1; §18-10A-2; §18-10A-3; §18-10A-6a; §18-10A-12; §10-30-4; §18A-2-9; §18A-2-12; §18A-3-1; §18A-3-1d; §18A-3-2c; §18A-3-8; §18A-3C-1; §18A-3C-2; §18A-3C-3; §18B-1B-2; §18B-3D-2; §18B-16-5; §18B-16-8; §18B-18B-1; §29-24-3; and §29-24-5

Adds: §5F-1-6

Repeals: §10-5-2a; §18-21-3; §18A-3-2d; §18A-3A-1; §18A-3A-2; §18A-3A-2b; §18A-3A-3; §18A-3A-5; §18B-11-4; and §18B-11-6

WVDE Contact:            Michele Blatt, Assistant Superintendent, Division of Support & Accountability

Bill Summary:              The bill changes the membership of the West Virginia Sesquicentennial of the American Civil War Commission and Fund by removing the Secretary of the Department of Education and the Arts. It adds to the State Superintendent of schools and one representative from the Herbert Henderson Minority Affairs Office to the membership. It also changes the membership of the West Virginia Commission for National and Community Service by removing the Secretary of the Department of Education and the Arts and adding a representative of an arts and crafts organization.

The bill changes the organization of the Executive Branch of State Government by eliminating the Department of Education and the Arts. Additional organizational changes also included:

- Eliminating the Building Commission;
- Changing the Division of Energy to the Office of Energy within the Development Office, Department of Commerce;
- Changing the Division of Tourism to the West Virginia Tourism Office within the Department of Commerce;
- Moving the Division of Culture and History (formerly in the Department of Education and the Arts) to the Department of Commerce;
- Moving the Division of Rehabilitation Services (formerly in the Department of Education and the Arts) to the Department of Commerce;
- Making the West Virginia Educational Broadcasting Authority an independent agency;



- Making the State Library Commission an independent agency;
- Eliminating the Division of Human Services from the Department of Health and Human Resources;
- Renaming the Commission of Mental Retardation the State Commission on Intellectual Disability;
- Renaming the Child Support Enforcement Division the Bureau for Child Support Enforcement;
- Renaming the Armory Board the State Armory Board;
- Renaming the Division of Banking the Division of Financial Institutions; and
- Renaming the Parkways, Economic Development and Tourism Authority the Parkways Authority.

The bill redefines the professional development delivery system for public education employees with specific goals related to 1) instructional leadership for principals, 2) school-based and individual professional development targeting continuous improvement within a performance-based accreditation system, 3) unique professional development driven by school specific needs, and 4) professional development delivery modes that respect and optimize teacher instructional time.

The bill eliminates the requirement for the state board to establish an annual professional development plan. The state board shall promulgate a rule, by November 1, 2018, outlining the coordination, development and evaluation of professional development that includes:

- Standards for quality professional development;
- A process for aggregating information from county and school strategic plans regarding professional development needs in order to inform the effective and efficient delivery of professional development.
- A process for appropriately allocating professional development resources;
- A process for evaluating the effectiveness, efficiency and impact of the professional development;
- Processes for including stakeholder input for planning professional development;
- Processes for collaboration among the Department of Education, county boards, principals and teachers with regard to the planning and delivery of professional development; and
- Processes for engaging institutions of higher education with

teacher preparation programs in the planning and delivery of professional development.

The bill requires the state board to establish within the Department of Education a Center for Professional Development with a mission to advance the quality of teaching and learning in West Virginia's schools. In addition to its general mission, the Center shall provide statewide coordination of advanced placement programs including serving as a liaison for The College Board, Inc. and providing the training of advanced placement teachers.

The bill changes the membership of the West Virginia College Prepaid Tuition and Savings Program Board by removing the Secretary of the Department of Education and the Arts. It removes one of the two representatives of the High Education Policy Commission and adds a representative of the Council for Community and Technical Education.

The bill changes the duties and responsibilities of school principals to include the role of instructional leader of the school and the responsibility to improve student performance and progress. In addition, beginning on July 1, 2019, the prerequisites for issuance of a principal's administrative certificate will include successful completion of at least six credit hours of approved course work in public school instructional leadership and management techniques at an accredited institution of higher education, including, but not limited to, the standards for high quality schools, the school accreditation process and strategic planning for continuous improvement. Prior to employment as a principal, assistant principal or other administrative position which requires conducting personnel performance evaluations, the administrator must successfully complete education and training in evaluation skills approved by the state board. The bill also removes the Center for Professional Development as the delivery venue for this training and removes the requirements for the state board to consult with the Center for Professional Development when creating standards for the evaluation process.

The bill changes principal assignment requirements as follows:

- A principal may not be assigned more than two schools;
- A principal may not be assigned additional schools if their assigned school's enrollment exceeds 400 students;
- A principal assigned more than one school may not be assigned any teach duties except on a temporary emergency basis;
- The allowance to have teaching principalships or multischool principalships equal to the number present on January 1, 1988, was removed;

- A principal must be assigned full-time at any school with an enrollment of 170 or more may not be assigned any teaching duties except on a temporary emergency basis;
- A principal assigned as a full-time position to a school with enrollment between 76 and 170 must have a minimum of 20 hours per week for nonteaching duties; and
- A principal assigned as a full-time position to a school with enrollment of 75 or less must have a minimum of ten hours per week for nonteaching duties; and
- Nothing can prohibit a county board of education from assigning a full-time principal to a school with less than 170 students.

The bill places the oversight for the education of professional educators solely within the authority of the state board by removing the requirements to consult on these issues with the Secretary of Education and the Arts and the Chancellor for Higher Education. The bill also adds the study of the history and philosophical foundations of Western Civilization and the writings of the founders of the United State of America to the standards that the state board must adopt for the education of professional educators.

The bill removes the Secretary of Education and the Arts, the Chancellor of the Higher Education Policy Commission and the Center for Professional Development from all sections related to issuance of professional teaching certificates and alternative teacher education programs.

The bill removes all current requirements for the principals' academy (new principals, principals of seriously impaired schools, principals on improvement plans and principals transferring to a school with a significantly different grade configuration). The state board must promulgate a rule, on or before October 1, 2018, regarding the minimum qualities, proficiencies and skills that will be required of principals after July 1, 2019. The rule must include at least the following:

- Instructional leadership and management techniques, including the standards for high quality schools, the school accreditation process, and strategic planning for continuous improvement;
- Staff relations;
- School community leadership qualities;
- Educational proficiencies; and
- Administrative skills.

The bill repeals the all references to beginning principal internships.

The bill repeals the requirements for county professional development councils by allowing councils to determine needs based on analysis of individual and collective needs of the schools in the county based on their strategic plans. It also removes the reference to the Center for Professional Development assisting counties in this initiative.

The bill repeals the Center for professional Development from state code including the principals academy professional development project, professional personnel evaluation project, and West Virginia advanced placement center.

The bill requires the state board to adopt a rule before July 1, 2018, outlining the annual performance evaluation system for professional educators as follow:

- Alignment with the West Virginia Professional Teaching Standards;
- Use of two pieces of evidence at two points in time over the instructional term to demonstrate student learning as an indicator of education performance;
- Eighty percent (80%) of the evaluation must be based on the appraisal of the educator's ability to perform the critical standard elements of the professional teaching standards; and
- Twenty percent (20%) of the evaluation must be based on evidence of the learning of the students assigned to the educator.

The bill removes the previous requirements for five percent (5%) of the evaluation to be based on student learning growth measured by the school-wide score on the state summative assessment.

The bill provides the legislative intent for the provision of a comprehensive system for teacher and leader induction and professional growth that is based on continuous school improvement. The bill requires the state board to publish guidelines for the design and implementation of a county-level comprehensive system of support for improving professional practice. Beginning July 1, 2018, county boards must adopt a plan for implementation of a comprehensive system of support for improving professional practice (WVSIPP) and have said plan verified by the state board (through the County Strategic Plan) in order to be eligible to receive state funding appropriated for such purpose.

The bill changes the composition of many state level boards and commissions as follows:

- Higher Education Policy Commission removes the Secretary of Education and the Arts;

- Workforce Development Advisory Committee removes the Secretary of Education and the Arts and adds one member representing the Herbert Henderson Minority Affairs Office; and
- Science and Research Council removes the Secretary of Education and the Arts.

The bill repeals the establishment of the Depositories for Assistive Devices and Services and the National Institute for Teaching Excellence. The bill makes editorial changes to the governing structure for health care education impacting the Higher Education Policy Commission and the Council for Community and Technical College Education systems.

#### CHAPTER 4. THE LEGISLATURE.

##### ARTICLE 13. WEST VIRGINIA SESQUICENTENNIAL OF THE AMERICAN CIVIL WAR COMMISSION AND FUND.

###### §4-13-2. Membership; terms; filling vacancies; election of chair and vice chair.

(a) The Governor shall appoint ~~eleven~~twelve members as follows:

(1) Three academic historians;

(2) The ~~Secretary State Superintendent~~ of ~~the Department of Education and the Arts~~Schools, or a designee;

(3) One representative of the Division of Culture and History;

(4) One representative of the Division of Tourism;

(5) One representatives from the Herbert Henderson Minority Affairs Office;

(6) Five citizens members, no more than one of whom may be from any one state senatorial district;

~~(6)~~(7) One member of the House of Delegates, to be appointed by the Speaker of the House of Delegates, who shall serve as an ex officio nonvoting member of the commission; and

~~(7)~~(8) One member of the Senate, to be appointed by the President of the Senate, who shall serve as an ex officio nonvoting member of the commission.

(b) The members shall serve until July 1, 2021.

(c) Appointments to fill vacancies shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

(d) The commission shall elect a chair and a vice chair from among its members.

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL; BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES, COMMISSIONS, OFFICES, PROGRAMS, ETC.**

**ARTICLE 26A. WEST VIRGINIA COMMISSION FOR NATIONAL AND COMMUNITY SERVICE.**

**§5-26A-3. Members.**

(a) The West Virginia commission for national and community service shall have no fewer than fifteen and no more than twenty-five voting members to be appointed by the Governor.

(b) The voting membership of the West Virginia commission for national and community service shall include:

(1) At least one individual with expertise in the educational and developmental needs of the state's disadvantaged youth;

(2) At least one individual with experience in promoting the involvement of older adults in national or community service and volunteer programs;

(3) A representative of a community-based agency operating within the state;

~~(4) The secretary of the Department of Education and arts created pursuant to section two, article one, chapter five f of this code or a designee;~~

~~(5) The State Superintendent of Schools or a designee;~~

~~(6)~~<sup>(5)</sup> A representative of a county or municipal government;

~~(7)~~<sup>(6)</sup> A representative of a local labor organization;

~~(8)~~<sup>(7)</sup> A representative of a for-profit business operating within the state; ~~and~~

~~(9)~~<sup>(8)</sup> An individual whose age is between the age of sixteen years and twenty-five years, inclusive, who has been, or remains, a participant or a supervisor in a volunteer or service program; ~~and~~

(9) A representative of an arts or crafts organization.

(c) The membership of the West Virginia ~~commission~~Commission for ~~national~~National and ~~community service~~Community Service shall include a representative of the corporation for national and community service who shall serve as a member in a nonvoting, ex officio capacity.

(d) No more than twenty-five percent of the voting membership of the West Virginia commission for national and community service may be individuals who are employed by the state or its agencies, except that the membership may include additional employees of the state or its agencies in a nonvoting, ex officio capacity.

(e) No member of the West Virginia ~~commission~~Commission for ~~national~~National and ~~community service~~Community Service may vote on an issue affecting organizations for which

the member has served as a staff person or as a volunteer at any time during the twelve-month period before the member's appointment to the commission.

(f) No more than fifty percent plus one of the members of the West Virginia ~~commission~~ Commission for ~~national~~ National and ~~community service~~ Community Service may be members of the same political party.

(g) To the extent possible, the membership of the West Virginia commission for national and community service shall reflect the diversity of the state's population.

(h) Members of the West Virginia ~~commission~~ Commission for ~~national~~ National and ~~community service~~ Community Service who were appointed under the executive order of the Governor entered on January 28, 1994, shall continue as members of the commission for a term of three years, except that the Governor shall designate eight members who shall serve for a term of two years and shall also designate an additional eight members who shall serve for a term of one year. Additional appointments by the Governor under the provisions of this section and appointments by the Governor upon the expiration of a member's term shall be made for a term of three years. Appointments of members by the Governor to serve for an unexpired term shall be for the remainder of the unexpired term. Members may be reappointed.

(i) The voting members of the West Virginia ~~commission~~ Commission for ~~national~~ National and ~~community service~~ Community Service shall annually elect a voting member to serve as the chair of the commission.

(j) The members of the West Virginia ~~commission~~ Commission for ~~national~~ National and ~~community service~~ Community Service shall meet at the call of the chair, who shall be obligated to call a meeting at the request of a simple majority of the members or as necessary to ensure that the members have met at least twice in each calendar year of the commission's operation.

(k) The members of the West Virginia ~~commission~~ Commission for ~~national~~ National and ~~community service~~ Community Service shall serve without compensation, except that the members of the commission who are not state employees shall be reimbursed for their actual and necessary expenses incurred in discharging their duties and responsibilities as members of the commission.

## **CHAPTER 5B. ECONOMIC DEVELOPMENT ACT OF 1985.**

### **ARTICLE 2C. WEST VIRGINIA ACADEMY OF SCIENCE AND TECHNOLOGY.**

#### **§5B-2C-6. Periodic reports.**

(a) The academy will prepare and produce an annual report on the state of science and technology in West Virginia and submit it to the Governor, the Speaker of the House of Delegates, the President of the Senate and the joint commission on economic development or before July 1, of each year. The report shall address all aspects of research, development and commercialization that the academy council deems material, including, but not limited to:

(1) Strengths, weaknesses, opportunities and threats to West Virginia's research, development and commercialization environment and establishments;

(2) Options for actions by the Legislature and the Governor to maximize the ability of the state to attract investment, grants and infrastructure development to support growth of science and technology research, development and commercialization in the state;

(3) The status of, and options to improve, scientific and technological entrepreneurship in West Virginia; and

(4) The status of, and options to improve, the collaboration of institutions of higher education in obtaining competitive research awards and grants.

(b) In preparing its annual report, the council may utilize the technical support available to it through the West Virginia Development Office, the West Virginia ~~department for education and arts, the West Virginia experimental program~~ Experimental Program to ~~stimulate competitive research (EPSCoR)~~ Stimulate Competitive Research (EPSCOR), the West Virginia higher education system, federal and state agencies and other entities that have an interest in fostering science and technology research, development and commercialization in this state.

(c) Each month, an academy representative shall meet with legislative and executive leaders to provide updates and information concerning opportunities, issues and progress of science, technology and commercialization in the state.

## **CHAPTER 5F. REORGANIZATION OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.**

### **ARTICLE 1. REORGANIZATION OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.**

#### **§5F-1-2. Executive departments created; offices of secretary created.**

(a) There are created, within the executive branch of the state government, the following departments:

(1) Department of Administration;

(2) ~~Department of Education and the Arts;~~

~~(3)~~ Department of Environmental Protection;

~~(4)~~<sup>(3)</sup> Department of Health and Human Resources;

~~(5)~~<sup>(4)</sup> Department of Military Affairs and Public Safety;

~~(6)~~<sup>(5)</sup> Department of Revenue;

~~(7)~~<sup>(6)</sup> Department of Transportation;

~~(8)~~<sup>(7)</sup> Department of Commerce; and

~~(9)~~<sup>(8)</sup> ~~Effective July 1, 2011, Department of~~ Veterans' Assistance.

(b) Each department will be headed by a secretary appointed by the Governor with the advice and consent of the Senate. Each secretary serves at the will and pleasure of the Governor.



**§5F-1-6. House Bill 4006 amendments 10-**

Except for instance where specifically provided otherwise, all amendments to this Code made by the passage of House Bill 4006 during the 2018 regular session of the Legislature shall become effective July 1, 2018.

**ARTICLE 2. TRANSFER OR AGENCIES AND BOARDS.**

**§5F-2-1. Transfer and incorporation of agencies and boards; funds.**

(a) The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Administration:

- (1) ~~Building Commission provided in article six, chapter five of this code;~~
- (2) ~~Public Employees Insurance Agency provided in article sixteen, chapter five of this code~~§5-16-1 et seq. of this code;
- (3)~~(2)~~ ~~Governor's Mansion Advisory Committee provided in article five, chapter five-a~~§5A-5-1 et seq. of this code;
- (4)~~(3)~~ ~~Commission on Uniform State Laws provided in article one-a, chapter twenty-nine~~§29-1A-1 et seq. of this code;
- (5)~~(4)~~ ~~West Virginia Public Employees Grievance Board provided in article three, chapter six~~§6C-3-1 et seq. of this code;
- (6)~~(5)~~ ~~Board of Risk and Insurance Management provided in article twelve, chapter twenty-nine~~§29-12-1 et seq. of this code;
- (7)~~(6)~~ ~~Boundary Commission provided in article twenty-three, chapter twenty-nine~~§29-23-1 et seq. of this code;
- (8)~~(7)~~ ~~Public Defender Services provided in article twenty-one, chapter twenty-nine~~§29-21-1 et seq. of this code;
- (9)~~(8)~~ ~~Division of Personnel provided in article six, chapter twenty-nine~~§29-6-1 et seq. of this code;
- (10)~~(9)~~ ~~The West Virginia Ethics Commission provided in article two, chapter six~~§6B-2-1 et seq. of this code;
- (11)~~(10)~~ ~~Consolidated Public Retirement Board provided in article ten-d, chapter five~~§5-10D-1 et seq. of this code; and
- (12)~~(11)~~ ~~Real Estate Division provided in article ten, chapter five-a~~§5A-10-1 et seq. of this code.

(b) The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Commerce:

(1) Division of Labor provided in ~~article one, chapter twenty one~~§21-1-1 et seq. of this code, which includes:

(A) Occupational Safety and Health Review Commission provided in ~~article three a, chapter twenty one~~§21-3A-1 et seq. of this code; and

(B) Board of Manufactured Housing Construction and Safety provided in ~~article nine, chapter twenty one~~§21-9-1 et seq. of this code.

(2) Office of Miners' Health, Safety and Training provided in ~~article one, chapter twenty two a~~§22A-1-1 et seq. of this code. The following boards are transferred to the Office of Miners' Health, Safety and Training for purposes of administrative support and liaison with the Office of the Governor:

(A) Board of Coal Mine Health and Safety and Coal Mine Safety and Technical Review Committee provided in ~~article six, chapter twenty two a~~§22A-6-1 et seq. of this code;

(B) Board of Miner Training, Education and Certification provided in ~~article seven, chapter twenty two a~~§22A-7-1 et seq. of this code; and

(C) Mine Inspectors' Examining Board provided in ~~article nine, chapter twenty two a~~§22A-9-1 et seq. of this code.

(3) The West Virginia Development Office provided in ~~article two, chapter five b~~§5B-2-1 et seq. of this code;

(4) Division of Natural Resources and Natural Resources Commission provided in ~~article one, chapter twenty~~§20-1-1 et seq. of this code;

(5) Division of Forestry provided in ~~article one a, chapter nineteen~~§19-1A-1 et seq. of this code;

(6) Geological and Economic Survey provided in ~~article two, chapter twenty nine~~§29-2-1 et seq. of this code; and

(7) Workforce West Virginia provided in chapter ~~twenty one a~~21A of this code, which includes:

(A) Division of Unemployment Compensation;

(B) Division of Employment Service;

(C) Division of Workforce Development; and

(D) Division of Research, Information and Analysis.

(8) ~~Division Office~~ of Energy, within the Development Office provided in ~~article two f, chapter five b~~§5B-2F-1 et seq. of this code;

(9) ~~Division of West Virginia Tourism Office and~~ Tourism Commission provided in ~~article two h, chapter five b~~§5B-2I-1 et seq. of this code;

(10) Division of Culture and History provided in §29-1-1 et seq. of this code; and

(11) Division of Rehabilitation Services provided in §18-10A-1 et seq. of this code.

(c) The Economic Development Authority provided in ~~article fifteen, chapter thirty-one §31-15-1 et seq.~~ of this code is continued as an independent agency within the executive branch.

(d) The Water Development Authority and the Water Development Authority Board provided in ~~article one, chapter twenty-two~~ §22C-1-1 et seq. of this code is continued as an independent agency within the executive branch.

(e) The West Virginia Education Broadcasting Authority provided in §10-5-1 et seq. of this code and the State Library Commission provided in §10-1-1 et seq. of this code are each continued as separate independent agencies within the executive branch.

(f) The following agencies and boards, including all of the allied, advisory and affiliated entities, are transferred to the Department of Environmental Protection for purposes of administrative support and liaison with the ~~office~~ Office of the Governor:

(1) Air Quality Board provided in ~~article two, chapter twenty-two~~ §22B-2-1 et seq. of this code;

(2) Solid Waste Management Board provided in ~~article three, chapter twenty-two~~ §22C-3-1 et seq. of this code;

(3) Environmental Quality Board, or its successor board, provided in ~~article three, chapter twenty-two~~ §22B-4-1 et seq. of this code;

(4) Surface Mine Board provided in ~~article four, chapter twenty-two~~ §22B-4-1 et seq. of this code;

(5) Oil and Gas Inspectors' Examining Board provided in ~~article seven, chapter twenty-two~~ §22C-7-1 et seq. of this code;

(6) Shallow Gas Well Review Board provided in ~~article eight, chapter twenty-two~~ §22C-8-1 et seq. of this code; and

(7) Oil and Gas Conservation Commission provided in ~~article nine, chapter twenty-two~~ §22C-9-1 et seq. of this code.

~~(f) The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Education and the Arts:~~

~~(1) Library Commission provided in article one, chapter ten of this code;~~

~~(2) Division of Culture and History provided in article one, chapter twenty-nine of this code; and~~

~~(3) Division of Rehabilitation Services provided in article ten-a, chapter eighteen of this code.~~

~~(g) The Educational Broadcasting Authority provided in article five, chapter ten of this~~

~~code is part of the Department of Education and the Arts for the purposes of administrative support and liaison with the office of the Governor.~~

~~(h)~~<sup>(g)</sup> The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Health and Human Resources:

(1) Human Rights Commission provided in ~~article eleven, chapter five~~<sup>§5-11-1 et seq.</sup> of this code;

~~(2) Division of Human Services provided in article two, chapter nine of this code;~~

~~(3)~~ Bureau for Public Health provided in ~~article one, chapter sixteen~~<sup>§16-1-1 et seq.</sup> of this code;

~~(4)~~<sup>(3)</sup> Office of Emergency Medical Services and the Emergency Medical Service Advisory Council provided in ~~article four-c, chapter sixteen~~<sup>§16-4C-1 et seq.</sup> of this code;

~~(5)~~<sup>(4)</sup> Health Care Authority provided in ~~article twenty-nine-b, chapter sixteen~~<sup>§16-29B et seq.</sup> of this code;

~~(6)~~<sup>(5)</sup> State Commission on ~~Mental Retardation Intellectual Disability~~ provided in ~~article fifteen, chapter twenty-nine~~<sup>§29-15-1 et seq.</sup> of this code;

~~(7)~~<sup>(6)</sup> Women's Commission provided in ~~article twenty, chapter twenty-nine~~<sup>§29-20-1 et seq.</sup> of this code; and

~~(8)~~<sup>(7)</sup> ~~The Bureau for~~ Child Support Enforcement ~~Division~~ provided in chapter ~~forty-eight~~<sup>48</sup> of this code.

(h) The following agencies and boards, including all of the allied, advisory, affiliated, or related entities and funds associated with any agency or board, are incorporated in an administered as a part of the Department of Military Affairs and Public Safety:

(1) Adjutant General's Department provided in §15-1A-1 et seq. of this code;

(2) State Armory Board provided in §15-6-1 et seq. of this code;

(3) Military Awards Board provided in §15-1G-1 et seq. of this code;

(4) West Virginia State Police provided in §15-2-1 et seq. of this code;

(5) Division of Homeland Security and Emergency Management and Disaster Recovery Board provided in §15-5-1 et seq. of this code and Emergency Response Commission provided in §15-5A-1 et seq. of this code;

(6) Sheriffs' Bureau provided in §15-8-1 et seq. of this code;

(7) Division of Justice and Community Services provided in §15-9A-1 et seq. of this code;

(8) Division of Corrections provided in chapter 25 of this code;

(9) Fire Commission provided in §29-3-1 et seq. of this code;

(10) Regional Jail and Correctional Facility Authority provided in §31-20-1 et seq. of this code; and

(11) Board of Probation and Parole provided in §62-12-1 et seq. of this code.

(i) The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of ~~Military Affairs and Public Safety~~ Revenue:

~~(1) Adjutant General's Department~~ Tax Division provided in ~~article one a, chapter fifteen §11~~ of this code;

~~(2) Armory Board provided in article six, chapter fifteen of this code;~~ Racing

~~(3) Military Awards Board provided in article one g, chapter fifteen of this code;~~

~~(4) West Virginia State Police provided in article two, chapter fifteen of this code;~~

~~(5) Division of Homeland Security and Emergency Management and Disaster Recovery Board provided in article five, chapter fifteen of this code and Emergency Response Commission provided in article five a of said chapter~~ §19-23-1 et seq. of this code;

~~(6) Sheriffs' Bureau provided in article eight, chapter fifteen of this code;~~ (3) Lottery Commission and position of Lottery Director in

~~(7)(4) Division of Justice and Community Services~~ Insurance Commissioner provided in ~~article nine a, chapter fifteen §33-2-1 et seq.~~ of this code;

(5) West Virginia Alcohol Beverage Control Commissioner provided in §11-16-1 et seq. of this code and §60-2-1 et seq. of this code;

(6) Board of Banking and Financial Institutions provided in §31A-3-1 et seq. of this code

(7) Lending and Credit Rate Board provided in Chapter 47A of this code;

~~(8) Division of~~ Corrections Financial Institutions provided in ~~chapter twenty five §31A-2-1 et seq.~~ of this code;

(9) The State Budget Office provided in §31A-2-1 et seq. of this code

~~(9)(10) Fire~~ The Municipal Bond Commission provided in ~~article three, chapter twenty nine §13-3-1 et seq.~~ of this code;

~~(10) Regional Jail and Correctional Facility Authority provided in article twenty, chapter thirty one of this code; and~~

~~(11) Board~~ The Office of ~~Probation and Parole~~ Tax Appeals provided in §11-10A-1 of this code; and

(12) The State Athletic Commission provided in ~~article twelve, chapter sixty two §29-5A-1 et seq.~~ of this code.

~~(j) The following agencies and boards, including all of the allied, advisory, affiliated or~~

~~related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Revenue:~~

- ~~(1) Tax Division provided in chapter eleven of this code;~~
- ~~(2) Racing Commission provided in article twenty three, chapter nineteen of this code;~~
- ~~(3) Lottery Commission and position of Lottery Director provided in article twenty-two, chapter twenty nine of this code;~~
- ~~(4) Insurance Commissioner provided in article two, chapter thirty-three of this code;~~
- ~~(5) West Virginia Alcohol Beverage Control Commissioner provided in article sixteen, chapter eleven of this code and article two, chapter sixty of this code;~~
- ~~(6) Board of Banking and Financial Institutions provided in article three, chapter thirty-one a of this code;~~
- ~~(7) Lending and Credit Rate Board provided in chapter forty seven a of this code;~~
- ~~(8) Division of Banking provided in article two, chapter thirty one a of this code;~~
- ~~(9) The State Budget Office provided in article two of this chapter;~~
- ~~(10) The Municipal Bond Commission provided in article three, chapter thirteen of this code;~~
- ~~(11) The Office of Tax Appeals provided in article ten a, chapter eleven of this code; and~~
- ~~(12) The State Athletic Commission provided in article five a, chapter twenty nine of this code.~~

~~(k)(j)~~ The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Transportation:

- ~~(1) Division of Highways provided in article two a, chapter seventeen §17-2A-1 et seq. of this code;~~
- ~~(2) Parkways, Economic Development and Tourism Authority provided in article sixteen a, chapter seventeen §17-16A-1 et seq. of this code;~~
- ~~(3) Division of Motor Vehicles provided in article two, chapter seventeen a §17A-2-1 et seq. of this code;~~
- ~~(4) Driver's Licensing Advisory Board provided in article two, chapter seventeen b §17B-2-1 et seq. of this code;~~
- ~~(5) Aeronautics Commission provided in article two a, chapter twenty nine §29-2A-1 et seq. of this code;~~
- ~~(6) State Rail Authority provided in article eighteen, chapter twenty nine §29-18-1 et seq. of this code; and~~

(7) Public Port Authority provided in ~~article sixteen b, chapter seventeen~~ §17-16B-1 et seq. of this code.

~~(k)~~(k) Effective July 1, 2011, the Veterans' Council provided in ~~article one, chapter nine a~~ §9A-1-1 et seq. of this code, including all of the allied, advisory, affiliated or related entities and funds associated with it, is incorporated in and administered as a part of the Department of Veterans' Assistance.

(l) Except for powers, authority and duties that have been delegated to the secretaries of the departments of the provisions of §5F-2-2 of this code, the position of administrator and the powers, authority, and duties of each administrator and agency are not affected by the enactment of this chapter.

~~(m) Except for powers, authority and duties that have been delegated to the secretaries of the departments by the provisions of section two §5F-2-2 of this article, the position of administrator and the powers, authority and duties of each administrator and agency are not affected by the enactment of this chapter.~~

~~(n) Except for powers, authority and duties that have been delegated to the secretaries of the departments by the provisions of section two of this article~~ code, the existence, powers, authority and duties of boards and the membership, terms and qualifications of members of the boards are not affected by the enactment of this chapter. All boards that are appellate bodies or are independent decision makers shall not have their appellate or independent decision-making status affected by the enactment of this chapter.

~~(n)~~(n) Any department previously transferred to and incorporated in a department by prior enactment of this section means a division of the appropriate department. Wherever reference is made to any department transferred to and incorporated in a department created in ~~section two, article one of this chapter~~ §5F-1-2 of this code, the reference means a division of the appropriate department and any reference to a division of a department so transferred and incorporated means a section of the appropriate division of the department.

~~(o)~~(o) When an agency, board or commission is transferred under a bureau or agency other than a department headed by a secretary pursuant to this section, that transfer is solely for purposes of administrative support and liaison with the Office of the Governor, a department secretary or a bureau. Nothing in this section extends the powers of department secretaries under ~~section two of this article~~ §5F-2-2 of this code to any person other than a department secretary and nothing limits or abridges the statutory powers and duties of statutory commissioners or officers pursuant to this code.

## **CHAPTER 6. GENERAL PROVISIONS RESPECTING OFFICERS.**

### **ARTICLE 7. COMPENSATION AND ALLOWANCES.**

#### **§6-7-2a. Terms of certain appointive state officers; appointment; qualifications; powers and salaries of officers.**

(a) Each of the following appointive state officers named in this subsection shall be appointed by the Governor, by and with the advice and consent of the Senate. Each of the appointive state officers serves at the will and pleasure of the Governor for the term for which

the Governor was elected and until the respective state officers' successors have been appointed and qualified. Each of the appointive state officers are subject to the existing qualifications for holding each respective office and each has and is hereby granted all of the powers and authority and shall perform all of the functions and services heretofore vested in and performed by virtue of existing law respecting each office.

The annual salary of each named appointive state officer is as follows:

Commissioner, Division of Highways, \$92,500; Commissioner, Division of Corrections, \$80,000; Director, Division of Natural Resources, \$75,000; Superintendent, State Police, \$85,000; Commissioner, Division of ~~Banking~~Financial Institutions, \$75,000; Commissioner, Division of Culture and History, \$65,000; Commissioner, Alcohol Beverage Control Commission, \$75,000; Commissioner, Division of Motor Vehicles, \$75,000; Director, Human Rights Commission, \$55,000; Commissioner, Division of Labor, \$70,000; ~~prior to July 1, 2011, Director, Division of Veterans Affairs, \$65,000;~~ Chairperson, Board of Parole, \$55,000; members, Board of Parole, \$50,000; members, Employment Security Review Board, \$17,000; and Commissioner, Workforce West Virginia, \$75,000. Secretaries of the departments shall be paid an annual salary as follows: Health and Human Resources, \$95,000: *Provided*, That effective July 1, 2013, the Secretary of the Department of Health and Human Resources shall be paid an annual salary not to exceed \$175,000; Transportation, \$95,000: *Provided, however*, That if the same person is serving as both the Secretary of Transportation and the Commissioner of Highways, he or she shall be paid \$4,000; Revenue, \$95,000; Military Affairs and Public Safety, \$95,000; Administration, \$95,000; ~~Education and the Arts, \$95,000;~~ Commerce, \$95,000; Veterans' Assistance, \$95,000; and Environmental Protection, \$95,000: *Provided further*, That any officer specified in this subsection whose salary is increased by more than \$5,000 as a result of the amendment and reenactment of this section during the 2011 regular session of the Legislature shall be paid the salary increase in increments of \$5,000 per fiscal year beginning July 1, 2011, up to the maximum salary provided in this subsection.

(b) Each of the state officers named in this subsection shall continue to be appointed in the manner prescribed in this code and shall be paid an annual salary as follows:

Director, Board of Risk and Insurance Management, \$80,000; Director, Division of Rehabilitation Services, \$70,000; Director, Division of Personnel, \$70,000; Executive Director, Educational Broadcasting Authority, \$75,000; Secretary, Library Commission, \$72,000; Director, Geological and Economic Survey, \$75,000; Executive Director, Prosecuting Attorneys Institute, \$80,000; Executive Director, Public Defender Services, \$70,000; Commissioner, Bureau of Senior Services, \$75,000; Executive Director, Women's Commission, \$45,000; Director, Hospital Finance Authority, \$35,000; member, Racing Commission, \$12,000; Chairman, Public Service Commission, \$85,000; members, Public Service Commission, \$85,000; Director, Division of Forestry, \$75,000; Director, Division of Juvenile Services, \$80,000; Executive Director, Regional Jail and Correctional Facility Authority, \$80,000 and Executive Director of the Health Care Authority, \$80,000.

(c) Each of the following appointive state officers named in this subsection shall be appointed by the Governor, by and with the advice and consent of the Senate. Each of the appointive state officers serves at the will and pleasure of the Governor for the term for which the Governor was elected and until the respective state officers' successors have been appointed and qualified. Each of the appointive state officers are subject to the existing qualifications for holding each respective office and each has and is hereby granted all of the



powers and authority and shall perform all of the functions and services heretofore vested in and performed by virtue of existing law respecting each office.

The annual salary of each named appointive state officer shall be as follows:

Commissioner, State Tax Division, \$92,500; Insurance Commissioner, \$92,500; Director, Lottery Commission, \$92,500; Director, Division of Homeland Security and Emergency Management, \$65,000; and Adjutant General, \$125,000.

(d) No increase in the salary of any appointive state officer pursuant to this section may be paid until and unless the appointive state officer has first filed with the State Auditor and the Legislative Auditor a sworn statement, on a form to be prescribed by the Attorney General, certifying that his or her spending unit is in compliance with any general law providing for a salary increase for his or her employees. The Attorney General shall prepare and distribute the form to the affected spending units.

**CHAPTER 10. PUBLIC LIBRARIES; PUBLIC RECREATION; ATHLETIC ESTABLISHMENTS;  
MONUMENTS AND MEMORIALS; ROSTER OF SERVICEMEN; EDUCATIONAL BROADCASTING  
AUTHORITY.**

**ARTICLE 5. EDUCATIONAL BROADCASTING AUTHORITY.**

~~§10-5-2a. West Virginia distance learning coordinating council; creation; duties.~~

~~(a) The Legislature finds that the educational benefits of making a broader range of courses available to West Virginia students, and the economic benefits from continuing education and staff development for businesses, industry and the professions, are immeasurable and that distance learning technology offers an efficient means of delivering such education and personnel development courses. The Legislature further finds that distance learning technology requires a substantial financial investment and the acquisition and utilization of such technology should, therefore, be coordinated among the various affected agencies.~~

~~(b) To facilitate such coordination, there is hereby created a West Virginia distance learning coordinating council which shall be composed of one representative of each of the following: SatNet, EdNet, the educational broadcasting authority, the West Virginia Library Commission, the state Department of Education, the higher education central office, the Department of Administration's division of information systems and communications and the office of the secretary of education and the arts. The chair elected by the council shall serve a term of one year, at which time the council shall elect a new chair. A member of the council may not serve for more than two consecutive terms as chair, except by unanimous vote of the council.~~

~~The council shall meet at least quarterly and shall develop long range plans to integrate the instructional telecommunications system, to coordinate distance learning in West Virginia and to clarify the roles of the agencies involved in the state's distance learning enterprise. The council shall submit an annual report to the Governor and the Legislature, which includes its recommendations for achieving the best use of limited resources in the development and operation of a distance learning technology system.~~

~~(c) A goal of the council is the creation of a statewide technology system linking universities and colleges, schools, libraries and, eventually, homes with software, databases and video learning capabilities. In pursuit of this goal, the council shall determine the most effective and efficient ways to integrate the capabilities of the state for producing, delivering and receiving electronic instruction and establish a comprehensive long-range plan to further the cooperation and coordination of the various educational and other agencies of the state, and the county boards of education, in establishing distance learning technology.~~

~~(d) There is hereby created in the state Treasury a special fund designated the "Distance Learning Fund" which shall be under the jurisdiction of the secretary of education and the arts for use solely for the purposes of the distance learning grant program as provided in this section.~~

~~Appropriate guidelines for participation by school districts, state institutions of higher education, public libraries and public broadcasting stations, in the grant program, shall be established by the distance learning coordinating council subject to approval by the Legislative Oversight commission on education accountability. Such guidelines shall include application procedures and shall establish policies for awarding grants in the event that more grant applications are received than there are funds available to honor the applications in any fiscal year. In allocating funds to applicants, the council may give due consideration to revenues available from all other sources. The state Board of Education shall approve courses offered through this program at the elementary and secondary education level. The higher education governing boards shall approve courses taught at the post-secondary level.~~

~~(e) In any fiscal year moneys in the fund shall be used first to ensure that any and all school districts, state institutions of higher education, public libraries and public television stations seeking aid under this program shall receive telecommunications equipment necessary to participate in the satellite learning process; second, to provide the school districts and state institutions of higher education with access to subjects at the advanced level or the remedial level or which are not taught in the schools of the district or the service area or campus; and third, to provide enrichment classes, continuing education and professional development. However, the council may set aside a portion of the funds to be used to contract with state institutions of higher education, state institutions of public education and public broadcasting stations to develop instructional programs for grades kindergarten through twelve. Funds may also be used for undergraduate and graduate course work suitable for broadcast to the school districts, state institutions of higher education, as appropriate, for continuing education and professional development for business and industry seminars and to develop the capability to transmit programs cited in this section.~~

~~(f) Participation by a local school district, a state institution of higher education, a public library or a public broadcasting station in the program established by this section shall be voluntary. No school district, state institution of higher education, public library or public broadcasting station receiving funds under this program shall use those funds for any purpose other than that for which they were intended. Any school district, state institution of higher education, public library or public broadcasting station shall be eligible to receive funds under this program regardless of its curriculum, local wealth or previous contractual arrangements to receive satellite broadcast instruction.~~

~~(g) The secretary of education and the arts on behalf of the State of West Virginia may contract with institutions of higher education and the state Board of Education for the~~

~~development or operation, or both, of state employee training programs transmitted by telecommunications technology.~~

~~Instructional programs developed under this section which are transmitted one way through the airwaves or by cable shall be available to all residents of this state without charge or fee to the extent permitted by the West Virginia Constitution. "Without charge or fee" shall not require the providing of equipment to transmit or receive telecommunications instruction or the providing of commercial cable service. If the instructional program involves two-way, interactive communication between the instructor and the participant, the district or institution operating the program may prescribe academic prerequisites and limit the number of persons who may enroll in the specific program and give preference to residents of the district or institutional attendance area who are age twenty-one or younger but shall not discriminate against any resident on any other basis. A fee may be charged which will be paid directly by the individual participant for the specific program, but the fee shall be equal for all such participants. If a subscription fee is charged by the originator of the program, the district or institution may pay the subscription fee for all participants from a grant under this section or from any other public or private fund legally authorized to be used for this purpose. Printed materials designed to facilitate or complement telecommunications programs or electronic reproduction thereof may be made available for loan by the school district, institution of higher education through the public library system or the curriculum technology resource center, subject to the normal rules and regulations of the lending system and in such quantities as may be approved by the governing body of the district or institution.~~

## **CHAPTER 18. EDUCATION.**

### **ARTICLE 21. STATE LEVEL LEADERSHIP FOR PROFESSIONAL DEVELOPMENT SYSTEM.**

#### **§18-21-1. ~~Legislative purpose~~Professional development coordination and delivery; system goals.**

The purpose of this article is to establish clear state-level leadership for professional development for all West Virginia public school educators and administrators. As the state institution charged with the general supervision of the state school system, the state board shall institute a system for the coordination and delivery of high-quality professional development. The system shall clearly define the goals for professional development and delineate roles and responsibilities ~~among of~~ the various state, school districts and regional individual school levels for the delivery of high-quality professional development providers. The state board shall include among the goals of the system of professional development the following:

(1) The instructional leadership skills of principals are developed to ensure that each school is led by a principal who is knowledgeable of continuous improvement processes and capable of leading effective improvement efforts. The principal also must understand the value of fair and accurate personnel performance evaluations as an effective, continuous improvement effort to drive professional learning at the school level;

(2) Professional development is among the array of supports and processes necessary under a performance-based accreditation system to build the capacity of schools to impact student performance and well-being by increasing staff individual and collective skills,

competencies, and abilities. It should be based on a thorough analysis of accountability data and strategic planning of continuous improvement that addresses those areas that must be a priority for individual school support, including an analysis of personnel evaluation data in order to target individualized professional learning at the school level;

(3) The school is the unit of change. Local and state resources, policies, and procedures must focus on assisting the improvement of each West Virginia school and on differentiating supports according to need and level of performance, including the implementation of school-based professional development programs that address the unique needs of staff and students; and

(4) Professional development should be delivered using techniques, school schedules or time in a manner that does not diminish student learning by the absence of their classroom teacher.

### **§18-21-2. Legislative findings.**

The Legislature finds:

(1) That high-quality professional development is critical in supporting improved practice, assuring teacher quality and raising student achievement;

(2) That professional development is vital in the state's overall school improvement efforts;

(3) That the state board ~~should~~ shall assure the efficient delivery of high-quality professional development programs and ~~assure~~ that the duplication of efforts be minimized; ~~and that~~

(4) That the state board shall assure all stakeholders are appropriately involved in the planning and implementing of programs to meet requisite needs and that high-quality professional development programs be provided to public school educators of West Virginia in the most efficient and cost effective manner; ~~and~~

~~(4) It should be the goal that professional development occur outside of scheduled instructional time so student learning is not interrupted by the absence of their classroom teacher.~~

(5) That continuous improvement is the on-going process of planning, determining, implementing, and refining efforts to improve student performance and well-being. It is the collective staff process of analyzing student performance data, studying current school and classroom practices, determining root causes, researching solutions, and implementing processes outlined in the school's strategic plan; and

(6) That the capacity for excellence resides in every school. Schools are responsible for creating school-wide and classroom conditions that produce student success. Every school needs quality leadership and the flexibility and support to make the decisions that will lead to the achievement of all students.

### **§18-21-3. Annual professional development master plan established by state board.**

~~(a) The state board annually shall establish a master plan for professional development~~

in the public schools of the state. As a first priority, the state board shall require adequate and appropriate professional development to ensure high quality teaching that will support improved student achievement, enable students to meet the content standards established for the required curriculum in the public schools and to be prepared for college and careers.

(b) ~~The state board annually shall submit the master plan to the State Department of Education, the Center for Professional Development, the regional educational service agencies, the Higher Education Policy Commission and the Legislative Oversight Commission on Education Accountability.~~

(c) ~~The state board shall annually establish goals for professional development and include the goals in the master plan. In establishing the goals, the state board shall review reports that may indicate a need for professional staff development including, but not limited to, the report of the Center for Professional Development created in article three-a, chapter eighteen-a of this code, student test scores on the statewide student assessment program, the measures of student and school performance for accreditation purposes, school and school district report cards and the state board's plans for the use of funds in the Strategic Staff Development Fund pursuant to section five of this article.~~

(d) Pursuant to section thirty nine, article two of this chapter the state board shall include in its Master Plan for Professional Staff Development:

(1) Professional development for teachers teaching the transitional courses on how to teach the adopted college and career readiness standards for English/language arts and math; and

(2) Appropriate professional development for other teachers in at least grades eight through twelve on how to teach the adopted college and career readiness standards in English/language arts and math directly, as embedded in other subject areas or both, as appropriate.

#### **§18-21-4. Coordination, development and evaluation of professional development programs.**

(a) On or before ~~June~~ November 1, 2013~~2018~~, the state board shall promulgate ~~an emergency a~~ rule in accordance with ~~article three b, chapter twenty nine~~ §29A-3B-1 et seq. of this code to ensure the coordination, development and evaluation of high-quality professional development programs. ~~On or before November 1, 2013, the state board shall promulgate a legislative rule for the same purpose.~~ The rules shall include, but ~~are is~~ not limited to, the following:

(1) Standards for quality professional development that all professional development providers shall use in designing, implementing and evaluating professional development that shall become part of the statewide system for the coordinated delivery of high-quality professional development plan established by the state board;

(2) Processes for aggregating information, in part from school and school district strategic plans, to determine areas of common need for professional development, as well as those more varied, to assist in the design of the most effective and efficient method and level of delivery;

(3) Processes for assuring professional development resources are appropriately

allocated to identified areas of need;

~~(3) Processes for approval by state board of all professional development plans/offerings;~~

(4) Processes for evaluating the effectiveness, efficiency, and impact of the professional development;

(5) Processes for ensuring all stakeholders, including affected **principals and** classroom teachers, have a voice in the identification of needed professional development and various delivery models;

(6) Processes for collaboration among West Virginia Department of Education, ~~Center for Professional Development, RESAs,~~ county boards **principals,** and classroom teachers; and

(7) Processes for ensuring that the expertise and experience of state institutions of higher education with teacher preparation programs are included in developing and implementing professional development programs.

(b) The Center for Professional Development, formerly provided for under §18A-3A-1 et seq. of this code before the effective date of the amendment and reenactment of this section during the 2018 regular session of the Legislature, is hereby transferred to be under the authority and control of the state board. To assist in the delivery of high quality professional development for teachers, principals, and other school employees, the state board shall incorporate within the Department of Education the Center for Professional Development whose general mission shall be under the direction of the state board to advance the quality of teaching and learning in the schools of West Virginia through programs, technical assistance and support to schools and school systems to meet the legislative findings and goals of this article. The center shall perform other duties that may be assigned to it by the state board. In addition, the center shall provide statewide coordination for the continued growth and development of advanced placement programs in West Virginia high schools, including, but not limited to, serving as a liaison for The College Board, Inc., and providing for the training of advanced placement teachers.~~The state board approval of the proposed professional development plans/offerings shall establish a Master Plan for Professional Development which shall be submitted by the state board to the affected agencies and to the Legislative Oversight Commission on Education Accountability. The Master Plan shall include the state board approved plans for professional development by the State Department of Education, the Center for Professional Development, the state institutions of higher education and the regional educational service agencies to meet the professional development goals of the state board.~~

~~(c) The state board shall submit a report on or before December 1 of each year on the effectiveness, efficiency and impact of the statewide professional development plan to the Legislative Oversight Commission on Education Accountability.~~

## CHAPTER 18. EDUCATION.

### ARTICLE 10A. REHABILITATION SERVICES.

#### §18-10A-1. Definitions.

As used in this article and ~~article ten-b~~ [§18-10B-1 et seq. of this code](#):

(1) "State board" means the secretary of the Department of ~~Education and the arts~~ [Commerce](#), or where required by federal law, the board, commission or council designated by the ~~secretary~~ [Secretary](#) of the Department of ~~Education and the arts~~ [Commerce](#) to oversee certain functions of the Division of Rehabilitation Services. All references in this code to the state board of vocational education, except where the context clearly indicates the provision of vocational education to other than disabled individuals, ~~shall mean~~ [means](#) the state board defined by this subsection.

(2) "Division" means the division of vocational rehabilitation established by this article.

(3) "Director" means the director of the division of vocational rehabilitation.

(4) "Employment handicap" means a physical or mental condition which constitutes, contributes to, or if not corrected will probably result in, an obstruction to occupational performance.

(5) "Disabled individual" means any person who has a substantial employment handicap.

(6) "Vocational rehabilitation" and "vocational rehabilitation services" means any services, provided directly or through public or private instrumentalities, found by the director to be necessary to compensate a disabled individual for his [or her](#) employment handicap and to enable him [or her](#) to engage in a remunerative occupation including, but not limited to, medical and vocational diagnosis, vocational guidance, counseling and placement, rehabilitation training, attendant care services, physical restoration, transportation, occupational licenses, occupational tools and equipment, including motor vehicles, maintenance, and training books and materials.

(7) "Rehabilitation training" means all necessary training provided to a disabled individual to compensate for his [or her](#) employment handicap including, but not limited to, manual, preconditioning, prevocational, vocational, and supplementary training and training provided for the purpose of achieving broader or more remunerative skills and capacities.

(8) "Physical restoration" means any medical, surgical or therapeutic treatment necessary to correct or substantially reduce a disabled individual's employment handicap within a reasonable length of time including, but not limited to, medical, psychiatric, dental and surgical treatment, nursing services, hospital care not to exceed ninety days, convalescent home care, drugs, medical and surgical supplies, and prosthetic appliances, but excluding curative treatment for acute or transitory conditions.

(9) "Prosthetic appliance" means any artificial device necessary to support or take the place of a part of the body or to increase the acuity of a sense organ.

(10) "Occupational licenses" means any license, permit or other written authority required by any governmental unit to be obtained in order to engage in an occupation.

(11) "Maintenance" means money payments not exceeding the estimated cost of subsistence during vocational rehabilitation.

(12) "Regulations" means regulations made by the director with the approval of the secretary of the Department of ~~Education and the arts~~ Commerce or the state board.

(13) "Attendant care evaluation unit" means any agency certified by the division of vocational rehabilitation that employs a qualified evaluator to provide evaluations and attendant referrals such as the centers for independent living, the West Virginia ~~rehabilitation center~~ Rehabilitation Center and any other unit approved by the division.

(14) "Attendant care services" means services which include, but are not limited to:

(a) Routine bodily functions such as bowel and bladder care;

(b) Dressing;

(c) Ambulation;

(d) Meal preparation and consumption;

(e) Assistance in moving in and out of bed;

(f) Bathing and grooming;

(g) Housecleaning and laundry; and

(h) Any other similar activity of daily living.

(15) "Attendant" means a self-employed individual who is trained to perform attendant care services and who works as an independent contractor.

#### **§18-10A-2. Division of rehabilitation services.**

(a) The Division of Rehabilitation Services is transferred to the ~~department~~ Department of ~~education and the arts~~ Commerce created in ~~article one, chapter five-f~~ §5F-1-1 et seq. of this code. The secretary shall appoint any such board, commission or council over the division to the extent required by federal law to qualify for federal funds for providing rehabilitation services for disabled persons. The secretary and ~~such the~~ boards, commissions or councils as he or she is required by federal law to appoint are authorized and directed to cooperate with the federal government to the fullest extent in an effort to provide rehabilitation services for disabled persons.

(b) References in this article or ~~article ten-b~~ §18-10B-1 et seq. of this ~~chapter~~ code to the ~~State~~ state Board of Vocational Education, the ~~State~~ state Board of Rehabilitation or the state board as the governing board of vocational or other rehabilitation services or facilities ~~means mean~~ the Secretary of ~~Education and the Arts~~ Commerce. All references in the code to the Division of Vocational Rehabilitation ~~means mean~~ the Division of Rehabilitation Services and all references to the Director of the Division of Vocational Rehabilitation means the



Director of the Division of Rehabilitation Services.

**§18-10A-3. Director of division of vocational rehabilitation; powers and duties.**

The division shall be administered, under the general supervision and direction of the ~~secretary~~ Secretary of the Department of ~~Education and the arts~~ Commerce or, if required by federal law his or her designated state board, by a director appointed by said secretary, or if required by federal law his or her designated state board in accordance with established personnel standards and on the basis of his or her education, training, experience and demonstrated ability.

In carrying out his or her duties under this article, the director shall:

(1) Appoint such personnel as he or she ~~deems~~ considers necessary for the efficient performance of the functions of the division.

(2) Establish a merit system of personnel management, or in lieu thereof, avail himself or herself of the services of the state merit system upon payment of a fair share of the expenses of the operation of ~~such~~ the system.

(3) Make regulations governing the protection of records and confidential information; the manner and form of filing applications for vocational rehabilitation services, eligibility therefor, and investigation and determination thereof; procedures for fair hearings; and such other matters as may be necessary or desirable in accomplishing the purposes of this article.

(4) Have the authority to establish and operate a staff development program for the employees of the division and may, in furtherance of such a program, and utilizing any funds appropriated or made available, for such purpose, pay to ~~such~~ the employees compensation or expenses, or both, while ~~such~~ the employees are pursuing approved training courses or academic studies for the purpose of becoming better equipped for their employment in ~~such~~ the division; ~~such~~ the staff development program shall be conducted subject to appropriate rules as adopted by the director and approved by the state board: *Provided*, That ~~such~~ these rules shall include reasonable provisions for the return of any employee, receiving the benefits of such training, for a reasonable period of duty, or for reimbursement to the state for expenditures incurred on behalf of the training of such employee.

(5) Establish appropriate subordinate administrative units within the division.

(6) Prepare and submit to the ~~secretary~~ Secretary of the Department of ~~Education and the arts~~ Commerce or his or her designated state board annual reports of activities and expenditures and, prior to each regular session of the Legislature, estimates of sums required for carrying out the provisions of this article and estimates of the amounts to be made available for this purpose from all sources.

(7) Make requisition for disbursement, in accordance with regulations of the funds available for vocational rehabilitation purposes.

(8) Take such other action as may be ~~deemed~~ determined necessary or appropriate to carry out the purposes of this article.

**§18-10A-6a. West Virginia ~~rehabilitation services special account~~ Rehabilitation Services Special Account; expenditures.**

(a) There is hereby established in the State Treasury a separate account which shall be designated the "West Virginia ~~rehabilitation services special account~~ Rehabilitation Services Special Account". The director of rehabilitation services shall deposit promptly into the account all fees received for services provided by the West Virginia ~~rehabilitation center~~ Rehabilitation Center from whatever source, including the federal government, state government or from other third-party payers or personal payments.

(b) A five-year West Virginia rehabilitation services long-range plan shall be developed by the director and shall be adopted by the ~~secretary~~ Secretary of ~~education and the arts~~ Commerce. The West Virginia rehabilitation services' long-range plan shall be updated and revised at least every two years.

(c) The director ~~is authorized to~~ may expend the moneys deposited in the West Virginia ~~rehabilitation services special account~~ Rehabilitation Services Special Account in accordance with federal laws and regulations and with the laws of this state ~~as is~~ necessary for the development of the five-year long-range plan and subsequent revisions.

(d) The director ~~is authorized to~~ may expend the moneys deposited in the West Virginia ~~rehabilitation services special account~~ Rehabilitation Services Special Account as provided in the long-range plan at such times and in such amounts as the director determines to be necessary for the purpose of maintaining or improving the delivery of rehabilitation services: *Provided*, That during the budget preparation period which occurs prior to the convening of the Legislature, the director shall submit for inclusion in the executive budget document and budget bill his or her recommended capital expenditures, recommended priorities, estimated costs and request for appropriations for maintaining or improving the delivery of vocational rehabilitation services.

(e) The director shall make an annual report to the Legislature on the status of the West Virginia ~~rehabilitation services special account~~ Rehabilitation Services Special Account, including the previous year's expenditures and projected expenditures for the next year.

**§18-10A-12. Vocational evaluation and work adjustment program for disadvantaged individuals.**

The division, under the direction of any federally mandated board, commission or council appointed by the ~~secretary~~ Secretary of the Department of ~~Education and the arts~~ Commerce, is authorized and directed to cooperate with the federal government in providing vocational evaluation and work adjustment services to disadvantaged individuals.

"Vocational evaluation and work adjustment services" include, as appropriate in each case, such services as:

(a) A preliminary diagnostic study to determine that the individual is disadvantaged, has an employment handicap, and that services are needed;

(b) A thorough diagnostic study consisting of a comprehensive evaluation of pertinent medical, psychological, vocational, educational, cultural, social, and environmental factors which bear on the individual's handicap to employment and rehabilitation potential including,

to the degree needed, an evaluation of the individual's personality, intelligence level, educational achievements, work experience, vocational aptitudes and interests, personal and social adjustments, employment opportunities, and other pertinent data helpful in determining the nature and scope of services needed;

(c) Services to appraise the individual's patterns of work behavior and ability to acquire occupational skills, and to develop work attitudes, work habits, work tolerance, and social and behavior patterns suitable for successful job performance, including the utilization of work, simulated or real, to assess and develop the individual's capacities to perform adequately in a work environment;

(d) Any other goods or services provided to a disadvantaged individual, determined (in accordance with regulations of the federal government) to be necessary for, and which are provided for the purpose of, ascertaining the nature of the handicap to employment and whether it may reasonably be expected the individual can benefit from vocational rehabilitation services or other services available to disadvantaged individuals;

(e) Outreach, referral, and advocacy; and

(f) The administration of these evaluation and work adjustment services.

As used in this section, the term "disadvantaged individuals" means: (1) Disabled individuals as defined in ~~subdivision §18-10A-1(5), section one~~ of this ~~article~~code; (2) individuals disadvantaged by reason of their youth or advanced age, low educational attainments, ethnic or cultural factors, prison or delinquency records, or other conditions which constitute a barrier to employment; and (3) other members of their families when the provision of vocational rehabilitation services to family members is necessary for the rehabilitation of the individual described in subdivision (1) or (2) above.

#### **ARTICLE 30. WEST VIRGINIA COLLEGE PREPAID TUITION AND SAVINGS PROGRAM ACT.**

##### **§18-30-4. Creation of program; board; members; terms; compensation; proceedings generally.**

(a) The West Virginia college prepaid tuition and savings program is continued. The program consists of a prepaid tuition plan and a savings plan.

(b) The board of the college prepaid tuition and savings program is continued and all powers, rights and responsibilities of the board of trustees of the prepaid tuition trust fund are vested in the board of the college prepaid tuition and savings program.

(c) The board consists of ~~nine~~eight members and includes the following:

(1) The ~~secretary of education and the arts, or his or her designee;~~

~~(2) The State Treasurer, or his or her designee;~~

~~(3) Two representatives~~ (2) A representative of the Higher Education Policy Commission, who may or may not be ~~members~~a member of the Higher Education Policy Commission, appointed by the commission who ~~serve~~serves as a voting ~~members~~member of the board, ~~one of whom shall represent the interests of the universities of West Virginia and the state~~

~~colleges and one of whom shall represent the interests of community and technical colleges of West Virginia;~~

(3) A Representative of the Council for Community and Technical Education, who may or may not be a member of the Council for Community and Technical College Education, appointed by the council who serves as a voting member of the board;

(4) Five other members, appointed by the Governor, with knowledge, skill and experience in an art, academic, business or financial field, to be appointed as follows:

(A) Two private citizens not employed by, or an officer of, the state or any political subdivision of the state;

(B) One member representing the interests of private institutions of higher education located in this state appointed from one or more nominees of the West Virginia association of private colleges; and

(C) Two members representing the public.

(d) The public members and the member representing the interests of private institutions of higher education are appointed by the Governor with the advice and consent of the Senate.

(e) Only state residents are eligible for appointment to the board.

(f) Members appointed by the Governor serve a term of five years and are eligible for reappointment at the expiration of their terms. ~~In the event~~ If there is of a vacancy among appointed members, the Governor shall appoint a person representing the same interests to fill the unexpired term.

(g) Members of the board serve until the later of the expiration of the term for which the member was appointed or the appointment of a successor. Members of the board serve without compensation. The treasurer may pay all expenses, including travel expenses, actually incurred by board members in the conduct of their official duties. Expense payments are made from the college prepaid tuition and savings program administrative account, and are made at the same rate paid to state employees.

(h) The treasurer may provide support staff and office space for the board.

(i) The treasurer is the chairman and presiding officer of the board, and may appoint the employees the board considers advisable or necessary. A majority of the members of the board constitute a quorum for the transaction of the business of the board.

## **CHAPTER 18A. SCHOOL PERSONNEL.**

### **ARTICLE 2. SCHOOL PERSONNEL.**

#### **§18A-2-9. Duties and responsibilities of school principals; assistant principals.**

(a) Upon the recommendation of the county superintendent of schools, the county board of education shall employ and assign, through written contract, public school principals

who shall be the principal instructional leader of the school and shall supervise the management and the operation of the school or schools to which they are assigned. ~~Such to improve student performance and progress.~~ The principals shall hold valid administrative certificates appropriate for their assignments.

(b)(1) Beginning on July 1, 1994, the prerequisites for issuance of an administrative certificate for principals shall include that the person has successfully completed at least six credit hours of approved course work in public school management techniques at an accredited institution of higher education and has successfully completed education and training in evaluation skills ~~through the center for professional development, or equivalent education and training in evaluation skills~~ approved by the state board.

(2) Beginning on July 1, 2019, the prerequisites for issuance of an administrative certificate for principals shall include that the person has successfully completed at least six credit hours of approved course work in public school instructional leadership and management techniques at an accredited institution of higher education, including, but not limited to, the standards for high quality school, the school accreditation process and strategic planning for continuous improvement.

(c) Prior to employment as a principal or assistant principal, or in another administrative position the duties of which require conducting personnel performance evaluations, the principal, assistant or administrator shall successfully complete education and training in evaluation skills approved by the state board.

(d) Under the supervision of the superintendent and in accordance with the rules and regulations of the county board of education, the principal: ~~shall assume administrative and instructional supervisory responsibility for the planning, management, operation and evaluation of the total educational program of the school or schools to which he is assigned.~~

(1) Shall assume administrative and instructional leadership responsibility for the planning, management, operation, and evaluation of the total educational program of the school or schools to which he or she is assigned.

(2) ~~The principal may~~ May submit recommendations to the superintendent regarding the appointment, assignment, promotion, transfer and dismissal of all personnel assigned to the school or schools under said principal's control. ~~Such recommendation—The recommendations~~ shall be submitted in writing as prescribed by the superintendent; and

(3) ~~The principal shall~~ Shall perform such other duties as may be assigned by the superintendent pursuant to the rules and regulations of the county board of education.

(3) Upon recommendation of the county superintendent of schools, the county board of education shall, when needed, employ and assign, through written contract, assistant principals who shall work under the direction of the school principal. Such assistant principals shall hold valid administrative certificates appropriate for their assignments.

(f) ~~On or before July 1, 1989, The assignment of principals and continuing thereafter,~~ assistant principals by each county board of education ~~shall assign a~~ is subject to the following:

(1) A certificated principal shall be assigned to each school; ~~and no~~

~~(2) A principal may not be assigned more than two schools; Provided, That~~

~~(3) No additional schools may be assigned to the principal of a school where enrollment exceeds four hundred students; there will be no additional schools assigned to that principal.~~

~~(4) No A principal assigned to more than one school may not be assigned any teaching duties except on a temporary emergency basis; No county~~

~~(5) A principal shall have more teaching principalships or multischool principalships than was present on January 1, 1988.~~

~~On or before July 1, 1993, and continuing thereafter, each county board of education shall employ a be assigned full-time supervising principal at each school whose net enrollment equals or exceeds one hundred seventy students. A principal assigned to a school with a net enrollment equal to or greater than one hundred seventy students and may not be assigned any teaching duties except on a temporary emergency basis; When a~~

~~(6) A principal is assigned on a full-time basis to a school whose net enrollment is more than seventy-five students but less than one hundred seventy students, such principal shall have a minimum of twenty hours per week for nonteaching duties;~~

~~(7) A principal assigned on a full-time basis to a school with seventy-five students or less shall have a minimum of ten hours per week for nonteaching duties; Provided, That nothing in this section prohibits a county board of education from assigning a full-time supervising principal to a school with a net enrollment of less than one hundred seventy students.~~

~~Nothing contained in this section shall be construed to reduce or limit the rights and privileges of principals and assistant principals as teachers under the provisions of section one, article one, chapter eighteen of the Code of West Virginia as amended; section one, article one, chapter eighteen a; and other provisions of this code: Provided, That on or before July 1, 1993, the state~~

~~(8) Nothing in this section prohibits a county board of education from assigning a full-time principal to a school with a net enrollment of less than one hundred seventy students; and~~

~~(9) The State Board of Education shall may not deny a county board of education the right to place a principal in a school with less than one hundred seventy students.~~

**§18A-2-12. Performance evaluations of school personnel; professional personnel evaluation process; restrictions on requirements on lesson plans and record keeping by classroom teachers.**

(a) The state board shall adopt a written system for the evaluation of the employment performance of personnel, which system shall be applied uniformly by county boards in the evaluation of the employment performance of personnel employed by the board.

(b) The system adopted by the state board for evaluating the employment performance of professional personnel shall be in accordance with the provisions of this section.

(c) For purposes of this section, "professional personnel", "professional" or

"professionals", means professional personnel and other professional employees, as defined in ~~section one, article one §18A-1-1~~ of this ~~chapter code~~ but does not include classroom teachers, principals and assistant principals subject to the evaluation processes established pursuant to ~~section two, article three-§18A-3C-2~~ of this ~~chapter code~~.

~~(d) In developing the professional personnel performance evaluation system, and amendments thereto, the state board shall consult with the Center for Professional Development created in article three-a of this chapter. The center shall participate actively with the state board in developing written standards for evaluation which clearly specify satisfactory performance and the criteria to be used to determine whether the performance of each professional meets those standards.~~

~~(e)~~(d) The performance evaluation system shall contain, but not be limited to, the following information:

(1) The professional personnel positions to be evaluated;

(2) The frequency and duration of the evaluations, which shall be of such frequency and duration as to insure the collection of a sufficient amount of data from which reliable conclusions and findings may be drawn, but at least annually;

(3) The evaluation shall serve the following purposes:

(A) Serve as a basis for the improvement of the performance of the personnel in their assigned duties;

(B) Provide an indicator of satisfactory performance for individual professionals;

(C) Serve as documentation for a dismissal on the grounds of unsatisfactory performance; and

(D) Serve as a basis for programs to increase the professional growth and development of professional personnel;

(4) The standards for satisfactory performance for professional personnel and the criteria to be used to determine whether the performance of each professional meets those standards and other criteria for evaluation for each professional position evaluated. Professional personnel, as appropriate, shall demonstrate competency in the knowledge and implementation of the technology standards adopted by the state board. If a professional fails to demonstrate competency in the knowledge and implementation of these standards, he or she will be subject to an improvement plan to correct the deficiencies; and

(5) Provisions for a written improvement plan, which shall be specific as to what improvements, if any, are needed in the performance of the professional and shall clearly set forth recommendations for improvements, including recommendations for additional education and training during the professional's recertification or license renewal process.

~~(f)~~(e) A professional whose performance is considered to be unsatisfactory shall be given notice of deficiencies. A remediation plan to correct deficiencies shall be developed by the employing county board and the professional. The professional shall be given a reasonable period of time for remediation of the deficiencies and shall receive a statement of the resources and assistance available for the purposes of correcting the deficiencies.

~~(g)~~(f) No person may evaluate professional personnel for the purposes of this section or professional educator for the purposes of ~~section two, article three~~ [§18A-3C-2](#) of this ~~chapter code~~ unless the person has an administrative certificate issued by the state superintendent and has successfully completed education and training in evaluation skills ~~through the center for professional development, or equivalent education training~~ approved by the state board, which will enable the person to make fair, professional, and credible evaluations of the personnel whom the person is responsible for evaluating. ~~After July 1, 1994, no person may be issued an administrative certificate or have an administrative certificate renewed unless the state board determines that the person has successfully completed education and training in evaluation skills through the center for professional development or equivalent education and training approved by the state board.~~

(h)(g) Any professional whose performance evaluation includes a written improvement plan shall be given an opportunity to improve his or her performance through the implementation of the plan. If the next performance evaluation shows that the professional is now performing satisfactorily, no further action may be taken concerning the original performance evaluation. If the evaluation shows that the professional is still not performing satisfactorily, the evaluator either shall make additional recommendations for improvement or may recommend the dismissal of the professional in accordance with the provisions of ~~section eight of this article~~ [§18A-2-8 of this code](#).

(i)(h) This subsection applies to all classroom teachers irrespective of the process under which they are evaluated.

(1) Lesson plans are intended to serve as a daily guide for teachers and substitutes for the orderly presentation of the curriculum. Lesson plans may not be used as a substitute for observations by an administrator in the performance evaluation process. A classroom teacher, as defined in ~~section one, article one~~ [§18A-1-1](#) of this ~~chapter code~~, may not be required to post his or her lesson plans on the Internet or otherwise make them available to students and parents or to include in his or her lesson plans any of the following:

(A) Teach and reteach strategies;

(B) Write to learn activities;

(C) Cultural diversity;

(D) Color coding; or

(E) Any other similar items which are not required to serve as a guide to the teacher or substitute for daily instruction;

(2) The Legislature finds that classroom teachers must be free of unnecessary paper work so that they can focus their time on instruction. Therefore, classroom teachers may not be required to keep records or logs of routine contacts with parents or guardians;

(3) Nothing in this subsection may be construed to prohibit classroom teachers from voluntarily posting material on the Internet; and

(4) Nothing in ~~article three~~ [§18A-3C-1 et seq.](#) of this ~~chapter code~~ may be construed to negate the provisions of this subsection.



### ARTICLE 3. TRAINING, CERTIFICATION, LICENSING, PROFESSIONAL DEVELOPMENT.

#### §18A-3-1. Teacher preparation programs; program approval and standards; authority to issue teaching certificates.

(a) The education of professional educators in the state is under the general direction and control of the state board ~~after consultation with the Secretary of Education and the Arts and the Chancellor for Higher Education who shall represent the interests of educator preparation programs within the institutions of higher education in this state as defined in section two, article one, chapter eighteen b of this code.~~

The education of professional educators in the state includes all programs leading to certification to teach or serve in the public schools. The programs include the following:

(1) Programs in all institutions of higher education, including student teaching and teacher-in-residence programs as provided in this section;

(2) Beginning teacher induction programs;

(3) Granting West Virginia certification to persons who received their preparation to teach outside the boundaries of this state, except as provided in subsection (b) of this section;

(4) Alternative preparation programs in this state leading to certification, including programs established pursuant to the provisions of ~~sections one a, one b, one c, one d, one e, one f, one g, one h and one i of this article~~ §18A-3-1a, §18A-3-1b, §18A-3-1c, §18-3-1d, §18A-3-1e, §18A-3-1f, §18A-3-1g, §18A-3-1h, and §18A-3-1i of this code and programs which are in effect on the effective date of this section; and

(5) Continuing professional education, professional development and in-service training programs for professional educators employed in the public schools in the state.

(b) ~~After consultation with the Secretary of Education and the Arts and the Chancellor for Higher Education, the~~ The state board shall adopt standards for the education of professional educators in the state and for awarding certificates valid in the public schools of this state. The standards include, but are not limited to the following:

(1) A provision for the study of the history and philosophical foundations of Western Civilization and the writings of the founders of the United States of America;

(2) A provision for the study of multicultural education. As used in this section, multicultural education means the study of the pluralistic nature of American society including its values, institutions, organizations, groups, status positions and social roles;

~~(2)~~(3) A provision for the study of classroom management techniques, including methods of effective management of disruptive behavior including societal factors and their impact on student behavior; and

~~(3)~~(4) A teacher from another state shall be awarded a teaching certificate for a comparable grade level and subject area valid in the public schools of this state, subject to ~~section ten of this article,~~ §18A-3-10 if he or she has met the following requirements:

(A) Holds a valid teaching certificate or a certificate of eligibility issued by another state;

(B) Has graduated from an educator preparation program at a regionally accredited institution of higher education or from another educator preparation program;

(C) Possesses the minimum of a bachelor's degree; and

(D) Meets all of the requirements of the state for full certification except employment.

(c) The state board may enter into an agreement with county boards for the use of the public schools in order to give prospective teachers the teaching experience needed to demonstrate competence as a prerequisite to certification to teach in the West Virginia public schools.

(d) An agreement established pursuant to subsection (c) of this section shall recognize student teaching as a joint responsibility of the educator preparation institution and the cooperating public schools. The agreement shall include the following items:

(1) The minimum qualifications for the employment of public school teachers selected as supervising teachers, including the requirement that field-based and clinical experiences be supervised by a teacher fully certified in the state in which that teacher is supervising;

(2) The remuneration to be paid to public school teachers by the state board, in addition to their contractual salaries, for supervising student teachers;

(3) Minimum standards to guarantee the adequacy of the facilities and program of the public school selected for student teaching;

(4) Assurance that the student teacher, under the direction and supervision of the supervising teacher, shall exercise the authority of a substitute teacher;

(5) A provision requiring any higher education institution with an educator preparation program to document that the student teacher's field-based and clinical experiences include participation and instruction with multicultural, at-risk and exceptional children at each programmatic level for which the student teacher seeks certification; and

(6) A provision authorizing a school or school district that has implemented a comprehensive beginning teacher induction program, to enter into an agreement that provides for the training and supervision of student teachers consistent with the educational objectives of this subsection by using an alternate structure implemented for the support, supervision and mentoring of beginning teachers. The agreement is in lieu of any specific provisions of this subsection and is subject to the approval of the state board.

(e) *Teacher-in-residence programs.* --

(1) In lieu of the provisions of subsections (c) and (d) of this section and subject to approval of the state board, an institution of higher education with a program for the education of professional educators ~~in the state~~ approved by the state board may enter into an agreement with county boards for the use of teacher-in-residence programs in the public schools.

(2) A "teacher-in-residence program" means an intensively supervised and mentored residency program for prospective teachers during their senior year that refines their professional practice skills and helps them gain the teaching experience needed to

demonstrate competence as a prerequisite to certification to teach in the West Virginia public schools.

(3) The authorization for the higher education institution and the county board to implement a teacher-in-residence program is subject to state board approval. The provisions of the agreement include, but are not limited to, the following items:

(A) A requirement that the prospective teacher in a teacher-in-residence program has completed all other preparation courses and has passed the appropriate basic skills and subject matter test or tests required by the state board for teachers to become certified in the area for which licensure is sought;

(B) A requirement that the teacher-in-residence serve only in a teaching position in the county which has been posted and for which no other teacher fully certified for the position has been employed;

(C) Specifics regarding the program of instruction for the teacher-in-residence setting forth the responsibilities for supervision and mentoring by the higher education institution's educator preparation program, the school principal, and peer teachers and mentors, and the responsibilities for the formal instruction or professional development necessary for the teacher-in-residence to perfect his or her professional practice skills. The program also may include other instructional items as considered appropriate.

(D) A requirement that the teacher-in-residence hold a teacher-in-residence permit qualifying the individual to teach in his or her assigned position as the teacher of record;

(E) A requirement that the salary and benefit costs for the position to which the teacher-in-residence is assigned shall be used only for program support and to pay a stipend to the teacher-in-residence as specified in the agreement, subject to the following:

(i) The teacher-in-residence is a student enrolled in the teacher preparation program of the institution of higher education and is not a regularly employed employee of the county board;

(ii) The teacher-in-residence is included on the certified list of employees of the county eligible for state aid funding the same as an employee of the county at the appropriate level based on their permit and level of experience;

(iii) All state-aid-funding due to the county board for the teacher-in-residence shall be used only in accordance with the agreement with the institution of higher education for support of the program as provided in the agreement, including costs associated with instruction and supervision as set forth in paragraph (C) of this subdivision;

(iv) The teacher-in-residence is provided the same liability insurance coverage as other employees; and

(v) All state aid funding due to the county for the teacher-in-residence and not required for support of the program shall be paid as a stipend to the teacher-in-residence: *Provided*, That the stipend paid to the teacher-in-residence shall be no less than sixty-five percent of all state aid funding due the county for the teacher-in-residence.

(F) Other provisions that may be required by the state board.

(f) In lieu of the student teaching experience in a public school setting required by this section, an institution of higher education may provide an alternate student teaching experience in a nonpublic school setting if the institution of higher education meets the following criteria:

- (1) Complies with the provisions of this section;
- (2) Has a state board approved educator preparation program; and
- (3) Enters into an agreement pursuant to subdivisions (g) and (h) of this section.

(g) At the discretion of the higher education institution, an agreement for an alternate student teaching experience between an institution of higher education and a nonpublic school shall require one of the following:

(1) The student teacher shall complete at least one half of the clinical experience in a public school; or

(2) The educator preparation program shall include a requirement that any student performing student teaching in a nonpublic school shall complete the following:

(A) At least two hundred clock hours of field-based training in a public school; and

(B) A course, which is a component of the institution's state board approved educator preparation program, that provides information to prospective teachers equivalent to the teaching experience needed to demonstrate competence as a prerequisite to certification to teach in the public schools in West Virginia. The course also shall include instruction on at least the following elements:

(i) State board policy and provisions of this code governing public education;

(ii) Requirements for federal and state accountability, including the mandatory reporting of child abuse;

(iii) Federal and state mandated curriculum and assessment requirements, including multicultural education, safe schools and student code of conduct;

(iv) Federal and state regulations for the instruction of exceptional students as defined by the Individuals with Disabilities Education Act, 20 U.S.C. §1400 *et seq.*; and

(v) Varied approaches for effective instruction for students who are at-risk.

(h) In addition to the requirements set forth in subsection (g) of this section, an agreement for an alternate student teaching experience between an institution of higher education and a nonpublic school shall include the following:

(1) A requirement that the higher education institution with an educator preparation program shall document that the student teacher's field-based and clinical experiences include participation and instruction with multicultural, at-risk and exceptional children at each programmatic level for which the student teacher seeks certification; and

(2) The minimum qualifications for the employment of school teachers selected as

supervising teachers, including the requirement that field-based and clinical experiences be supervised by a teacher fully certified in the state in which that teacher is supervising.

(i) The state superintendent may issue certificates as provided in ~~section two a of this article §18A-3-2a of this code~~ to graduates of educator preparation programs and alternative educator preparation programs approved by the state board. The certificates are issued in accordance with this section and rules adopted by the state board ~~after consultation with the Secretary of Education and the Arts and the Chancellor for Higher Education.~~

(1) A certificate to teach may be granted only to a person who meets the following criteria:

(A) Is a citizen of the United States, except as provided in subdivision (2) of this subsection;

(B) Is of good moral character;

(C) Is physically, mentally and emotionally qualified to perform the duties of a teacher; and

(D) Is at least eighteen years of age on or before October 1 of the year in which his or her certificate is issued.

(2) A permit to teach in the public schools of this state may be granted to a person who is an exchange teacher from a foreign country or an alien person who meets the requirements to teach.

(j) ~~In consultation with the Secretary of Education and the Arts and the Chancellor for Higher Education, institutions~~ Institutions of higher education approved for educator preparation may cooperate with each other, ~~with the center for professional development~~ and with one or more county boards to organize and operate centers to provide selected phases of the educator preparation program. The phases include, but are not limited to the following:

(1) Student teaching and teacher-in-residence programs;

(2) Beginning teacher induction programs;

(3) Instruction in methodology; and

(4) Seminar programs for college students, teachers with provisional certification, professional support team members and supervising teachers.

By mutual agreement, the institutions of higher education, ~~the center for professional development~~ and county boards may budget and expend funds to operate the centers through payments to the appropriate fiscal office of the participating institutions, ~~the center for professional development~~ and the county boards.

(k) The provisions of this section do not require discontinuation of an existing student teacher training center or school which meets the standards of the state board.

(l) All institutions of higher education approved for educator preparation in the 1962-63 school year continue to hold that distinction so long as they meet the minimum standards

for educator preparation. Nothing in this section infringes upon the rights granted to any institution by charter given according to law previous to the adoption of this code.

(m) *Definitions.* -- For the purposes of this section, the following words have the meanings ascribed to them unless the context clearly indicates a different meaning:

(1) "Nonpublic school" means a private school, parochial school, church school, school operated by a religious order or other nonpublic school that elects to meet the following conditions:

(A) Comply with the provisions of ~~article twenty eight, chapter eighteen~~ §18A-28-1 et seq. of this code;

(B) Participate on a voluntary basis in a state operated or state sponsored program provided to this type school pursuant to this section; and

(C) Comply with the provisions of this section;

(2) "At-risk" means a student who has the potential for academic failure, including, but not limited to, the risk of dropping out of school, involvement in delinquent activity or poverty as indicated by free or reduced lunch status; and

(3) "Exceptional child" or "exceptional children" has the meaning ascribed to these terms pursuant to ~~section one, article twenty, chapter eighteen~~ §18-20-1 of this code, but, as used in this section, the terms do not include gifted students.

#### **§18A-3-1d. Alternative program rules; necessary contents.**

(a) *Alternative program rules.*

(1) The ~~State Board~~ state board shall promulgate a legislative rule or rules in accordance with ~~article three-b, chapter twenty-nine-a~~ §29A-3B-1 et seq. of this code containing procedures for the approval and operation of alternative teacher education programs as provided in this article. The State Board shall promulgate separate procedures for alternative programs for classroom teachers, alternative programs for highly qualified special education teachers, and additional alternative programs to prepare highly qualified special education teachers. These procedures shall be separate from the ~~State Board's~~ state board's other procedures for approving standard teacher education programs.

~~(2) Before promulgating a rule or rules, the State Board shall consult with the Secretary of Education and the Arts and the Chancellor of the Higher Education Policy Commission.~~

~~(3)~~ Before adopting a rule or rules, the ~~State Board~~ state board shall submit its proposed rule or rules to the Legislative Oversight Commission on Education Accountability for review.

(b) *Necessary contents.* – The ~~State Board's~~ state board's rule or rules shall include, at a minimum, the following elements:

(1) An orderly set of deadlines, forms and guidance to govern:

(A) A partnership's process for applying to become an approved education provider;

- (B) The State Board's process for reviewing and acting on a partnership's application;
  - (C) An approved education provider's process for seeking persons to enroll in an alternative program; and
  - (D) A person's process for enrolling in an approved education provider's alternative program;
- (2) Procedures for determining whether a partnership agreement complies with ~~sections one b~~ [§18A-3-1b](#) and ~~one c~~ [§18A-3-1c](#) of this ~~article~~ [code](#);
  - (3) Procedures for determining whether a partnership agreement complies with any additional requirements contained in the ~~State Board's~~ [state board's](#) rule or rules;
  - (4) Standards for how often and for what lengths of time an alternative program teacher must observe in a mentor's classroom;
  - (5) Guidelines for determining what tuition or other charges an approved education provider may impose relating to an alternative program;
  - (6) A list of the test or tests that a person must pass if he or she seeks a certification to teach American Sign Language; and
  - (7) A list of the test or tests that a person must pass if he or she seeks a certification to teach in selected vocational and technical areas.

**~~§18A-3-2c. Training through the principals academy~~ [Minimum qualities, proficiencies, and skills required of principals; state board rule.](#)**

~~(a) Principal training and professional development required. — After the effective date of this section and subject to the provisions of subsection (c) of this section, every principal shall complete training and professional development through the principals academy as provided in subsection (b) of this section.~~

~~(b) Principal training and professional development through the academy. — The academy and the persons required to complete training and professional development through the academy shall adhere to the following guidelines:~~

~~(1) All persons assigned as a principal for the first time in a West Virginia school after July 1, 2002, shall complete specialized training and professional development for newly appointed principals through the academy within the first twelve months following assignment;~~

~~(2) All principals of schools which have been designated as seriously impaired, in accordance with section five, article two e, chapter eighteen of this code, shall complete specialized training and professional development through the academy specifically designed to assist the principal to improve school performance commencing as soon as practicable following receipt of the designation;~~

~~(3) All principals who are subject to an improvement plan, in accordance with section twelve, article two of this chapter, shall complete specialized training and professional development through the academy specifically designed for principals subject to an~~

improvement plan. The specialized training and professional development shall be completed within twelve months from the date that the principal is first subject to the improvement plan;

~~(4) All principals who transfer to a school with a significantly different grade configuration shall complete specialized training and professional development for principals in schools with the grade configuration to which they transferred through the academy within the first twelve months following transfer; and~~

~~(5) All persons serving as school principals shall complete training and professional development through the academy designed to build the qualities, proficiencies and skills required of all principals as determined by the state board.~~

~~(c) Academy and requirements to complete training and professional development subject to funding. — The requirement that principals complete training and professional development through the academy shall be subject to the availability of funds for the principals academy from legislative appropriation and from other sources. If these funds are insufficient to provide for the total cost of the training and professional development required by subsection (b) of this section, then the academy shall provide training and professional development for the persons described in subdivisions (1) through (5), inclusive, subsection (b) of this section according to the priority in which the subdivisions appear in said subsection. If such funds are insufficient to provide for the training and professional development of all the persons described in one or more of subdivisions (1) through (5), inclusive, subsection (b) of this section, the academy is authorized to determine which persons described within the subdivision or subdivisions shall be admitted and which shall not be admitted: *Provided*, That the principals academy shall make every effort to ensure that all principals receive training and professional development through the academy at least once every six years effective July 1, 2002, and thereafter: *Provided, however*, That nothing in this section shall be construed to require any specific level of funding by the Legislature.~~

~~(d) Establishment of standards. — On or before October 1, 1996~~2018, the state board shall approve and promulgate rules in accordance with §29A-3B-1 et seq. of this code regarding the minimum qualities, proficiencies and skills that will be required of principals after ~~January 1, 1997~~July 1, 2019. The state board shall promulgate and may, from time to time, amend such rules. The rules promulgated by the state board shall address at least the following:

(1) Instructional leadership and management techniques, including, but not limited to, the standards for high quality schools, the school accreditation process, and strategic planning for continuous improvement;

(2) Staff relations, including, but not limited to, the development and use of skills necessary to make a positive use of faculty senates, manage faculty and staff with courtesy and mutual respect, coach and motivate employees, and build consensus as a means of management;

~~(2)~~(3) School community leadership qualities, including, but not limited to, the ability to organize and leverage community initiative, communicate effectively, work effectively with local school improvement councils, manage change, resolve conflict and reflect the highest personal values;

~~(3)~~(4) Educational proficiencies, including, but not limited to, knowledge of curriculum, instructional techniques, student learning styles, student assessment criteria, school



personnel performance, evaluation skills and family issues; and

~~(4)~~(5) Administrative skills, including, but not limited to, organizational, fiscal, public policy and total quality management skills and techniques.

~~(e) Waivers.~~—Any person desiring to be relieved of the requirements of all or any part of this section may apply in writing to the state board for a waiver. Upon a showing of reasonable cause why relief should be granted, the state board may grant a waiver, upon such terms and conditions as the state board shall determine proper, as to all or any part of this section.

~~(f) Failure to comply.~~—Any person who fails or refuses to complete training and professional development through the academy, as required by the provisions of this section, and who fails to obtain a waiver, as described in subsection(e) of this section, shall be ineligible to be employed as, or serve in the capacity of, a principal.

~~(g) Tracking of requirement.~~—On or before January 1, 1997, the state board shall establish a system to track the progress of each person required to complete training through the academy and shall regularly advise such persons of their progress.

~~(h) Payment of reasonable and necessary expenses and stipends.~~—The center for professional development shall reimburse persons attending the academy for reasonable and necessary expenses. A person may not be required to complete training and professional development through the principals academy before September 15, and after June 1, of the school year. The center for professional development shall utilize alternative methods of instructional delivery and scheduling, including electronic delivery, as considered appropriate to minimize the amount of time principals completing training and professional development through the academy are required to be away from their school duties. Nothing in this section shall be construed to require any specific level of funding by the Legislature.

### **§18A-3-2d. Beginning principal internships.**

~~(a) Every person hired for the first time in a county school system as an assistant principal, principal or vocational administrator after July 1, 1995, shall complete a one school year, beginning principal internship program under the provisions of this section.~~

~~(b) The beginning principal internship program is a county school system based program intended to provide appropriate orientation activities and supervision to beginning assistant principals, principals or vocational administrators of this state. The beginning principal internship shall consist of the following components:~~

~~(1) An orientation program to be conducted prior to the beginning of the instructional term, but within the employment term, developed by the county school system: *Provided*, That if a beginning principal is hired during the instructional term the orientation program shall be conducted during the instructional term;~~

~~(2) The scheduling of no less than three regular meetings per semester during the school year between the mentor and beginning principal. Topics for each meeting may consist of, but are not limited to, the following: Evaluation of personnel, budgeting, scheduling, instructional leadership, discipline, public relations, conferencing skills or other topics determined by the mentor and intern;~~

~~(3) The provision of necessary release time from regular duties for the mentor as agreed to by the county superintendent and the beginning principal and a stipend of at least \$600 for the mentor for duties as a mentor, to be paid by the state Department of Education; and~~

~~(4) Documentation of the beginning principal internship recorded on the evaluation form currently developed by the local county school district.~~

~~(c) Mentors are selected by the county superintendent and must have a minimum of five years of administrative experience as an assistant principal, principal or vocational administrator. Mentors must complete a staff development program approved by the West Virginia Department of Education prior to their employment as a mentor. The mentor must not be responsible for or a participant in any evaluation or supervision of the beginning principal intern.~~

### **§18A-3-8. County professional staff development councils.**

The Legislature finds the professional expertise and insight of the classroom teacher to be an invaluable ingredient in the development and delivery of staff development programs which meet the needs of classroom teachers.

Therefore, a professional staff development council comprised of proportional representation from the major school levels and from vocational, special education and other specialties in proportion to their employment numbers in the county shall be established in each school district in the state in accordance with rules adopted by the ~~state~~ State Board of Education. Nominations of instructional personnel to serve on the county staff development council may be submitted by the faculty ~~Senates~~ senates of the district to the county superintendent who shall prepare and distribute ballots and tabulate the votes of the counties instructional personnel voting on the persons nominated. Each county staff development council shall consist of between nine and fifteen members at the discretion of the county superintendent based on the size of the county. The councils have final authority to propose staff development programs for their peers based upon ~~rules established by statute and the council on professional education~~ an analysis of the individual and collective needs of the schools of the county as indicated by their strategic plans.

The county superintendent or a designee has an advisory, nonvoting role on the council. The county board shall make available an amount equal to one tenth of one percent of the amounts provided in accordance with ~~section four, article nine a, chapter eighteen~~ §18-9A-4 of this code and credit the funds to an account to be used by the council to fulfill its objectives. The local board has final approval of all proposed disbursements.

Any funds credited to the council during a fiscal year, but not used by the council, shall be carried over in the council account for use in the next fiscal year. These funds are separate and apart from, and in addition to, those funds to be credited to the council pursuant to this section. At the end of each fiscal year, the council shall report to each faculty ~~Senate~~ senate chairperson the amount of funds carried over into the next fiscal year.

~~The professional staff development project of the center for professional development shall assist in the development and delivery of staff development programs by the county staff development councils and shall coordinate staff development efforts statewide.~~

**ARTICLE 3A. CENTER FOR PROFESSIONAL DEVELOPMENT.**

**~~§18A-3A-1. Center for Professional Development; intent and mission; Principals Academy curriculum and expenses; authorization to charge fees.~~**

~~(a) Teaching is a profession that directly correlates to the social and economic well being of a society and its citizens. Superior teaching is essential to a well educated and productive populace. Strong academic leadership provided by principals and administrators skilled in modern management principles is also essential. The intent of this article is to recognize the value of professional involvement by experienced educators, principals and administrators in building and maintaining a superior force of professional educators and to establish avenues for applying this involvement.~~

~~(b) The general mission of the center is to advance the quality of teaching and management in the schools of West Virginia through: (1) The implementation primarily of statewide training, professional staff development, including professional staff development for at least teachers, principals and paraprofessionals and technical assistance programs and practices as recommended by the state board to assure the highest quality of teaching and management; and (2) the provision of technical and other assistance and support to regional and local education agencies in identifying and providing high quality professional staff development, including professional staff development for at least teachers, principals and paraprofessionals, and training programs and implementing best practices to meet their locally identified needs. The center also may implement local programs if the state board, in its Master Plan for Professional Staff Development established pursuant to article two-i, chapter eighteen-a of this code, determines that there is a specific local need for the programs. Additionally, the center shall perform other duties assigned to it by law.~~

~~Nothing in this article requires any specific level of funding by the Legislature.~~

~~(c) The Center for Professional Development Board is reconstituted, and all terms of members elected or appointed prior to the effective date of this section are expired. The center board shall consist of thirteen persons as follows:~~

~~(1) The Secretary of Education and the Arts, ex officio, and the state superintendent, ex officio, each of whom is:~~

~~(A) Entitled to vote; and~~

~~(B) A cochair of the board.~~

~~(2) Two members of the state board, elected by the state board;~~

~~(3) One person employed by West Virginia University and one person employed by Marshall University, both of whom are:~~

~~(A) Appointed by the president of the employing institution;~~

~~(B) Faculty in the teacher education section of the employing institution; and~~

~~(C) Knowledgeable in matters relevant to the issues addressed by the center;~~

~~(4) One regional education service agency executive director, elected by all of the~~

~~regional education service agency executive directors;~~

~~(5) Three experienced educators, of whom one is a working classroom teacher, one is a school principal and one is a county administrator. All such educators are:~~

~~(A) Appointed by the Governor by and with the advice and consent of the Senate;~~

~~(B) Experienced educators who have achieved recognition for their superior knowledge, ability and performance in teaching or management, as applicable; and~~

~~(C) Knowledgeable in matters relevant to the issues addressed by the center; and~~

~~(6) Three citizens of the state who are:~~

~~(A) Knowledgeable in matters relevant to the issues addressed by the center, including, but not limited to, professional development and management principles; and~~

~~(B) Appointed by the Governor by and with the advice and consent of the Senate.~~

~~(C) Not more than two such members may be residents within the same congressional district.~~

~~(d) Each appointment and election is for a two-year term. Such members may serve no more than two consecutive two-year terms.~~

~~(1) The state board shall elect another member to fill the unexpired term of any person who vacates state board membership.~~

~~(2) The regional education service agency executive directors shall elect an executive director to fill the unexpired term of any executive director who ceases to be employed in that capacity.~~

~~(3) Of the initial members appointed by the Governor, three are appointed for one-year terms and three are appointed for two-year terms. Each successive appointment by the Governor is for a two-year term. The Governor shall appoint a new member to fill the unexpired term of any vacancy in the appointed membership.~~

~~(4) The President of West Virginia University and Marshall University each appoints an employee to fill the unexpired term of any member who ceases to be employed by that institution.~~

~~(e) The Center for Professional Development Board shall meet at least quarterly and the appointed members shall be reimbursed for reasonable and necessary expenses actually incurred in the performance of their official duties from funds appropriated or otherwise made available for those purposes upon submission of an itemized statement therefor.~~

~~(f) The position of executive director is abolished. The Governor shall appoint, by and with the advice and consent of the Senate, a chief executive officer with knowledge and experience in professional development and management principles. Any reference in this code to the Executive Director of the Center for Professional Development means the Chief Executive Officer. From appropriations to the Center for Professional Development, the center board sets the salary of the chief executive officer. The center board, upon the~~

~~recommendation of the chief executive officer, may employ other staff necessary to carry out the mission and duties of the center. The chief executive officer serves at the will and pleasure of the Governor. Annually, the center board shall evaluate the chief executive officer, and shall report the results to the Governor. The duties of the chief executive officer include:~~

~~(1) Managing the daily operations of the center;~~

~~(2) Ensuring the implementation of the center's mission;~~

~~(3) Ensuring collaboration of the center with other professional development providers;~~

~~(4) Requesting from the Governor and the Legislature any resources or statutory changes that would help in enhancing the collaboration of all professional development providers in the state, in advancing the quality of professional development through any other means or both;~~

~~(5) Serving as the Chair of the Principals Standards Advisory Council created in section two-c, article three of this chapter and convening regular meetings of this council to effectuate its purposes; and~~

~~(6) Other duties as assigned by the Governor or the center board.~~

~~(g) When practicable, personnel employed by state higher education agencies and state, regional and county public education agencies shall be made available to the center to assist in the operation of projects of limited duration, subject to the provisions of section twenty four, article two, chapter eighteen of this code.~~

~~(h) The center shall assist in the delivery of programs and activities pursuant to this article to meet statewide, and if needed as determined by the goals and Master Plan for Professional Staff Development established by the state board pursuant to article two-i, chapter eighteen a of this code, the local professional development needs of paraprofessionals, teachers, principals and administrators and may contract with existing agencies or agencies created after the effective date of this section or others to provide training programs in the most efficient manner. Existing programs currently based in agencies of the state shall be continued in the agency of their origin unless the center establishes a compelling need to transfer or cancel the existing program. The center shall recommend to the Governor the transfer of funds to the providing agency, if needed, to provide programs approved by the center.~~

~~(i) The Center for Professional Development shall implement training and professional development programs for the Principals Academy based upon the minimum qualities, proficiencies and skills necessary for principals in accordance with the standards established by the state board pursuant to the terms of section two-c, article three of this chapter.~~

~~(j) In accordance with section two-c, article three of this chapter, the center is responsible for paying reasonable and necessary expenses for persons attending the Principals Academy: *Provided*, That nothing in this section requires any specific level of funding by the Legislature.~~

~~(k) Persons attending the professional development offerings of the center and other courses and services offered by the Center for Professional Development, except the Principals~~

Academy shall be assessed fees which shall be less than the full cost of attendance. There is hereby created in the State Treasury a special revenue account known as the Center for Professional Development Fund. All moneys collected by the center shall be deposited in the fund for expenditure by the center board for the purposes specified in this section. Moneys remaining in the fund at the end of the fiscal year are subject to reappropriation by the Legislature.

~~(1) The center board shall make collaboration with the state board in providing professional development services in the following areas a priority:~~

~~(1) Services to those public schools selected by the state superintendent pursuant to section three g, article two e, chapter eighteen of this code; and~~

~~(2) Services in any specific subject matter area that the state board, the Legislature or both, determine is justified due to a need to increase student achievement in that area.~~

### **~~§18A-3A-2. Professional development project.~~**

~~Subject to the provisions of article two i, chapter eighteen a of this code, through this project the Center for Professional Development shall:~~

~~(1) Identify, coordinate, arrange and otherwise assist in the delivery of professional development programs and activities that help professional educators acquire the knowledge, skills, attitudes, practices and other such pertinent complements considered essential for an individual to demonstrate appropriate performance as a professional person in the public schools of West Virginia. The basis for the performance shall be the laws, policies and regulations adopted for the public schools of West Virginia, and amendments thereto. The center also may permit and encourage school personnel such as classroom aides, higher education teacher education faculty and higher education faculty in programs such as articulated tech prep associate degree and other programs to participate in appropriate professional development programs and activities with public school professional educators;~~

~~(2) Identify, coordinate, arrange and otherwise assist in the delivery of professional development programs and activities that help principals and administrators acquire knowledge, skills, attitudes and practices in academic leadership and management principles for principals and administrators and such other pertinent complements considered essential for principals and administrators to demonstrate appropriate performance in the public schools of West Virginia. The basis for the performance shall be the laws, policies and regulations adopted for the public schools of West Virginia, and amendments thereto;~~

~~(3) Serve in a coordinating capacity to assure that the knowledge, skills, attitude and other pertinent complements of appropriate professional performance which evolve over time in the public school environment are appropriately reflected in the programs approved for the education of professional personnel, including, but not limited to, advising the teacher education programs of major statutory and policy changes in the public schools which affect the job performance requirements of professional educators, including principals and administrators;~~

~~(4) Provide for the routine updating of professional skills of professional educators, including principals and administrators, through in service and other programs. The routine updating may be provided by the center through statewide or regional institutes which may~~

require a registration fee;

~~(5) Provide for the routine education of all professional educators, including principals and administrators, and those service personnel having direct contact with students on warning signs and resources to assist in suicide prevention under guidelines established by the state board. The education may be accomplished through self review of suicide prevention materials and resources approved by the state board. The provisions of this paragraph may be known and cited as the Jason Flatt Act of 2012;~~

~~(6) Provide consultation and assistance to county staff development councils established under the provisions of section eight, article three of this chapter in planning, designing, coordinating, arranging for and delivering professional development programs to meet the needs of the professional educators of their district. From legislative appropriations to the center, exclusive of the amounts required for the expenses of the principals academy, the center shall, unless otherwise directed by the Legislature, provide assistance in the delivery of programs and activities to meet the expressed needs of the school districts for professional development to help teachers, principals and administrators demonstrate appropriate performance based on the laws, policies and regulations adopted for the public schools of West Virginia; and~~

~~(7) Cooperate and coordinate with the institutions of higher education to provide professional staff development programs that satisfy some or all of the criteria necessary for currently certified professional educators to meet the requirements for an additional endorsement in an area of certification and for certification to teach in the middle school grades.~~

~~If the center is not able to reach agreement with the representatives of the institutions providing teacher education programs on which courses will be approved for credit toward additional endorsements, the state board may certify certain professional staff development courses to meet criteria required by the state board. This certification shall be done on a course-by-course basis.~~

#### **~~§18A-3A-2b. The Principals Academy.~~**

~~(a) There is hereby established within the Center for Professional Development the "Principals Academy". Training through the Principals Academy shall include at least the following:~~

~~(1) Training designed to build within principals the minimum qualities, proficiencies and skills that will be required of all principals pursuant to the rules of the state Board;~~

~~(2) Specialized training and professional development programs for all principals; and~~

~~(3) Specialized training and professional development programs for the following principals:~~

~~(A) Newly appointed principals;~~

~~(B) Principals whose schools have been designated as seriously impaired, which programs shall commence as soon as practicable following the designation;~~

~~(C) Principals subject to improvement plans; and~~

~~(D) Principals of schools with significantly different grade level configurations.~~

~~(b) The Legislature finds that the quality of the principal of a school is one of the most important factors in determining the academic achievement of students and that well trained, highly qualified principals should be a priority for the state.~~

~~(b) The Legislature further finds that while the Principals Academy has been effective in training quality leaders for the state's public schools, the training provided is such a significant factor in determining their success that a new position is needed to coordinate and focus primarily on the Principals Academy to increase further the quality of the training.~~

~~(c) Therefore, from appropriations to the Center for Professional Development, the Center Board shall employ and fix the compensation of the Coordinator of the Principals Academy. The Coordinator serves at the will and pleasure of the Center Board. It is the duty of the Coordinator, subject to direction and oversight by the Center and the Chief Executive Officer, to lead the Principals Academy, to focus primarily on the Principals Academy and to make a continuous effort to enhance further the quality of the training and professional development programs of the Academy. The Center Board, the Chief Executive Officer, or both, may assign duties to the coordinator other than those that relate to the Principals Academy so long as the Coordinator is able to focus primarily on the Principals Academy.~~

### **~~§18A-3A-3. Professional personnel evaluation project.~~**

~~Subject to the provisions of article two-i, chapter eighteen-a of this code, through this project the center shall:~~

~~(1) Establish programs that provide education and training in evaluation skills to administrative personnel who will evaluate the employment performance of professional personnel pursuant to the provisions of section twelve, article two of this chapter; and~~

~~(2) Establish programs that provide instruction to classroom teachers who will serve as beginning teacher mentors in accordance with the provisions of section two-b, article three of this chapter.~~

### **~~§18A-3A-5. West Virginia advanced placement center.~~**

~~There is established a West Virginia advanced placement center to provide statewide coordination for the continued growth and development of the advanced placement programs in West Virginia high schools. The center will assist the West Virginia Department of Education, county boards of education, institutions of higher education, the college board, inc., and the West Virginia advanced placement advisory council in all matters relative to the advanced placement in this state.~~

~~The specific functions of the center include:~~

~~(1) Coordinating advanced placement teacher training institutes;~~

~~(2) Establishing a cadre of instructors for the advanced placement teacher training institutes;~~

~~(3) Providing follow up teacher training for advanced placement teachers;~~



- ~~(4) Identifying and obtaining external sources of funding;~~
- ~~(5) Networking advanced placement teachers through an advanced placement newsletter;~~
- ~~(6) Serving as a liaison for the college board and the West Virginia Department of Education, county boards of education, institutions of higher education, the West Virginia advanced placement advisory council, the Legislature and the Governor;~~
- ~~(7) Conducting research and evaluating the state's advanced placement program;~~
- ~~(8) Assisting county boards of education and local schools in establishing, evaluating and maintaining advanced placement programs;~~
- ~~(9) Serving as a clearinghouse for advanced placement materials and correspondence;~~  
and
- ~~(10) Certify individual courses that meet the established standards of advanced placement programs.~~

### **ARTICLE 3C. IMPROVING TEACHING AND LEARNING.**

#### **§18A-3C-1. Findings; purposes and definition.**

(a) The Legislature makes the following findings:

(1) Processes set forth in this article for the performance evaluation, teacher-of professional personnel and the induction and professional growth is-of teachers and leaders are not intended to make up for substandard initial preparation of teachers, but instead is-are intended to build on a solid foundation created by the teacher and principal preparation programs. Therefore, the Legislature expects the teacher preparation programs to graduate teachers and leaders who can perform at a level that increases student achievement. The Legislature expects that the processes set forth in this article will allow a teacher to excel beyond that level in the classroom and in school leadership positions;

(2) The comprehensive system of support provided for in this article should be implemented in a way that, as compared with the beginning teacher internship system, much more effectively provides for the professional growth of teachers and principals;

(3) In order for the comprehensive system of support to much more effectively provide for the professional growth for-of teachers, funding should and principals, professional development resources must be greatly increased over and above what has been provided for the beginning teacher internship system focused in the most cost effective manner on the unique needs of individual schools, including their professional personnel evaluation data, to increase the school's capacity to improve student performance and progress; and

(4) Although the quality of the teacher in the classroom is extremely important to the academic achievement of students, students cannot learn if they are not in-present to receive the classroom instruction. Therefore, attending school on a regular basis is of utmost importance to the academic success of students.

(b) The purpose of this article is to create a comprehensive infrastructure that routinely

supports a continuous process for improving teaching and learning. Its focus is on developing strong teaching and school leadership, without which effective learning does not occur. The general components of this infrastructure include the following:

- (1) High-quality teacher and principal preparation, induction and evaluation;
  - (2) Universal support for emerging teachers and principals including comprehensive new teacher induction and support for (A) Beginning teachers, student teachers, teachers teaching in assignments for which they have less than a full professional credential and teacher candidates pursuing certification through an alternative route; and (B) Beginning principals, assistant principals, and vocational administrators, and those of them beginning a new assignment at a school with a significant different grade level configuration;
  - (3) Evaluation of the performance of teachers and leaders in demonstrating high quality professional practice, leadership and collaboration and the resulting growth in student learning;
  - (4) Focused improvement in teaching and learning through the use of evaluation data to inform the delivery of professional development and additional supports to improve teaching based on the evaluation results and to inform the need for improvements in teacher preparation programs; and
  - (5) The creation of a leadership culture that seeks and builds powerful alliances among all stakeholders focused on continuous growth in student learning.
- (c) For purposes of this article "professional personnel" includes classroom teachers, assistant principals and principals as defined in ~~section one, article one chapter eighteen-~~a§18A-1-1 of this code.

### **§18A-3C-2. Performance evaluations of professional personnel.**

~~(a) The intent of the Legislature is to allow for a multi-step statewide implementation of performance evaluations for professional personnel pursuant to this section consistent with sound educational practices and resources available resulting in full state-wide implementation by no later than the school year 2013-2014. Beginning with the schools included in the evaluation processes for professional personnel piloted by the Department of Education during the 2011-2012 school year, additional schools or school systems shall be subject to the provisions of this article in accordance with a plan established by the state board to achieve full statewide implementation by no later than the school year 2013-2014. For schools and school systems subject to the provisions of this article, the provisions of this article shall govern when they are in conflict with other provisions of this chapter and chapter eighteen of this code. Specifically, the provisions of this article govern for the performance evaluation of classroom teachers, principals and assistant principals employed in these schools and school systems. To the extent that this article conflicts with the provisions of section twelve, article two of this chapter relating to professional personnel performance evaluations, this article shall govern. The state board shall submit a report on its plan for the phased implementation of this article to the Legislative Oversight Commission on Education Accountability at the Commission's July interim meeting in each year of the phased implementation. The report shall include an update on the implementation of this article including, but not limited to the evaluation process and a list of the schools and school systems subject to the provisions of this article. To assist the Legislative Oversight Commission~~

~~on Education Accountability in monitoring the implementation of this article, the state board shall report to the Commission upon its request throughout the implementation process, including but not limited to, reports on the results of surveys of teachers and principals on the implementation and use of the new evaluation system, the adequacy of the professional development given to employees on the purposes, instruments and procedures of the evaluation process, the time consumed by the evaluation process and the various tasks required for employees of different levels of experience, the aggregate results of the evaluations and any recommendations for changes in the process or other aspects of the duties of affected employees to improve the focus on the core mission of schools of teaching and learning.~~(a) The provisions of this section govern the performance evaluation of classroom teachers, principals and assistant principals employed in public schools and school systems. To the extent that this section conflicts with the provisions of §18A-2-12 of this code relating to professional personnel performance evaluations, this section shall govern.

(b) Before July 1, ~~2013~~2018, the state board shall adopt a legislative rule in accordance with ~~article three-b, chapter twenty-nine-a~~§29A-3B-1 et seq. of this code, for ~~annually~~ evaluating the performance of each professional person ~~each year. The state board shall submit a draft of the proposed rule to the Legislative Oversight Commission on Education Accountability by February 15, 2013, and a final draft proposed rule prior to adoption.~~ The rule shall provide for performance evaluations of professional personnel to be conducted in accordance with this section in each school and school system ~~beginning with the 2013-14 school year.~~

(c) (1) The process adopted by the state board for evaluating the performance of classroom teachers shall incorporate at least the following:

(A) Alignment with the West Virginia ~~professional teaching standards~~Professional Teaching Standards adopted by the state board that establish the foundation for educator preparation, teacher assessment and professional development throughout the state;

(B) Employment of the professional teaching standards to provide explicit and extensive measures of the work of teaching and what teachers must know and be able to do and provide evaluative measures of educator performance; and

(C) The use of two pieces of evidence at two points in time over the instructional term to demonstrate student learning as an indicator of educator performance. ~~;~~ and

~~(D) The use of school's school-wide student learning growth as measured by the state-wide summative assessment as an evaluative measure of all educators employed in the school.~~

(2) Eighty percent of the evaluation shall be based on an appraisal of the educator's ability to perform the critical standard elements of the professional teaching standards. The appraisal shall include conferences with the evaluator reinforced through observation. ~~Fifteen~~Twenty percent of the evaluation shall be based on evidence of the learning of the students assigned to the educator in accordance with paragraph (C), subdivision (1) of this subsection; ~~and five percent of the evaluation shall be based on student learning growth measured by the school-wide score on the state summative assessment in accordance with paragraph (D), subdivision (1) of this subsection.~~

(d) (1) The process adopted by the state board for evaluating the performance of principals and assistant principals shall include at least the following:

(A) Alignment with the West Virginia ~~professional leadership standards~~ **Professional Leadership Standards** adopted by the state board establishing the responsibility of principals for the collective success of their school including the learning, growth, and achievement of students, staff, and self;

(B) Employment of the professional leadership standards to provide explicit and extensive measures of the work of school leadership focused on the continuous improvement of teaching and learning. The process shall include conferences and goal setting with the superintendent or his or her designee and the use of a survey of stakeholders to assist in identifying the needs and establishing the goals for the school and the principal. The survey shall be distributed to at least the following stakeholders: Students, parents, teachers and service personnel. The evaluative measures shall include the use of data, evidence and artifacts to confirm the principal's performance on achieving the goals established by the principal and superintendent; ~~and~~

(C) The use of two pieces of evidence at two points in time over the instructional term to demonstrate the growth in student learning at the school; ~~and~~

~~(D) The use of the school's school-wide student learning growth as measured by the state-wide summative assessment as an evaluative measure of all educators employed in the school.~~

(2) Eighty percent of the evaluation shall be based on an appraisal of the principal's or the assistant principal's ability to perform the critical standard elements of the professional leadership standards and achieve the goals established for the principal and the school. ~~Fifteen~~ **Twenty** percent of the evaluation shall be based on evidence of the learning of the students assigned to the school in accordance with paragraph (C), subdivision (1) of this subsection, ~~and five percent of the evaluation shall be based on student learning growth measured by the school-wide score on the state summative assessment in accordance with paragraph (D), subdivision (1) of this subsection.~~

(e) Evaluations of the performance of professional personnel shall serve the following purposes:

(1) Serve as a basis for the improvement of the performance of the professional personnel in their assigned duties;

(2) Serve as the basis for providing professional development specifically targeted on the area or areas identified through the evaluation process as needing improvement. If possible, this targeted professional development should be delivered at the school-site using collaborative processes, mentoring or coaching or other approaches that maximize use of the instructional setting;

(3) Serve as the basis for establishing priorities for the provision of county-level professional development when aggregate evaluation data from the county's schools indicates an area or areas of needed improvement;

(4) Serve as a basis for informing the teacher preparation programs in this state of an area or areas of needed improvement in the programs, or informing a specific program of needed improvement, when state-level aggregate evaluation data indicates that beginning teachers who have graduated from the program have specific weaknesses;

(5) Provide an indicator of level of performance of the professional personnel;

(6) Serve as a basis for programs to increase the professional growth and development of professional personnel; and

(7) Serve as documentation for a dismissal on the grounds of unsatisfactory performance.

(f) The rule adopted by the state board shall include standards for [the](#) performance of professional personnel and the criteria to be used to determine whether their performance meets the standards. The rule also shall include guidance on best practices for providing time within the school day for teachers [and leaders](#) subject to performance evaluations under this section to participate in the collaborative mentoring or coaching and planning processes necessary for execution of the performance evaluation process and achieving advanced levels of performance.

(g) The rule adopted by the state board shall include provisions for written improvement plans when necessary to improve the performance of the professional personnel. The written improvement plan shall be specific as to what improvements are needed in the performance of the professional personnel and shall clearly set forth recommendations for improvements including recommendations for additional education and training of professionals subject to recertification. Professional personnel whose performance evaluation includes a written improvement plan shall be given an opportunity to improve his or her performance through the implementation of the plan.

(h) A professional person whose performance is considered to be unsatisfactory shall be given written notice of his ~~of or~~ her deficiencies. A written improvement plan to correct these deficiencies shall be developed by the employing county board and the employee. The professional person shall be given a reasonable period of time, not exceeding twelve months, to accomplish the requirements of the improvement plan and shall receive a written statement of the resources and assistance available for the purposes of correcting the deficiencies. If the next performance evaluation shows that the professional is now performing satisfactorily, no further action may be taken concerning the original performance evaluation. If the evaluation shows that the professional is still not performing satisfactorily, the evaluator either shall make additional written recommendations for improvement or may recommend the dismissal of the professional personnel in accordance with the provisions of ~~section eight, article two of this chapter~~ [§18A-2-8 of this code](#).

(i) No person may evaluate professional personnel for the purposes of this section unless the person has an administrative certificate issued by the state superintendent and has successfully completed education and training in evaluation skills ~~through the center for professional development, or equivalent education training~~ approved by the state board, which will enable the person to make fair, professional, and credible evaluations of the personnel whom the person is responsible for evaluating.

(j) Prior to implementation of the evaluation process pursuant to this section at a school, each affected employee shall be given training to ensure that the employees have a full understanding of the purposes, instruments and procedures used in evaluating their performance. Thereafter, this training shall be held annually at the beginning of the employment term.

**§18A-3C-3. Comprehensive system for teacher and leader induction and professional growth.**

(a) The intent of the Legislature is to allow for ~~a multistep statewide~~ local-level implementation of ~~a comprehensive~~ systems of support for building professional practice ~~of beginning teachers, specifically those on the initial and intermediate progressions,~~ consistent with sound educational practices and resources available. In this regard, it is the intent of the Legislature that the ~~transition of schools and school systems to a comprehensive~~ systems of support ~~that includes~~ shall incorporate support for improved professional performance that is targeted on deficiencies identified through the educator personnel evaluation process ~~will be implemented concurrent with~~ and other professional development needs identified in the ~~first year that a school or system receives final evaluation results from the performance evaluation process pursuant to section two of this article~~ strategic plans for continuous improvement of schools and school systems. Further, because of significant variability among the counties, not only in the size of their teaching force, distribution of facilities and available resources, but also because of their varying needs, the Legislature intends for the implementation of this section to be accomplished in a manner that provides adequate flexibility to the counties to design and implement a comprehensive system of support for improving professional performance that best achieves the goals of this section within the county. Finally, because of the critical importance of ensuring that all teachers perform at the accomplished level or higher in the delivery of instruction that at least meets the West Virginia ~~professional teaching standards~~ Professional Teaching Standards and because achieving this objective at a minimum entails providing assistance to address the needs as indicated by the data informed results of annual performance evaluations, including the self-assessed needs of the teachers themselves, the Legislature expects the highest priority for county, ~~regional~~ and state professional development will be on meeting these needs and that the transition to a comprehensive ~~system~~ systems of support for improving professional practice will reflect substantial redirection of existing professional development resources toward this highest priority.

(b) On or before July 1, ~~2012~~ 2018, the state board shall publish guidelines on the design and implementation of a county-level comprehensive system of support for improving professional practice. The purpose of the guidelines is to assist the county board with the design and implementation of a system that best achieves the goals of this section within the county. The guidelines may include examples of best practices and resources available to county boards to assist them with the design and implementation of a comprehensive system.

~~(c) For schools and school systems subject to the provisions of this article, the provisions of this article govern when they are in conflict with section two b, article three of this chapter relating to beginning teacher internships, or in conflict with other provisions of this chapter and chapter eighteen of this code.~~

~~(d)~~ (c) Effective for the school year beginning July 1, ~~2013~~ 2018, and thereafter, a county board is not eligible to receive state funding appropriated for the purposes of this section or any other provision of law related to beginning teacher and principal internships and mentor teachers and principals unless it has adopted a plan for implementation of a comprehensive system of support for improving professional practice, the plan has been verified by the state board as meeting the requirements of this section and the county is implementing the plan. The plan shall address the following:

(1) The manner in which the county will provide the strong school-based support and

supervision that will assist beginning teachers in developing instructional and management strategies, procedural and policy expertise, and other professional practices they need to be successful in the classroom and perform at the accomplished level. Nothing in this subdivision prohibits a school or school system that was granted an exception or waiver from ~~section two-c, article three of this chapter~~ §18A-3-2c of this code prior to the effective date of this section from continuing implementation of the program in accordance with the exception or waiver;

(2) The manner in which the county will provide the strong support and supervision that will assist beginning principals in developing instructional leadership, supervisory and management strategies, procedural and policy expertise, and other professional practices they need to be successful in leading continuous school improvement and performing at the accomplished level or above;

(3) The manner in which the county in cooperation with the teacher preparation programs in this state will provide strong school-based support and assistance necessary to make student teaching a productive learning experience;

~~(3)~~(4) The manner in which the county will use the data from the educator performance evaluation system to serve as the basis for providing professional development specifically targeted on the area or areas identified through the evaluation process as needing improvement. If possible, this targeted professional development should be delivered at the school-site using collaborative processes, mentoring or coaching or other approaches that maximize use of the instructional setting;

~~(4)~~(5) The manner in which the county will use the data from the educator performance evaluation system to serve as the basis for establishing priorities for the provision of county-level professional development when aggregate evaluation data from the county's schools indicates an area or areas of needed improvement;

~~(5)~~(6) If a county uses master teachers, mentors, academic coaches or any other approaches using individual employees to provide support, supervision or other professional development or training to other employees for the purpose of improving their professional practice, the manner in which the county will select each of these individual employees based on demonstrated superior performance and competence as well as the manner in which the county will coordinate support for these employees: ~~Provided, That the employment of persons for these positions shall adhere to the posting and other provisions of section seven-a, article four of this chapter utilizing subsection (c) of said section seven-a to judge the qualifications of the applicants.~~ If the duties of the position are to provide mentoring to an individual teacher at only one school, then priority shall being be given to applicants employed at the school at which those duties will be performed;

~~(6)~~(7) The manner in which the county will use local resources available including, but not limited to, funds for professional development and academic coaches, to focus on the priority professional development goals of this section;

~~(7)~~(8) The manner in which the county will adjust its scheduling, use of substitutes, collaborative planning time, calendar or other measures as may be necessary to provide sufficient time for professional personnel to accomplish the goals of this section as set forth in the county's plan; and

~~(8)~~(9) The manner in which the county will monitor and evaluate the effectiveness of

implementation and outcomes of the county system of support for improving professional practice.

~~(e)~~(d) Effective the school year beginning July 1, ~~2013~~2018, and thereafter, appropriations for beginning teacher and principal mentors and internships and any new appropriation which may be made for the purposes of this section shall be expended by county boards only to accomplish the activities as set forth in their county plan pursuant to this section. Effective the school year beginning July 1, ~~2013~~2018, and thereafter, no specific level of compensation is guaranteed for any employee service or employment as a mentor and such service or employment is not subject to the provisions of this code governing extra duty contracts ~~except as provided in subdivision (5), subsection (c) of this section.~~

(f) The Legislative Oversight Commission on Education Accountability shall review the progress of the implementation of this article and may make any recommendations it considers necessary to the Legislature during the 2013 regular legislative session.

## CHAPTER 18B. HIGHER EDUCATION.

### ARTICLE 1B. HIGHER EDUCATION POLICY COMMISSION.

#### **§18B-1B-2. Composition of commission; terms and qualifications of members; vacancies; eligibility for reappointment; oath of office; removal from office.**

(a) The commission is comprised of ~~ten~~nine members, all of whom are entitled to vote. The membership of the commission is as follows:

(1) The ~~Secretary of Education and the Arts, ex officio.~~

~~(2) The State Superintendent of Schools, ex officio;~~

~~(3)~~(2) The chair of the West Virginia Council for Community and Technical College Education, ex officio.

~~(4)~~(3) Four at-large members who are citizens of the state, appointed by the Governor, by and with the advice and consent of the Senate; ~~and.~~

~~(5)~~(4) Three at-large members who are designated as higher education representatives, appointed by the Governor, by and with the advice and consent of the Senate; for each of the higher education representatives, the Governor shall choose from recommendations made by any state college and university or exempted school and the Governor may request additional recommendations from state colleges and universities or exempted schools if in the governor in his or her sole discretion determines that additional recommendations are necessary for appointments to the commission.

(b) Each of the at-large members appointed by the Governor shall represent the public interest and shall be committed to the legislative intent and goals set forth in state law and policy.

(c) The Governor may not appoint any person to be a member of the commission who is an officer, employee or member of the council or an advisory board of any state college or university or exempted school; an officer or member of any political party executive



committee; the holder of any other public office or public employment under the government of this state or any of its political subdivisions; an appointee or employee of any governing board; or an immediate family member of any employee under the jurisdiction of the commission, the council or any governing board.

(d) Of the seven, at-large members appointed by the Governor:

(1) No more than four may belong to the same political party;

(2) At least two shall be appointed from each congressional district; and

(3) Effective July 1, 2008, no more than one member may serve from the same county.

(e) The at-large members appointed by the Governor serve overlapping terms of four years.

(f) The Governor shall appoint a member to fill any vacancy among the seven at-large members, by and with the advice and consent of the Senate. Any member appointed to fill a vacancy serves for the unexpired term of the vacating member. The Governor shall fill the vacancy within thirty days of the occurrence of the vacancy.

(g) An at-large member appointed by the Governor may not serve more than two consecutive terms.

(h) Before exercising any authority or performing any duties as a member of the commission, each member shall qualify as such by taking and subscribing to the oath of office prescribed by section five, article IV of the Constitution of West Virginia and the certificate thereof shall be filed with the Secretary of State.

(i) A member of the commission appointed by the Governor may not be removed from office by the Governor except for official misconduct, incompetence, neglect of duty or gross immorality and then only in the manner prescribed by law for the removal of the state elective officers by the Governor.

### **ARTICLE 3D. WORKFORCE DEVELOPMENT INITIATIVE.**

#### **§18B-3D-2. Workforce Development Initiative Program continued; purpose; program administration; rule required.**

(a) The Workforce Development Initiative Program is continued under the supervision of the council. The purpose of the program is to administer and oversee grants to community and technical colleges to implement the provisions of this article in accordance with legislative intent.

(b) It is the responsibility of the council to administer the state fund for community and technical college and workforce development, including setting criteria for grant applications, receiving applications for grants, making determinations on distribution of funds and evaluating the performance of workforce development initiatives.

(c) The chancellor, under the direction of the council, shall review and approve the expenditure of all grant funds, including development of application criteria, the review and selection of applicants for funding and the annual review and justification of applicants for

grant renewal.

(1) To aid in ~~decision-making~~ **decision-making**, the chancellor appoints an advisory committee consisting of the Executive Director of the West Virginia Development Office or designee; the ~~Secretary of Education and the Arts or designee; the~~ Assistant State Superintendent for Technical and Adult Education; the Chair of the West Virginia Council for Community and Technical College Education; the Chair of the West Virginia Workforce Investment Council; the Executive Director of Workforce West Virginia; **one member representing the Herbert Henderson Minority Affairs Office**; two members representing business and industry; and one member representing labor. The advisory committee shall review all applications for workforce development initiative grants and make recommendations for distributing grant funds to the council. The advisory committee also shall make recommendations on methods to share among the community and technical colleges any curricula developed as a result of a workforce development initiative grant.

(2) When determining which grant proposals will be funded, the council shall give special consideration to proposals by community and technical colleges that involve businesses with fewer than fifty employees.

(3) The council shall weigh each proposal to avoid awarding grants which will have the ultimate effect of providing unfair advantage to employers new to the state who will be in direct competition with established local businesses.

(d) The council may allocate a reasonable amount, not to exceed five percent up to a maximum of \$50,000 of the funds available for grants on an annual basis, for general program administration.

(e) Moneys appropriated or otherwise available for the Workforce Development Initiative Program shall be allocated by line item to an appropriate account. Any moneys remaining in the fund at the close of a fiscal year are carried forward for use in the next fiscal year.

(f) Nothing in this article requires a specific level of appropriation by the Legislature.

## **ARTICLE 11. MISCELLANEOUS INSTITUTES AND CENTERS.**

### **~~§18B-11-4. Depositories for assistive devices and services.~~**

~~There is hereby created under the authority, supervision and direction of the two governing boards of the state institutions of higher education, two assistive device depositories, one of which is to be located in a state supported college or university in the northern part of the state and the other depository is to be located in a state supported college or university in the southern part of the state. Each assistive device depository shall obtain assistive devices either through public or private funding, develop an inventory of assistive devices and services for individuals with disabilities, catalog equipment, receive and fulfill requests and track and maintain assistive devices.~~

~~In coordination with the secretary of education and the arts, the governing boards shall establish the depositories upon receipt of line item appropriations by the Legislature for such purposes. Educational agencies, including public and private educational agencies, public and private service agencies, individuals, families and communities shall have access to these~~

depositories and the equipment and services available at each depository. Public and private higher education institutions shall have priority access to the depositories.

~~Each depository shall coordinate its activities with the West Virginia assistive technology system at the university affiliated center for developmental disabilities. Each depository shall undertake outreach efforts and shall coordinate services and equipment programs with other state and local agencies to share resources. Services to individuals with disabilities in higher education shall include, but not be limited to: Interpreters for the deaf, peer tutors, note takers, readers for the blind; and shall further be defined as community service under provisions of the national and community service act and other applicable state and federal statutes.~~

#### **~~§18B-11-6. National institute for teaching excellence established.~~**

~~(a) Findings.—~~ The Legislature finds that:

~~(1) West Virginia has long been recognized for its high quality teacher preparation program as a national center for teacher excellence;~~

~~(2) Teaching education candidates from higher education institutions in this state have proven to be highly marketable nationwide due to the reputation this state has earned in producing outstanding teacher education graduates; and~~

~~(3) West Virginia should utilize its reputation for exceptional achievement in this area by promoting our program to prospective students in teacher education programs to attract graduates nationwide for teaching positions in this state.~~

~~(b) Intent.—~~ It is the intent of the Legislature:

~~(1) To create a permanent institute which, as an organized activity and on a continuous basis, will encourage and promote excellence and public awareness of the quality teacher preparation programs in our state;~~

~~(2) To honor excellence in education, recognize exemplary teacher education graduates throughout the state and the nation, and recruit and supply for our public schools highly qualified teachers.~~

~~(c) For the purposes of this section, the following words have the meanings ascribed to them:~~

~~(1) "Board" means the board of the institute as established by this section;~~

~~(2) "Chancellor" means the chief executive officer of the Higher Education Policy Commission;~~

~~(3) "Institute" means the national institute for teaching excellence established by this section;~~

~~(4) "Secretary" means the secretary of the Department of Education and the arts; and~~

~~(5) "Superintendent" means the State Superintendent of Schools.~~

~~(d) There is hereby established within the office of the secretary the national institute for teaching excellence. The institute shall be implemented by the secretary with the assistance of the superintendent and the chancellor.~~

~~(e) There is established the board of the institute which has the responsibility for developing, overseeing and implementing the operations of the institute. The board shall consist of seven members selected as follows:~~

- ~~(1) The secretary or a designee;~~
- ~~(2) The superintendent or a designee;~~
- ~~(3) The chancellor or a designee;~~
- ~~(4) One certified teacher, selected by the state board; and~~

~~(5) Three members selected by the secretary representing West Virginia higher education institutions with approved teacher education programs. Of the three members selected by the secretary, one shall represent a state university, one shall represent a public college, and one shall represent a private college.~~

~~(f) Members of the board serve terms of two years each and, at the expiration of their terms, may continue to serve until their respective successors are appointed. The secretary shall appoint a chairperson for the board from among the members thereof for a term of two years. The chairperson may continue to serve until his or her successor is appointed.~~

~~(g) The board has the following powers and duties:~~

- ~~(1) To design and develop the institute;~~
- ~~(2) To select annually a university or college within the state to host the institute;~~
- ~~(3) To establish the application process, criteria and qualifications, and annually to make the final selection of two recent education graduates from each state to attend the institute academy;~~

~~(4) To solicit, accept and expend for the purposes of this section any contribution, grant or appropriation from any source, and to pursue aggressively any federal or private funding available for these purposes;~~

~~(5) To perform such other duties as considered necessary to carry out the purposes of this section;~~

~~(6) To report by November 1, 2001, and annually thereafter, to the Legislative Oversight commission on education accountability on the progress of the institute. The initial report shall contain at least the following information:~~

~~(i) A design for administering a collaborative effort on the part of West Virginia colleges and universities with an approved teacher education program to provide a week-long summer academy for recent teacher education graduates nationwide;~~

~~(ii) Provisions, including appropriate sources of funds, for the institute to man an office~~

~~throughout the year for the purpose of publishing materials, pursuing grant moneys, conducting research and providing data on excellence in teacher education; and~~

~~(iii) Provision for developing a certificate of recognition to be presented to each participant upon completion of the academy.~~

~~(h) Nothing in this section requires any level of funding by the Legislature or requires the board to implement the provisions of this section unless federal funds and/or private moneys have been secured for that purpose.~~

## **ARTICLE 16. HEALTH CARE EDUCATION.**

### **§18B-16-5. Powers and duties of the vice chancellor.**

In addition to all other duties assigned to the vice chancellor by the ~~board of trustees~~Higher Education Policy Commission, the vice chancellor shall:

(a) Provide assistance to communities in planning an educational and clinical component for the primary health care education sites;

(b) Coordinate and approve the provision of faculty members, students, interns and residents at the education sites;

(c) Report directly to the ~~board of trustees~~Higher Education Policy Commission regarding the rural health initiative;

(d) Oversee the administration of the Kellogg foundation grant;

(e) Coordinate the rural health initiative with the allied health care education programs within the state college ~~system~~and community college systems;

(f) Prepare the budget for the rural health initiative and submit the budget to the ~~board of trustees~~Higher Education Policy Commission for their approval;

(g) Distribute the funds which were appropriated to the ~~board of trustees and the secretary of the Department of Education and the arts, by the Legislature,~~Higher Education Policy Commission for the rural health initiative;

(h) Mediate any disputes between the institutions of higher education regarding the rural health initiative;

~~(i) Approve the plan submitted by the board of directors under section three, article three of this chapter;~~

~~(j) Consult with the joint commission~~Council for ~~vocational-technical-occupational education~~Community and Technical College Education established under ~~section one, article three a of this chapter~~§18B-2B-3 of this code on the coordination of the education of student practical nurses with the rural health initiative; and

~~(k)~~(i) Perform such other duties as may be prescribed by this article or as may be necessary to effectuate the provisions of this article.

### **§18B-16-8. Allocation of appropriations.**

(a) The primary health care education sites established under this article shall be supported financially in part from line item appropriations to the university of West Virginia health sciences account. Funds shall be distributed to the state's schools of medicine upon consideration of the recommendations of the vice chancellor. Appropriations to the university of West Virginia health sciences account to support the rural health initiative shall be by line item, with at least one line item designated for primary health education program support at the schools of medicine and at least one line item designated for rural health initiative site support.

(b) The vice chancellor shall require each school of medicine to submit a detailed proposal which shall state, with specificity, how each school of medicine will be working to further the goals and meet the criteria set forth in this article and the amount of appropriation which would be needed by each school to implement the proposal.

The vice chancellor shall, giving consideration to ~~such~~the proposals, prepare a comprehensive plan to be presented to the board of trustees, which plan shall include a recommendation for allocations of moneys appropriated for program support and a recommendation for the allocation of moneys designated for support of the primary health care education sites commensurate with each school's level of participation in such sites.

(c) Notwithstanding the provisions of ~~section twelve, article three, chapter twelve~~§12-3-12 of this code, any funds appropriated to the ~~board of trustees~~Higher Education Policy Commission in accordance with the provisions of this section that remain unallocated or unexpended at the end of any fiscal year shall not expire, shall remain in the line item to which they were originally appropriated and shall be available in the next fiscal year to the board of trustees or a school of medicine for allocation or expenditure for the purposes of this article.

~~\_(d) The rural health initiative shall also be supported, in part, from appropriations made to the secretary of the Department of Education and the arts, under a separate line item for the board of directors of the state college system for the rural health initiative, for distribution to participating health education programs under the board of directors. Appropriations shall not be expended or allocated until the required plan has been approved by the vice chancellor in accordance with section three, article three of this chapter.~~

~~Notwithstanding the provisions of section twelve, article three, chapter twelve of this code, any funds appropriated to the board of directors in accordance with the provisions of this section that remain unallocated or unexpended at the end of any fiscal year shall not expire, shall remain in the line item to which they were originally appropriated and shall be available in the next fiscal year to the board of directors for allocation or expenditure for the purposes of this article.~~

~~(e)~~(d) Additional financial support shall come from fees generated by services, from grants and contracts, and from community resources. Any fees so generated shall be paid to and expended by the facility established as a primary health care education site unless an alternative fee arrangement is mutually agreed upon by the chief administrator of the site and the vice chancellor for health sciences.

## ARTICLE 18. SCIENCE AND RESEARCH COUNCIL.

### §18B-18B-1. Science and Research Council established; purposes.

(a) The Science and Research Council is hereby established. For the purposes of this article only, "council" means the Science and Research Council established herein.

(b) The purposes of the council include, but are not limited to, the following:

(1) Increasing the capacity of the state and state institutions of higher education to attract, implement and use cutting-edge, competitive research funds and infrastructure;

(2) Providing expertise and policy guidance in science and research to the state, its agencies and state institutions of higher education regarding federal programs such as the Experimental Program to Stimulate Competitive Research ("EPSCoR") and similar state programs such as the West Virginia Research Trust Fund established in ~~article eighteen-a~~ [§18B-18A-1 et seq.](#) of this ~~chapter code~~ and the Research Challenge Fund established in ~~section twelve, article one-b~~ [§18B-1B-12](#) of this ~~chapter code~~;

(3) Encouraging research collaboration among public and private institutions of higher education and the private sector, both within and outside the state;

(4) Promoting education at all levels in the fields of science, technology, engineering and mathematics; and

(5) Providing recommendations to the ~~Commission~~ [commission](#) and state policymakers, including the Governor and Legislature, regarding science and research initiatives and effective programmatic activities, budgets and investments to implement those initiatives.

(c) The council replaces the EPSCoR State Advisory Council and consists of fifteen members as follows:

(1) The vice presidents in charge of research at Marshall University and West Virginia University;

(2) A representative of health sciences at Marshall University and a representative of health sciences at West Virginia University, appointed by the deans of the respective schools of medicine;

(3) The ~~Secretary of Education and the Arts or designee~~;

~~(4) The State Superintendent of Schools or designee;~~

~~(5)~~(4) The Secretary of Commerce or designee;

~~(6)~~(5) The Vice Chancellor for Science and Research of the Commission;

~~(7)~~(6) The Chancellor of the Commission who chairs the council;

~~(8)~~(7) One member engaged in applied research at Marshall University and one member engaged in applied research at West Virginia University, appointed by the provosts of the respective universities; and

~~(9)~~(8) ~~Four~~ Five members, appointed by the Governor, who have demonstrated interest, knowledge, skill and experience in academic research and scientific innovation and who possess recognized credentials and expertise in one or more of the following areas:

- (A) Science, technology, engineering or mathematics ("STEM") fields;
- (B) Cyberinfrastructure, information technology or computer science;
- (C) Research and development;
- (D) Technology based economic development or industry; or
- (E) Undergraduate research or science education.

At least two of the members appointed by the Governor shall be representatives of business or industry.

(d) Of the initial appointments made by the Governor, one member shall be appointed to a one-year term; one member shall be appointed to a two-year term; one member shall be appointed to a three-year term; and one member shall be appointed to a four-year term. Of the initial appointments made by the deans of schools of medicine, the member appointed by the dean of the Marshall University School of Medicine shall be appointed to a two-year term, and the member appointed by the dean of the West Virginia University School of Medicine shall be appointed to a three-year term. Of the initial appointments made by the provosts, the member appointed by the West Virginia University provost shall be appointed to a two-year term, and the member appointed by the Marshall University provost shall be appointed to a four-year term.

(e) After the initial appointments, all members serve terms of four years. Each appointed member who qualifies under the provisions of this section may serve for no more than two successive terms. An appointment to fill a vacancy on the council or reappointment of a member who is eligible to serve an additional term is made in accordance with the provisions of this section.

(f) Members of the council serve without compensation, but are entitled to reimbursement by the commission for expenses, including travel expenses, actually incurred by the member in the official conduct of the business of the council.

## **CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.**

### **ARTICLE 24. TECHNOLOGY RELATED ASSISTANCE REVOLVING LOAN FUND FOR INDIVIDUALS WITH DISABILITIES ACT**

#### **§29-24-3. Board created, membership, terms, officers and staff.**

(a) The technology-related assistance revolving loan fund for individuals with disabilities board created by chapter ~~two hundred forty seven, acts~~ 247 Acts of the Legislature, regular session, ~~one thousand nine hundred ninety six~~ 1996, is hereby continued.

(b) The board shall consist of seven members as follows, of whom at least three must be individuals with disabilities:



(1) Director of the Division of Rehabilitation Services, ex officio, who shall be entitled to vote, or his or her designee;

(2) A representative of the banking industry;

(3) A representative of the medical profession;

(4) A certified public accountant; and

(5) Three members from the public at large who are users or providers of technology-related assistance devices or services for individuals with disabilities. Members shall be appointed by the Governor, by and with the advice and consent of the Senate, for terms of three years. Members appointed by the Governor with the advice and consent of the Senate prior to the effective date of this section shall continue to serve for the terms for which they were appointed. State officers or employees may be appointed to the board unless otherwise prohibited by law.

(c) In the event a board member fails to attend more than twenty-five percent of the scheduled meetings in a twelve-month period, the board may, after written notification to that member and the ~~secretary of education and the arts~~ Secretary of Commerce, request in writing that the Governor remove the member and appoint a new member to serve his or her unexpired term.

(d) ~~In the event of death~~ If there is a death, resignation, disqualification or removal for any reason of any member of the board, the vacancy shall be filled in the same manner as the original appointment and the successor shall serve for the unexpired term.

(e) The board shall elect from its membership a chairperson, treasurer and secretary as well as any other officer as appropriate. The term of the "chairperson" is for two years in duration and he or she cannot serve more than two consecutive terms.

#### **§29-24-5. Power, duties and responsibilities of the board; loans.**

(a) The board has the following powers, duties and responsibilities:

(1) Meet at such times (minimum of four times each fiscal year) and at places as it determines necessary or convenient to perform its duties. The board shall also meet on the call of the chairperson or ~~secretary of education and the arts~~ Secretary of Commerce;

(2) Maintain written minutes of its meetings;

(3) Propose rules for legislative promulgation in accordance with ~~the provisions of article three, chapter twenty-nine a~~ §29A-3-1 et seq. of this code for the transaction of its business and to carry out the purposes of this article. ~~Such~~ The rules shall include: (A) Guidelines, procedures, reporting requirements, accountability measures and such other criteria as the board deems appropriate and necessary to fulfill its governance responsibility under this article if it elects to contract with a nonprofit, consumer-driven organization to carry out the purposes of this article; (B) an appeals process with regard to the administration of the fund; and (C) rules governing the operation of the fund, including, but not limited to, eligibility of receipt of funds and all other matters consistent with and necessary to accomplishing the purpose of this fund;

(4) Employ personnel on a full-time, part-time or contracted basis. Board personnel may be members of the state civil service system. Participating agencies shall make staff support and resources available to the board whenever practicable at the discretion of the agencies. The compensation of personnel shall be paid from moneys in the revolving loan fund;

(5) Receive, administer and disburse funds to support purposes established by this article and contract with nonprofit, consumer-based groups dealing with individuals with disabilities to assist in administering programs established by this article;

(6) Maintain detailed records of all expenditures of the board, funds received as gifts and donations and disbursements made from the revolving loan fund;

(7) Submit to the ~~secretary~~ Secretary of ~~education and the arts~~ the Department of Commerce and the Legislature annually a summary report concerning programmatic and financial status of the revolving loan fund;

(8) Develop and implement a comprehensive set of financial standards to ensure the integrity and accountability of all funds received as well as loan funds disbursed; and

(9) Conform to the standards and requirements prescribed by the State Auditor.

(b) Subject to available funds, the board shall enter into loan agreements with any qualifying borrower, who demonstrates that:

(1) The loan will assist one or more individuals with disabilities in improving their independence, productivity and full participation in the community; and

(2) The applicant has the ability to repay the loan. Any necessary loan limitation shall be determined by the board. All loans must be repaid within such terms and at such interest rates as the board may determine to be appropriate. However, no loan may extend beyond sixty months from date of award and may be paid off anytime without prepayment penalty. The board shall determine the interest rate to be charged on loans made pursuant to this article, but in no event may the interest rate on any such loans be less than four or more than twenty-one percent per annum.

(c) The board may authorize loans up to ninety percent of the cost of an item or items.

(d) The board may award loans to qualifying borrowers for purposes, including, but not limited to, the following:

(1) To assist one or more individuals with disabilities to improve their independence through the purchase of technology-related devices; and

(2) To assist one or more individuals with disabilities to become more independent members of the community and improve such individuals quality of life within the community through the purchase of technology-related devices.

(e) ~~In the event of the~~ If there is a failure of the borrower to repay the loan balance due and owing, the board shall seek to recover the loan balance by such legal or administrative action available to it. Persons or representatives of persons who default on a loan are not eligible for a new loan. The board shall retain ownership of all property, equipment or devices until the borrower's loan is paid in full.

(f) A new loan may not be issued to, or on behalf of, a disabled person if a previous loan made to, or on behalf of, such person remains unpaid.

(g) The board may charge a fee for loan applications and processing. All funds generated by fee charges shall be directly placed into the revolving loan fund to off-set the costs of application processing.

The board may accept federal funds granted by Congress or executive order for the purposes of this chapter as well as gifts and donations from individuals, private organizations or foundations. The acceptance and use of federal funds does not commit state funds and does not place an obligation upon the Legislature to continue the purposes for which the federal funds are made available. All funds received in the manner described in this article shall be deposited in the revolving loan fund to be disbursed as other moneys in the revolving loan fund.

Bill Sponsors: Delegates R. Romine, Blair, Espinosa, Higginbotham, Cowles, Criss, Ellington, Hamrick, Westfall, Atkinson and Statler

**House Bill 4042: Redefining school zone to facilitate placement of school zone signs**

Effective Date: June 7, 2018

Code Reference: Amends: §17C-6-1

WVDE Contact: Tommy Young, Executive Director, Office of School Facilities & Transportation

Bill Summary: Presently there is a statutory fifteen miles per hour speed limit in school zones during certain times. This bill expands those areas considered school zones. Presently, a school zone is all school property, including school grounds and any street or highway abutting the school grounds and extending 125 feet along the street or high from the school grounds. For school property no abutting a street or highway and instead accessed via a right-of-way, the bill expressly includes all school property and all property within the access right-of-way, and extending 125 feet along the street or highway from the entrance of the access of the right-of-way as part of the school zone.

**CHAPTER 17C. TRAFFIC REGULATIONS AND LAWS OF THE ROAD.**

**ARTICLE 6. SPEED RESTRICTIONS.**

**§17C-6-1. SPEED LIMITATIONS GENERALLY; PENALTY.**

(a) No person may drive a vehicle on a highway at a speed greater than is reasonable and prudent under the existing conditions and the actual and potential hazards. In every event speed shall be controlled as necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highways in compliance with legal requirements and the duty of all persons to use due care.

(b) Where no special hazard exists that requires lower speed for compliance with subsection (a) of this section, the speed of any vehicle not in excess of the limits specified in this section or established as authorized in this section is lawful, but any speed in excess of the limits specified in this subsection or established as authorized in this section is unlawful. The following speed limits apply:

(1) Fifteen miles per hour in a school zone during school recess or while children are going to or leaving school during opening or closing hours. A school zone is all school property, including school grounds and any street or highway abutting the school grounds and extending one hundred twenty-five feet along the street or highway from the school grounds and, in the case of school property not abutting a street or highway but accessed through a right-of-way granted for entrance to school property, a school zone established by an engineering study conducted by the Division of Highways is all school property, including school grounds and any property within the access right-of-way, and extending one hundred twenty-five feet along the street or highway from the entrance to the access right-of-way. The West Virginia Division of Highways shall erect signage indicating the place of entry and exit of each school zone. Upon

a formal vote and a written request by a county board of education to expand a school zone to a road that is adjacent to school property or from the entrance to an access right-of-way, the West Virginia Division of Highways shall expand the school zone by erecting new signage indicating the expanded school zone's location and speed limit within ninety days of receiving the request: *Provided*, That the school zone may not be expanded more than one hundred twenty-five feet along an adjacent road unless the division determines that the additional extension is needed and necessary for the safety of the school children. The speed restriction does not apply to vehicles traveling on a controlled-access highway which is separated from the school or school grounds by a fence or barrier approved by the Division of Highways;

(2) Twenty-five miles per hour in any business or residence district; and

(3) Fifty-five miles per hour on open country highways, except as otherwise provided by this chapter.

The speeds set forth in this section may be altered as authorized in sections two and three of this article.

(c) The driver of every vehicle shall, consistent with the requirements of subsection (a) of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway and when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(d) The speed limit on controlled access highways and interstate highways, where no special hazard exists that requires a lower speed, shall be not less than fifty-five miles per hour and the speed limits specified in subsection (b) of this section do not apply.

(e) Unless otherwise provided in this section, any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100; upon a second conviction within one year thereafter, shall be fined not more than \$200; and, upon a third or subsequent conviction within two years thereafter, shall be fined not more than \$500: *Provided*, That if the third or subsequent conviction is based upon a violation of the provisions of this section where the offender exceeded the speed limit by fifteen miles per hour or more, then upon conviction, shall be fined not more than \$500 or confined in jail for not more than six months, or both fined and confined.

(f) Any person who violates the provisions of subdivision (1), subsection (b) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$500: *Provided*, That if the conviction is based upon a violation of the provisions of subdivision (1), subsection (b) of this section where the offender exceeded the speed limit by fifteen miles per hour or more in the presence of one or more children, then upon conviction, shall be fined not less than \$100 nor more than \$500 or confined in jail for not more than six months, or both fined and confined: *Provided*, ~~that~~ however, That if the signage required by subdivision (1) is not present in the school zone at the time of the violation, then any person who violates said provision is guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than \$25.

(g) If an owner or driver is arrested under the provisions of this section for the offense of driving above the posted speed limit on a controlled access highway or interstate highway

and if the evidence shows that the motor vehicle was being operated at ten miles per hour or less above the speed limit, then, upon conviction thereof, that person shall be fined not more than \$5, plus court costs.

(h) Any person operating a commercial motor vehicle engaged in the transportation of coal on the coal resource transportation road system who violates subsection (a), (b) or (c) of this section shall, upon conviction, be subject to fines in triple the amount otherwise provided in subsection (e) of this section.

(i) If an owner or driver is convicted under the provisions of this section for the offense of driving above the speed limit on a controlled access highway or interstate highway of this state and if the evidence shows that the motor vehicle was being operated at ten miles per hour or less above the speed limit, then notwithstanding the provisions of section four, article three, chapter seventeen-b of this code, a certified abstract of the judgment on the conviction shall not be transmitted to the Division of Motor Vehicles: *Provided*, That the provisions of this subsection do not apply to conviction of owners or drivers who have been issued a commercial driver's license as defined in chapter seventeen-e of this code, if the offense was committed while operating a commercial vehicle.

(j) If an owner or driver is convicted in another state for the offense of driving above the maximum speed limit on a controlled access highway or interstate highway and if the maximum speed limit in the other state is less than the maximum speed limit for a comparable controlled access highway or interstate highway in this state, and if the evidence shows that the motor vehicle was being operated at ten miles per hour or less above what would be the maximum speed limit for a comparable controlled access highway or interstate highway in this state, then notwithstanding the provisions of section four, article three, chapter seventeen-b of this code, a certified abstract of the judgment on the conviction shall not be transmitted to the Division of Motor Vehicles or, if transmitted, shall not be recorded by the division, unless within a reasonable time after conviction, the person convicted has failed to pay all fines and costs imposed by the other state: *Provided*, That the provisions of this subsection do not apply to conviction of owners or drivers who have been issued a commercial driver's license as defined in chapter seventeen-e of this code, if the offense was committed while operating a commercial vehicle.

Bill Sponsors: Delegates Westfall, Atkinson, Wagner, Dean and Frich

**House Bill 4138:           Requiring certain public or private schools and daycare centers to install carbon monoxide detectors**

Effective Date:           May 31, 2018

Code Reference:         Amends: §29-3-16a

WVDE Contact:         Tommy Young, Executive Director, Office of School Facilities & Transportation

Bill Summary:           The bill requires all schools and daycare facilities to install carbon monoxide detectors in areas of the school/facility where combustible gas is produced. There is an internal effective date of January 1, 2019.

**CHAPTER 29 MISCELLANEOUS BOARDS AND OFFICERS.**

**ARTICLE 3. FIRE PREVENTION AND CONTROL ACT.**

**§29-3-16a. Smoke detectors in one- and two-family dwellings; carbon monoxide detectors in residential units, schools and daycare facilities; penalty.**

(a) An operational smoke detector shall be installed in the immediate vicinity of each sleeping area within all one and two family dwellings, including any "manufactured home" as that term is defined in ~~subsection (j), section two, article nine, chapter twenty-one §21-9-2(j)~~ of this code. The smoke detector shall be capable of sensing visible or invisible particles of combustion and shall meet the specifications and be installed as provided in the current edition of the National Fire Protection Association Standard 72, "Standard for the Installation, Maintenance and Use of Household Fire Warning Equipment" and in the manufacturer's specifications. When activated, the smoke detector shall provide an alarm suitable to warn the occupants of the danger of fire.

(b) The owner of each dwelling described in subsection (a) of this section shall provide, install and replace the operational smoke detectors required by this section. ~~So as to~~ To assure that the smoke detector continues to be operational, in each dwelling described in subsection (a) of this section which is not occupied by the owner ~~thereof~~ of the dwelling, the tenant in any dwelling shall perform routine maintenance on the smoke detectors within the dwelling.

(c) Where a dwelling is not occupied by the owner and is occupied by an individual who is deaf or hearing impaired, the owner shall, upon written request by or on behalf of the individual, provide and install a smoke detector with a light signal sufficient to warn the deaf or hearing-impaired individual of the danger of fire.

(d) An automatic fire sprinkler system installed in accordance with the current edition of the National Fire Protection Association Standard 13D, "Standard for the Installation of Sprinkler Systems in Residential Occupancies" may be provided in lieu of smoke detectors.

(e) After investigating a fire in any dwelling described in subsection (a) of this section, the local investigating authority shall issue to the owner a smoke detector installation order

in the absence of the required smoke detectors.

(f) An operational single station carbon monoxide detector with a suitable alarm or a combination smoke detector and carbon monoxide detector, which shall be alternating current (AC) powered, either plugged directly in to an electrical outlet that is not controlled by a switch or hardwired into an alternating current (AC) electrical source, with battery ~~back up,~~ and backup; shall be installed, maintained, tested, repaired or replaced, if necessary, in accordance with the manufacturer's direction:

(1) In any newly constructed residential unit which has a fuel-burning heating or cooking source including, but not limited to, an oil or gas furnace or stove;

(2) In any residential unit which is connected to a newly constructed building, including, but not limited to, a garage, storage shed or barn, which has a fuel-burning heating or cooking source, including, but not limited to, an oil or gas furnace or stove;

(3) Effective September 1, 2012, in either a common area where the general public has access or all rooms in which a person will be sleeping that are adjoining to and ~~being~~ directly below and above all areas or rooms that contain permanently installed fuel-burning appliances and equipment that emit carbon monoxide as a byproduct of combustion located within all apartment buildings, boarding houses, dormitories, long-term care facilities, adult or child care facilities, assisted living facilities, one- and two- family dwellings intended to be rented or leased, hotels and motels.

(g) Effective January 1, 2013, all single station carbon monoxide detectors with a suitable alarm or a combination smoke detector and carbon monoxide detectors shall be hardwired into an alternating current (AC) electrical source, with battery backup, when installed in all newly constructed apartment buildings, boarding houses, dormitories, hospitals, long-term care facilities, adult or child care facilities, assisted living facilities, one- and two-family dwellings intended to be rented or leased, hotels and motels.

(h) In any long-term care facility that is staffed on a twenty-four hour, seven day a week basis, the single station carbon monoxide detector with a suitable alarm or a combination smoke detector and carbon monoxide detector ~~shall is~~ only be required to be installed in an area of the facility that permits the detector to be audible to the staff on duty.

(i) Effective January 1, 2019, carbon monoxide detectors shall be installed in every public or private school or daycare facility that uses a fuel-burning heating system or other fuel-burning device that produces combustion gases. A carbon monoxide detector shall be located in each area with fuel-burning heating system or other fuel-burning device that produces combustion gases.

(j) Any person installing a carbon monoxide detector in a residential unit shall inform the owner, lessor or the occupant or occupants of the residential unit of the dangers of carbon monoxide poisoning and instructions on the operation of the installed carbon monoxide detector ~~installed~~.

~~(j)~~(k) When repair or maintenance work is undertaken on a fuel-burning heating or cooking source or a venting system in an existing residential unit, the person making the repair or performing the maintenance shall inform the owner, lessor or the occupant or occupants of the unit being served by the fuel-burning heating or cooking source or venting system of the



dangers of carbon monoxide poisoning and recommend the installation of a carbon monoxide detector.

~~(k)~~(l) Any person who violates any provision of this section is guilty of a misdemeanor and, upon conviction thereof, for a first offense, shall be fined \$250. For a second offense, the person is guilty of a misdemeanor and, upon conviction thereof, shall be fined \$750. For a third and subsequent offenses, the person is guilty of a misdemeanor and, upon conviction thereof, shall be fined \$2000.

~~(m)~~(n) A violation of this section may not be considered ~~by virtue of the violation~~ to constitute evidence of negligence or contributory negligence or comparative negligence in any civil action or proceeding for damages.

~~(m)~~(n) A violation of this section may not constitute a defense in any civil action or proceeding involving any insurance policy.

~~(n)~~(o)

) Nothing in this section shall be construed to limit the rights of any political subdivision in this state to enact laws imposing upon owners of any dwelling or other building described in subsection (a) or (f) of this section a greater duty with regard to the installation, repair and replacement of the smoke detectors or carbon monoxide detectors than is required by this section.

Bill Sponsors: Delegates Byrd, Fluharty, Lane, R. Miller, Phillips, Fleischauer, Moore, Lovejoy, Blair, Canestraro and Robinson

**House Bill 4145:           Increasing the annual salaries of members of the West Virginia Police, public school teachers and school service personnel**

Effective Date:           July 1, 2018

Code Reference:           Amends: §15-2-5; §18A-4-2; and §18A-4-8a

WVDE Contact:           Amy Willard, Executive Director, Office of School Finance

Bill Summary:           The bill increased the basic salary amounts in the State Minimum Salary Schedule for teachers and other professional personnel contained in §18A-4-2 by \$2,020, effective for the 2018-19 school year and continuing thereafter. The \$2,020 increase equated to an average five percent across the board increase based on the average state-funded basic salary for state aid eligible professional educators.

The bill also increased the basic salary amounts in the State Minimum Salary Schedule for service personnel contained in §18A-4-8a by \$110 per month, effective for the 2018-19 school year and continuing thereafter. The \$110 per month increase equates to a \$1,100 per year increase based on a standard 200-day employment contract. The \$1,100 increase equates to an average five percent across the board increased based on the average state-funded basic salary for state aid eligible service personnel.

**CHAPTER 15. PUBLIC SAFETY.**

**ARTICLE 2. WEST VIRGINIA STATE POLICE.**

**§15-2-5. Career progression system; salaries; exclusion from wages and hour law, with supplemental payment; bond; leave time for members called to duty in guard or reserves.**

(a) The superintendent shall establish within the West Virginia State Police a system to provide for: The promotion of members to the supervisory ranks of sergeant, first sergeant, second lieutenant and first lieutenant; the classification of nonsupervisory members within the field operations force to the ranks of trooper, senior trooper, trooper first class or corporal; the classification of members assigned to the forensic laboratory as criminalist I-VIII; and the temporary reclassification of members assigned to administrative duties as administrative support specialist I-VIII.

(b) The superintendent may propose legislative rules for promulgation in accordance with ~~article three, chapter twenty nine a~~ [§29A-3-1 et seq.](#) of this code for the purpose of ensuring consistency, predictability and independent review of any system developed under the provisions of this section.

(c) The superintendent shall provide to each member a written manual governing any system established under the provisions of this section and specific procedures shall be identified for the evaluation and testing of members for promotion or reclassification and the

subsequent placement of any members on a promotional eligibility or reclassification recommendation list.

(d) Beginning on July 1, ~~2011~~2018, members shall receive annual salaries payable at least twice per month as follows:

ANNUAL SALARY SCHEDULE (BASE PAY)  
SUPERVISORY AND NONSUPERVISORY RANKS

Cadet During Training.....	\$ <del>33,994</del> 36,154
Cadet Trooper After Training.....	\$ <del>41,258</del> 43,414
Trooper Second Year .....	<del>42,266</del> 44,426
Trooper Third Year .....	<del>42,649</del> 44,809
Senior Trooper .....	<del>43,048</del> 45,208
Trooper First Class .....	<del>43,654</del> 45,814
Corporal .....	<del>44,260</del> 46,420
Sergeant.....	<del>48,561</del> 50,721
First Sergeant.....	<del>50,712</del> 52,872
Second Lieutenant.....	<del>52,862</del> 55,022
First Lieutenant.....	<del>55,013</del> 57,173
Captain .....	<del>57,164</del> 59,324
Major .....	<del>59,314</del> 61,474
Lieutenant Colonel.....	<del>61,465</del> 63,625

ANNUAL SALARY SCHEDULE (BASE PAY)  
ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION

I.....	<del>42,266</del> 44,426
II.....	<del>43,048</del> 45,208
III.....	<del>43,654</del> 45,814
IV.....	<del>44,260</del> 45,814
V.....	<del>48,561</del> 50,721
VI.....	<del>50,712</del> 52,872
VII.....	<del>52,862</del> 55,022
VIII.....	<del>55,013</del> 57,173

ANNUAL SALARY SCHEDULE (BASE PAY)  
CRIMINALIST CLASSIFICATION

I .....	42,26644,426
II .....	43,04845,208
III .....	43,65445,814
IV .....	44,26046,420
V .....	48,56150,721
VI .....	50,71252,872
VII .....	52,86255,022
VIII .....	55,01357,173

Each member of the West Virginia State Police whose salary is fixed and specified in this annual salary schedule is entitled to the length of service increases set forth in [subsection §15-2-5\(e\)](#) of this [section code](#) and supplemental pay as provided in [subsection §15-2-5\(g\)](#) of this [section code](#).

(e) Each member of the West Virginia State Police whose salary is fixed and specified pursuant to this section shall receive, and is entitled to, an increase in salary over that set forth in [subsection §15-2-5\(d\)](#) of this [section code](#) for grade in rank, based on length of service, including that service served before and after the effective date of this section with the West Virginia State Police as follows: Beginning on January 1, 2015 and continuing thereafter, at the end of two years of service with the West Virginia State Police, the member shall receive a salary increase of \$500 to be effective during his or her next year of service and a like increase at yearly intervals thereafter, with the increases to be cumulative.

(f) In applying the salary schedules set forth in this section where salary increases are provided for length of service, members of the West Virginia State Police in service at the time the schedules become effective shall be given credit for prior service and shall be paid the salaries the same length of service entitles them to receive under the provisions of this section.

(g) The Legislature finds and declares that because of the unique duties of members of the West Virginia State Police, it is not appropriate to apply the provisions of state wage and hour laws to them. Accordingly, members of the West Virginia State Police are excluded from the provisions of state wage and hour law. This express exclusion shall not be construed as any indication that the members were or were not covered by the wage and hour law prior to this exclusion.

In lieu of any overtime pay they might otherwise have received under the wage and hour law, and in addition to their salaries and increases for length of service, members who have completed basic training and who are exempt from federal Fair Labor Standards Act guidelines may receive supplemental pay as provided in this section.

The authority of the superintendent to propose a legislative rule or amendment thereto for promulgation in accordance with [article three, chapter twenty-nine-a §29A-3-1 et seq.](#) of this code to establish the number of hours [per month](#) which constitute the standard pay period for the members of the West Virginia State Police is hereby continued. The rule shall further

establish, on a graduated hourly basis, the criteria for receipt of a portion or all of supplemental payment when hours are worked in excess of the standard pay period. The superintendent shall certify at least twice per month to the West Virginia State Police's payroll officer the names of those members who have worked in excess of the standard pay period and the amount of their entitlement to supplemental payment. The supplemental payment may not exceed \$200 per pay period. The superintendent and civilian employees of the West Virginia State Police are not eligible for any supplemental payments.

(h) Each member of the West Virginia State Police, except the superintendent and civilian employees, shall execute, before entering upon the discharge of his or her duties, a bond with security in the sum of \$5,000 payable to the State of West Virginia, conditioned upon the faithful performance of his or her duties, and the bond shall be approved as to form by the Attorney General and as to sufficiency by the Governor.

(i) In consideration for compensation paid by the West Virginia State Police to its members during those members' participation in the West Virginia State Police Cadet Training Program pursuant to ~~section eight, article twenty-nine, chapter thirty~~ §30-29-8 of this code, the West Virginia State Police may require of its members by written agreement entered into with each of them in advance of such participation in the program that, if a member should voluntarily discontinue employment any time within one year immediately following completion of the training program, he or she shall be obligated to pay to the West Virginia State Police a pro rata portion of such compensation equal to that part of such year which the member has chosen not to remain in the employ of the West Virginia State Police.

(j) Any member of the West Virginia State Police who is called to perform active duty training or inactive duty training in the National Guard or any reserve component of the armed forces of the United States annually shall be granted, upon request, leave time not to exceed thirty calendar days for the purpose of performing the active duty training or inactive duty training and the time granted may not be deducted from any leave accumulated as a member of the West Virginia State Police.

## **CHAPTER 18A. SCHOOL PERSONNEL.**

### **ARTICLE 4. SALARIES, WAGES, AND OTHER BENEFITS.**

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

(a) It is the goal of the Legislature to increase the state minimum salary for teachers with zero years of experience and an A. B. degree, including the equity supplement, to at least \$43,000 by fiscal year 2019.

(b) ~~Beginning July 1, 2014~~ For school year 2018-2019, and continuing thereafter, each teacher shall receive the amount prescribed in the State Minimum Salary Schedule as set forth in this section, specific additional amounts prescribed in this section or article and any county supplement in effect in a county pursuant to ~~section five-a~~ §18A-4-5a of this ~~article code~~ during the contract year.

#### STATE MINIMUM SALARY SCHEDULE

Years	4 <sup>th</sup>	3 <sup>rd</sup>	2 <sup>nd</sup>	A.B.	A.B.	M.A.	M.A.	M.A.	M.A.	Doc-
Exp.	Class	Class	Class	A.B.	+15	M.A.	+15	+30	+45	torate
Exp:	Class	Class	Class	A.B.	+15	M.A.	+15	+30	+45	torate
0	<u>27,917</u>	<u>28,606</u>	<u>28,872</u>	<u>30,315</u>	<u>31,076</u>	<u>32,843</u>	<u>33,604</u>	<u>34,365</u>	<u>35,126</u>	<u>36,161</u>
	<u>9,937</u>	<u>30,626</u>	<u>30,892</u>	<u>32,335</u>	<u>33,096</u>	<u>34,863</u>	<u>35,624</u>	<u>36,385</u>	<u>37,146</u>	<u>8,181</u>
1	<u>28,245</u>	<u>28,934</u>	<u>29,200</u>	<u>30,833</u>	<u>31,594</u>	<u>33,362</u>	<u>34,123</u>	<u>34,883</u>	<u>35,644</u>	<u>36,679</u>
	<u>30,265</u>	<u>30,954</u>	<u>31,220</u>	<u>32,853</u>	<u>33,614</u>	<u>35,382</u>	<u>36,143</u>	<u>36,903</u>	<u>37,664</u>	<u>38,699</u>
2	<u>28,574</u>	<u>29,262</u>	<u>29,528</u>	<u>31,352</u>	<u>32,113</u>	<u>33,880</u>	<u>34,641</u>	<u>35,402</u>	<u>36,163</u>	<u>37,198</u>
	<u>30,594</u>	<u>31,282</u>	<u>31,548</u>	<u>3,372</u>	<u>4,133</u>	<u>35,900</u>	<u>36,661</u>	<u>37,22</u>	<u>38,183</u>	<u>9,218</u>
3	<u>28,902</u>	<u>29,590</u>	<u>29,856</u>	<u>31,871</u>	<u>32,631</u>	<u>34,399</u>	<u>35,160</u>	<u>35,920</u>	<u>36,681</u>	<u>37,716</u>
	<u>30,922</u>	<u>31,610</u>	<u>31,876</u>	<u>3,891</u>	<u>34,651</u>	<u>36,419</u>	<u>37,180</u>	<u>37,940</u>	<u>38,701</u>	<u>9,736</u>
4	<u>29,474</u>	<u>30,162</u>	<u>30,428</u>	<u>32,633</u>	<u>33,394</u>	<u>35,162</u>	<u>35,923</u>	<u>36,683</u>	<u>37,444</u>	<u>38,479</u>
	<u>31,494</u>	<u>32,182</u>	<u>32,448</u>	<u>34,653</u>	<u>35,414</u>	<u>37,182</u>	<u>37,943</u>	<u>38,703</u>	<u>39,464</u>	<u>40,499</u>
5	<u>29,802</u>	<u>30,490</u>	<u>30,756</u>	<u>33,152</u>	<u>33,913</u>	<u>35,680</u>	<u>36,441</u>	<u>37,202</u>	<u>37,963</u>	<u>38,998</u>
	<u>31,822</u>	<u>32,510</u>	<u>32,776</u>	<u>5,172</u>	<u>5,933</u>	<u>37,700</u>	<u>38,461</u>	<u>39,222</u>	<u>39,983</u>	<u>41,018</u>
6	<u>30,130</u>	<u>30,818</u>	<u>31,084</u>	<u>33,670</u>	<u>34,431</u>	<u>36,199</u>	<u>36,960</u>	<u>37,720</u>	<u>38,481</u>	<u>39,516</u>
	<u>32,150</u>	<u>32,838</u>	<u>33,104</u>	<u>35,690</u>	<u>36,451</u>	<u>38,219</u>	<u>38,980</u>	<u>9,740</u>	<u>40,501</u>	<u>41,536</u>
7	<u>30,458</u>	<u>31,147</u>	<u>31,413</u>	<u>34,189</u>	<u>34,950</u>	<u>36,717</u>	<u>37,478</u>	<u>38,239</u>	<u>39,000</u>	<u>40,035</u>
	<u>32,48</u>	<u>3,167</u>	<u>3,432</u>	<u>36,209</u>	<u>36,970</u>	<u>8,737</u>	<u>39,498</u>	<u>40,259</u>	<u>41,020</u>	<u>42,055</u>
8	<u>30,786</u>	<u>31,475</u>	<u>31,741</u>	<u>34,707</u>	<u>35,468</u>	<u>37,236</u>	<u>37,997</u>	<u>38,757</u>	<u>39,518</u>	<u>40,553</u>
	<u>32,806</u>	<u>3,495</u>	<u>3,761</u>	<u>36,727</u>	<u>37,488</u>	<u>39,256</u>	<u>40,017</u>	<u>40,777</u>	<u>41,538</u>	<u>42,573</u>
9	<u>31,114</u>	<u>31,803</u>	<u>32,069</u>	<u>35,226</u>	<u>35,987</u>	<u>37,754</u>	<u>38,515</u>	<u>39,276</u>	<u>40,037</u>	<u>41,072</u>
	<u>3,134</u>	<u>33,823</u>	<u>34,089</u>	<u>37,246</u>	<u>38,007</u>	<u>9,774</u>	<u>40,535</u>	<u>41,296</u>	<u>42,057</u>	<u>43,092</u>
10	<u>31,443</u>	<u>32,131</u>	<u>32,397</u>	<u>35,746</u>	<u>36,506</u>	<u>38,274</u>	<u>39,035</u>	<u>39,796</u>	<u>40,556</u>	<u>41,591</u>
	<u>33,463</u>	<u>4,151</u>	<u>34,417</u>	<u>37,766</u>	<u>38,526</u>	<u>40,294</u>	<u>41,055</u>	<u>41,816</u>	<u>42,576</u>	<u>43,611</u>
11	<u>31,771</u>	<u>32,459</u>	<u>32,725</u>	<u>36,264</u>	<u>37,025</u>	<u>38,793</u>	<u>39,553</u>	<u>40,314</u>	<u>41,075</u>	<u>42,110</u>
	<u>3,791</u>	<u>34,479</u>	<u>4,745</u>	<u>38,284</u>	<u>39,045</u>	<u>40,813</u>	<u>41,573</u>	<u>42,334</u>	<u>43,095</u>	<u>44,130</u>
12	<u>32,099</u>	<u>32,787</u>	<u>33,053</u>	<u>36,783</u>	<u>37,543</u>	<u>39,311</u>	<u>40,072</u>	<u>40,833</u>	<u>41,593</u>	<u>42,628</u>
	<u>34,119</u>	<u>4,807</u>	<u>35,073</u>	<u>38,803</u>	<u>39,563</u>	<u>1,331</u>	<u>42,092</u>	<u>42,853</u>	<u>43,613</u>	<u>44,648</u>
13	<u>32,427</u>	<u>33,115</u>	<u>33,381</u>	<u>37,301</u>	<u>38,062</u>	<u>39,830</u>	<u>40,590</u>	<u>41,351</u>	<u>42,112</u>	<u>43,147</u>
	<u>34,447</u>	<u>5,135</u>	<u>35,401</u>	<u>9,321</u>	<u>40,082</u>	<u>41,850</u>	<u>42,610</u>	<u>3,371</u>	<u>4,132</u>	<u>45,167</u>
14	<u>32,755</u>	<u>33,443</u>	<u>33,709</u>	<u>37,820</u>	<u>38,580</u>	<u>40,348</u>	<u>41,109</u>	<u>41,870</u>	<u>42,630</u>	<u>43,665</u>
	<u>4,775</u>	<u>35,463</u>	<u>35,729</u>	<u>39,840</u>	<u>40,600</u>	<u>42,368</u>	<u>43,129</u>	<u>43,890</u>	<u>44,650</u>	<u>45,685</u>
15	<u>33,083</u>	<u>33,771</u>	<u>34,037</u>	<u>38,338</u>	<u>39,099</u>	<u>40,867</u>	<u>41,627</u>	<u>42,388</u>	<u>43,149</u>	<u>44,184</u>
	<u>35,103</u>	<u>5,791</u>	<u>36,057</u>	<u>40,358</u>	<u>41,119</u>	<u>42,887</u>	<u>43,647</u>	<u>44,408</u>	<u>45,169</u>	<u>46,204</u>
16	<u>33,411</u>	<u>34,099</u>	<u>34,365</u>	<u>38,857</u>	<u>39,617</u>	<u>41,385</u>	<u>42,146</u>	<u>42,907</u>	<u>43,667</u>	<u>44,702</u>
	<u>5,431</u>	<u>36,119</u>	<u>36,385</u>	<u>40,877</u>	<u>41,637</u>	<u>43,405</u>	<u>44,166</u>	<u>44,927</u>	<u>45,687</u>	<u>46,722</u>
17	<u>33,739</u>	<u>34,428</u>	<u>34,693</u>	<u>39,375</u>	<u>40,136</u>	<u>41,904</u>	<u>42,665</u>	<u>43,425</u>	<u>44,186</u>	<u>45,221</u>
	<u>35,759</u>	<u>36,448</u>	<u>36,713</u>	<u>41,395</u>	<u>42,156</u>	<u>43,924</u>	<u>44,685</u>	<u>45,445</u>	<u>46,206</u>	<u>47,241</u>
18	<u>34,067</u>	<u>34,756</u>	<u>35,022</u>	<u>39,894</u>	<u>40,655</u>	<u>42,422</u>	<u>43,183</u>	<u>43,944</u>	<u>44,705</u>	<u>45,740</u>
	<u>36,087</u>	<u>36,776</u>	<u>37,042</u>	<u>41,914</u>	<u>42,675</u>	<u>44,442</u>	<u>45,203</u>	<u>45,964</u>	<u>46,725</u>	<u>47,760</u>
19	<u>34,395</u>	<u>35,084</u>	<u>35,350</u>	<u>40,412</u>	<u>41,173</u>	<u>42,941</u>	<u>43,702</u>	<u>44,462</u>	<u>45,223</u>	<u>46,258</u>
	<u>36,415</u>	<u>37,104</u>	<u>37,370</u>	<u>42,432</u>	<u>3,193</u>	<u>44,961</u>	<u>45,722</u>	<u>46,482</u>	<u>47,243</u>	<u>48,278</u>
20	<u>34,723</u>	<u>35,412</u>	<u>35,678</u>	<u>40,931</u>	<u>41,692</u>	<u>43,459</u>	<u>44,220</u>	<u>44,981</u>	<u>45,742</u>	<u>46,774</u>
	<u>36,743</u>	<u>37,432</u>	<u>37,698</u>	<u>42,951</u>	<u>43,671</u>	<u>45,479</u>	<u>46,420</u>	<u>47,001</u>	<u>47,762</u>	<u>8,797</u>
21	<u>35,052</u>	<u>35,740</u>	<u>36,006</u>	<u>41,449</u>	<u>42,210</u>	<u>43,978</u>	<u>44,739</u>	<u>45,499</u>	<u>46,260</u>	<u>47,295</u>
	<u>37,072</u>	<u>37,760</u>	<u>38,026</u>	<u>43,469</u>	<u>44,230</u>	<u>45,998</u>	<u>46,759</u>	<u>47,519</u>	<u>48,280</u>	<u>49,315</u>
22	<u>35,380</u>	<u>36,068</u>	<u>36,334</u>	<u>41,968</u>	<u>42,729</u>	<u>44,496</u>	<u>45,257</u>	<u>46,018</u>	<u>46,779</u>	<u>47,814</u>
	<u>37,400</u>	<u>38,088</u>	<u>38,354</u>	<u>43,988</u>	<u>44,749</u>	<u>46,516</u>	<u>47,277</u>	<u>48,038</u>	<u>48,799</u>	<u>49,834</u>

23	<del>35,708</del> <u>37,728</u>	<del>36,396</del> <u>38,416</u>	<del>36,662</del> <u>38,682</u>	<del>42,487</del> <u>44,507</u>	<del>43,247</del> <u>45,267</u>	<del>45,015</del> <u>47,035</u>	<del>45,776</del> <u>47,796</u>	<del>46,536</del> <u>48,556</u>	<del>47,297</del> <u>49,317</u>	<del>48,332</del> <u>50,352</u>
24	<del>36,036</del> <u>38,056</u>	<del>36,724</del> <u>38,744</u>	<del>36,990</del> <u>39,010</u>	<del>43,005</del> <u>45,025</u>	<del>43,766</del> <u>45,786</u>	<del>45,534</del> <u>47,554</u>	<del>46,294</del> <u>48,314</u>	<del>47,055</del> <u>49,075</u>	<del>47,816</del> <u>49,836</u>	<del>48,851</del> <u>50,871</u>
25	<del>36,364</del> <u>38,384</u>	<del>37,052</del> <u>39,072</u>	<del>37,318</del> <u>39,338</u>	<del>43,524</del> <u>45,544</u>	<del>44,284</del> <u>46,304</u>	<del>46,052</del> <u>48,072</u>	<del>46,813</del> <u>48,833</u>	<del>47,574</del> <u>49,594</u>	<del>48,334</del> <u>50,354</u>	<del>49,369</del> <u>51,389</u>
26	<del>36,692</del> <u>38,712</u>	<del>37,380</del> <u>39,400</u>	<del>37,646</del> <u>39,666</u>	<del>44,042</del> <u>46,062</u>	<del>44,803</del> <u>46,823</u>	<del>46,571</del> <u>48,591</u>	<del>47,331</del> <u>49,351</u>	<del>48,092</del> <u>50,112</u>	<del>48,853</del> <u>50,873</u>	<del>49,888</del> <u>51,908</u>
27	<del>37,020</del> <u>39,040</u>	<del>37,708</del> <u>39,728</u>	<del>37,974</del> <u>39,994</u>	<del>44,561</del> <u>46,581</u>	<del>45,321</del> <u>47,341</u>	<del>47,089</del> <u>49,109</u>	<del>47,850</del> <u>49,870</u>	<del>48,611</del> <u>50,631</u>	<del>49,371</del> <u>51,391</u>	<del>50,406</del> <u>52,426</u>
28	<del>37,348</del> <u>39,368</u>	<del>38,037</del> <u>40,057</u>	<del>38,302</del> <u>40,322</u>	<del>45,079</del> <u>47,099</u>	<del>45,840</del> <u>47,860</u>	<del>47,608</del> <u>49,628</u>	<del>48,368</del> <u>50,388</u>	<del>49,129</del> <u>51,149</u>	<del>49,890</del> <u>51,910</u>	<del>50,925</del> <u>52,945</u>
29	<del>37,676</del> <u>39,696</u>	<del>38,365</del> <u>40,385</u>	<del>38,631</del> <u>40,651</u>	<del>45,598</del> <u>47,618</u>	<del>46,358</del> <u>48,378</u>	<del>48,126</del> <u>50,146</u>	<del>48,887</del> <u>50,907</u>	<del>49,648</del> <u>51,668</u>	<del>50,408</del> <u>52,428</u>	<del>51,443</del> <u>53,463</u>
30	<del>38,004</del> <u>40,024</u>	<del>38,693</del> <u>40,713</u>	<del>38,959</del> <u>40,979</u>	<del>46,116</del> <u>48,136</u>	<del>46,877</del> <u>48,897</u>	<del>48,645</del> <u>50,665</u>	<del>49,405</del> <u>51,425</u>	<del>50,166</del> <u>52,186</u>	<del>50,927</del> <u>52,947</u>	<del>51,962</del> <u>53,982</u>
31	<del>38,333</del> <u>40,353</u>	<del>39,021</del> <u>41,041</u>	<del>39,287</del> <u>41,307</u>	<del>46,635</del> <u>48,655</u>	<del>47,396</del> <u>49,416</u>	<del>49,163</del> <u>51,183</u>	<del>49,924</del> <u>51,944</u>	<del>50,685</del> <u>52,705</u>	<del>51,445</del> <u>53,465</u>	<del>52,480</del> <u>54,500</u>
32	<del>38,661</del> <u>40,681</u>	<del>39,349</del> <u>41,369</u>	<del>39,615</del> <u>41,635</u>	<del>47,153</del> <u>49,173</u>	<del>47,914</del> <u>49,934</u>	<del>49,682</del> <u>51,702</u>	<del>50,443</del> <u>52,63</u>	<del>51,203</del> <u>53,223</u>	<del>51,964</del> <u>53,984</u>	<del>52,999</del> <u>55,019</u>
33	<del>38,989</del> <u>41,009</u>	<del>39,677</del> <u>41,697</u>	<del>39,943</del> <u>41,963</u>	<del>47,672</del> <u>49,692</u>	<del>48,433</del> <u>50,453</u>	<del>50,200</del> <u>52,200</u>	<del>50,961</del> <u>52,891</u>	<del>51,722</del> <u>3,742</u>	<del>52,483</del> <u>54,503</u>	<del>53,518</del> <u>55,538</u>
34	<del>39,317</del> <u>1,337</u>	<del>40,005</del> <u>42,025</u>	<del>40,271</del> <u>42,291</u>	<del>48,190</del> <u>50,210</u>	<del>48,951</del> <u>50,971</u>	<del>50,719</del> <u>52,739</u>	<del>51,480</del> <u>53,500</u>	<del>52,240</del> <u>54,260</u>	<del>53,001</del> <u>55,021</u>	<del>54,036</del> <u>56,056</u>
35	<del>39,645</del> <u>41,665</u>	<del>40,333</del> <u>42,353</u>	<del>40,599</del> <u>42,619</u>	<del>48,709</del> <u>50,729</u>	<del>49,470</del> <u>51,490</u>	<del>51,237</del> <u>3,257</u>	<del>51,998</del> <u>54,018</u>	<del>52,759</del> <u>54,779</u>	<del>53,520</del> <u>55,540</u>	<del>54,555</del> <u>56,575</u>

(c) Six hundred dollars shall be paid annually to each classroom teacher who has at least ~~twenty~~ 20 years of teaching experience. The payments: (i) Shall be in addition to any amounts prescribed in the applicable State Minimum Salary Schedule; (ii) shall be paid in equal monthly installments; and (iii) shall be considered a part of the state minimum salaries for teachers.

(d) To meet the objective of salary equity among the counties as set forth in ~~section five~~ §18A-4-5 of this ~~article~~ code, each teacher shall be paid an equity supplement amount as applicable for his or her classification of certification or classification of training and years of experience as follows, subject to the provisions of that section:

(1) For "4th Class" at zero years of experience, \$1,781. An additional \$38 shall be paid for each year of experience up to and including ~~thirty-five~~ 35 years of experience;

(2) For "3rd Class" at zero years of experience, \$1,796. An additional \$67 shall be paid for each year of experience up to and including ~~thirty-five~~ 35 years of experience;

(3) For "2nd Class" at zero years of experience, \$1,877. An additional \$69 shall be paid for each year of experience up to and including ~~thirty-five~~ 35 years of experience;

(4) For "A. B." at zero years of experience, \$2,360. An additional \$69 shall be paid for each year of experience up to and including ~~thirty-five~~ 35 years of experience;

(5) For "A. B. + 15" at zero years of experience, \$2,452. An additional \$69 shall be paid for each year of experience up to and including ~~thirty-five~~35 years of experience;

(6) For "M. A." at zero years of experience, \$2,644. An additional \$69 shall be paid for each year of experience up to and including ~~thirty-five~~35 years of experience;

(7) For "M. A. + 15" at zero years of experience, \$2,740. An additional \$69 shall be paid for each year of experience up to and including ~~thirty-five~~35 years of experience;

(8) For "M. A. + 30" at zero years of experience, \$2,836. An additional \$69 shall be paid for each year of experience up to and including ~~thirty-five~~35 years of experience;

(9) For "M. A. + 45" at zero years of experience, \$2,836. An additional \$69 shall be paid for each year of experience up to and including ~~thirty-five~~35 years of experience; and

(10) For "Doctorate" at zero years of experience, \$2,927. An additional \$69 shall be paid for each year of experience up to and including ~~thirty-five~~35 years of experience.

These payments: (i) Shall be in addition to any amounts prescribed in the applicable State Minimum Salary Schedule, any specific additional amounts prescribed in this and any county supplement in effect in a county pursuant to ~~§18A-4-5a of this code~~ ~~section five-a of this article~~; (ii) shall be paid in equal monthly installments; and (iii) shall be considered a part of the state minimum salaries for teachers.

**§18A-4-8a. Service personnel minimum monthly salaries.**

(a) The minimum monthly pay for each service employee shall be as follows:

(1) ~~Beginning July 1, 2014~~ For school year 2018-2019, and continuing thereafter, the minimum monthly pay for each service employee whose employment is for a period of more than three and one-half hours a day shall be at least the amounts indicated in the State Minimum Pay Scale Pay Grade and the minimum monthly pay for each service employee whose employment is for a period of three and one-half hours or less a day shall be at least one-half the amount indicated in the State Minimum Pay Scale Pay Grade set forth in this subdivision.

STATE MINIMUM PAY SCALE PAY GRADE

Years Exp	Pay Grade							
	A	B	C	D	E	F	G	H
0	<del>1,660</del> <u>1,77</u> <u>0</u>	<del>1,681</del> <u>1,791</u>	<del>1,723</del> <u>1,83</u> <u>3</u>	<del>1,776</del> <u>1,88</u> <u>6</u>	<del>1,829</del> <u>1,93</u> <u>9</u>	<del>1,892</del> <u>2,00</u> <u>2</u>	<del>1,924</del> <u>2,03</u> <u>4</u>	<del>1,997</del> <u>2,10</u> <u>7</u>
1	<del>1,692</del> <u>180</u>	<del>1,714</del> <u>1,82</u> <u>4</u>	<del>1,755</del> <u>1,86</u> <u>5</u>	<del>1,808</del> <u>1,92</u> <u>1</u>	<del>1,862</del> <u>1,97</u> <u>2</u>	<del>1,925</del> <u>2,03</u> <u>5</u>	<del>1,956</del> <u>2,06</u> <u>6</u>	<del>2,030</del> <u>2,14</u> <u>0</u>
2	<del>1,725</del> <u>1,83</u> <u>5</u>	<del>1,746</del> <u>1,85</u> <u>6</u>	<del>1,788</del> <u>1,89</u> <u>8</u>	<del>1,841</del> <u>1,95</u> <u>1</u>	<del>1,894</del> <u>2,00</u> <u>4</u>	<del>1,957</del> <u>2,06</u> <u>7</u>	<del>1,989</del> <u>2,09</u> <u>9</u>	<del>2,062</del> <u>2,17</u> <u>2</u>
3	<del>1,757</del> <u>1,867</u> <u>9</u>	<del>1,779</del> <u>1,88</u> <u>1</u>	<del>1,821</del> <u>1,93</u> <u>4</u>	<del>1,874</del> <u>1,98</u> <u>37</u>	<del>1,927</del> <u>2,05</u> <u>0</u>	<del>1,990</del> <u>2,10</u> <u>2</u>	<del>2,022</del> <u>2,13</u> <u>2</u>	<del>2,095</del> <u>2,20</u> <u>5</u>
4	<del>1,790</del> <u>1,90</u> <u>0</u>	<del>1,812</del> <u>1,92</u> <u>2</u>	<del>1,853</del> <u>1,96</u> <u>3</u>	<del>1,906</del> <u>2,01</u> <u>6</u>	<del>1,959</del> <u>2,06</u> <u>9</u>	<del>2,023</del> <u>2,13</u> <u>3</u>	<del>2,054</del> <u>2,16</u> <u>4</u>	<del>2,129</del> <u>2,23</u> <u>9</u>
5	<del>1,823</del> <u>1,93</u>	<del>1,844</del> <u>1,95</u>	<del>1,886</del> <u>1,99</u>	<del>1,939</del> <u>2,04</u>	<del>1,992</del> <u>2,10</u>	<del>2,055</del> <u>2,16</u>	<del>2,087</del> <u>2,19</u>	<del>2,161</del> <u>2,271</u>



	<u>3</u>	<u>4</u>	<u>6</u>	<u>9</u>	<u>2</u>	<u>5</u>	<u>7</u>	
6	<u>1,855</u> <u>1,96</u>	<u>1,877</u> <u>1,98</u>	<u>1,920</u> <u>2,03</u>	<u>1,972</u> <u>2,08</u>	<u>2,025</u> <u>2,13</u>	<u>2,088</u> <u>2,19</u>	<u>2,120</u> <u>2,23</u>	<u>2,194</u> <u>2,30</u>
	<u>5</u>	<u>7</u>	<u>0</u>	<u>2</u>	<u>5</u>	<u>8</u>	<u>0</u>	<u>4</u>
7	<u>1,889</u> <u>1,99</u>	<u>1,909</u> <u>2,01</u>	<u>1,952</u> <u>2,06</u>	<u>2,004</u> <u>2,11</u>	<u>2,057</u> <u>2,16</u>	<u>2,121</u> <u>2,231</u>	<u>2,152</u> <u>2,26</u>	<u>2,227</u> <u>2,33</u>
	<u>9</u>	<u>9</u>	<u>2</u>	<u>4</u>	<u>7</u>	<u>2</u>	<u>7</u>	<u>7</u>
8	<u>1,922</u> <u>2,03</u>	<u>1,942</u> <u>2,05</u>	<u>1,985</u> <u>2,09</u>	<u>2,037</u> <u>2,14</u>	<u>2,090</u> <u>2,20</u>	<u>2,153</u> <u>2,26</u>	<u>2,185</u> <u>2,29</u>	<u>2,259</u> <u>2,36</u>
	<u>2</u>	<u>2</u>	<u>5</u>	<u>7</u>	<u>0</u>	<u>3</u>	<u>5</u>	<u>9</u>
9	<u>1,954</u> <u>2,06</u>	<u>1,975</u> <u>2,08</u>	<u>2,018</u> <u>2,12</u>	<u>2,071</u> <u>2,18</u>	<u>2,123</u> <u>2,23</u>	<u>2,186</u> <u>2,29</u>	<u>2,217</u> <u>2,32</u>	<u>2,292</u> <u>2,40</u>
	<u>4</u>	<u>5</u>	<u>8</u>	<u>1</u>	<u>3</u>	<u>6</u>	<u>7</u>	<u>2</u>
10	<u>1,987</u> <u>2,09</u>	<u>2,008</u> <u>2,11</u>	<u>2,050</u> <u>2,16</u>	<u>2,103</u> <u>2,21</u>	<u>2,155</u> <u>2,26</u>	<u>2,220</u> <u>2,33</u>	<u>2,251</u> <u>2,36</u>	<u>2,325</u> <u>2,43</u>
	<u>7</u>	<u>8</u>	<u>0</u>	<u>3</u>	<u>5</u>	<u>0</u>	<u>1</u>	<u>5</u>
11	<u>2,020</u> <u>2,13</u>	<u>2,041</u> <u>2,15</u>	<u>2,083</u> <u>2,19</u>	<u>2,136</u> <u>2,24</u>	<u>2,188</u> <u>2,29</u>	<u>2,252</u> <u>2,36</u>	<u>2,284</u> <u>2,39</u>	<u>2,357</u> <u>2,46</u>
	<u>0</u>	<u>1</u>	<u>3</u>	<u>6</u>	<u>8</u>	<u>2</u>	<u>4</u>	<u>7</u>
12	<u>2,052</u> <u>2,16</u>	<u>2,074</u> <u>2,18</u>	<u>2,115</u> <u>2,22</u>	<u>2,169</u> <u>2,27</u>	<u>2,222</u> <u>2,33</u>	<u>2,285</u> <u>2,39</u>	<u>2,316</u> <u>2,42</u>	<u>2,390</u> <u>2,50</u>
	<u>2</u>	<u>4</u>	<u>5</u>	<u>9</u>	<u>2</u>	<u>5</u>	<u>6</u>	<u>0</u>
13	<u>2,085</u> <u>2,19</u>	<u>2,106</u> <u>2,21</u>	<u>2,148</u> <u>2,25</u>	<u>2,201</u> <u>2,31</u>	<u>2,254</u> <u>2,36</u>	<u>2,317</u> <u>2,42</u>	<u>2,349</u> <u>2,45</u>	<u>2,423</u> <u>2,55</u>
	<u>5</u>	<u>6</u>	<u>8</u>	<u>1</u>	<u>4</u>	<u>7</u>	<u>9</u>	<u>3</u>
14	<u>2,118</u> <u>2,22</u>	<u>2,139</u> <u>2,24</u>	<u>2,181</u> <u>2,29</u>	<u>2,234</u> <u>2,34</u>	<u>2,287</u> <u>2,39</u>	<u>2,350</u> <u>2,46</u>	<u>2,382</u> <u>2,49</u>	<u>2,455</u> <u>2,56</u>
	<u>8</u>	<u>9</u>	<u>1</u>	<u>4</u>	<u>7</u>	<u>0</u>	<u>2</u>	<u>5</u>
15	<u>2,150</u> <u>2,26</u>	<u>2,172</u> <u>2,28</u>	<u>2,213</u> <u>2,32</u>	<u>2,266</u> <u>2,37</u>	<u>2,319</u> <u>2,42</u>	<u>2,383</u> <u>2,49</u>	<u>2,414</u> <u>2,52</u>	<u>2,488</u> <u>2,59</u>
	<u>0</u>	<u>2</u>	<u>3</u>	<u>6</u>	<u>9</u>	<u>3</u>	<u>4</u>	<u>8</u>
16	<u>2,183</u> <u>2,29</u>	<u>2,204</u> <u>2,31</u>	<u>2,246</u> <u>2,35</u>	<u>2,299</u> <u>2,40</u>	<u>2,352</u> <u>2,46</u>	<u>2,415</u> <u>2,52</u>	<u>2,447</u> <u>2,55</u>	<u>2,521</u> <u>2,63</u>
	<u>3</u>	<u>4</u>	<u>6</u>	<u>9</u>	<u>2</u>	<u>5</u>	<u>7</u>	<u>1</u>
17	<u>2,215</u> <u>2,32</u>	<u>2,237</u> <u>2,34</u>	<u>2,280</u> <u>2,39</u>	<u>2,332</u> <u>2,44</u>	<u>2,385</u> <u>2,49</u>	<u>2,448</u> <u>2,55</u>	<u>2,480</u> <u>2,95</u>	<u>2,554</u> <u>2,66</u>
	<u>5</u>	<u>7</u>	<u>0</u>	<u>2</u>	<u>5</u>	<u>8</u>	<u>0</u>	<u>4</u>
18	<u>2,248</u> <u>2,35</u>	<u>2,270</u> <u>2,38</u>	<u>2,312</u> <u>2,42</u>	<u>2,364</u> <u>2,47</u>	<u>2,417</u> <u>2,52</u>	<u>2,481</u> <u>2,59</u>	<u>2,512</u> <u>2,62</u>	<u>2,587</u> <u>2,69</u>
	<u>8</u>	<u>0</u>	<u>2</u>	<u>4</u>	<u>7</u>	<u>1</u>	<u>2</u>	<u>7</u>
19	<u>2,282</u> <u>2,39</u>	<u>2,302</u> <u>2,41</u>	<u>2,345</u> <u>2,44</u>	<u>2,397</u> <u>2,50</u>	<u>2,450</u> <u>2,56</u>	<u>2,513</u> <u>2,62</u>	<u>2,545</u> <u>2,65</u>	<u>2,619</u> <u>2,72</u>
	<u>2</u>	<u>2</u>	<u>5</u>	<u>7</u>	<u>0</u>	<u>3</u>	<u>5</u>	<u>9</u>
20	<u>2,314</u> <u>2,42</u>	<u>2,335</u> <u>2,44</u>	<u>2,378</u> <u>2,48</u>	<u>2,431</u> <u>2,54</u>	<u>2,483</u> <u>2,56</u>	<u>2,546</u> <u>2,65</u>	<u>2,578</u> <u>2,68</u>	<u>2,653</u> <u>2,76</u>
	<u>4</u>	<u>5</u>	<u>8</u>	<u>1</u>	<u>3</u>	<u>6</u>	<u>8</u>	<u>3</u>
21	<u>2,347</u> <u>2,45</u>	<u>2,367</u> <u>2,47</u>	<u>2,410</u> <u>2,52</u>	<u>2,463</u> <u>2,57</u>	<u>2,515</u> <u>2,62</u>	<u>2,579</u> <u>2,68</u>	<u>2,610</u> <u>2,72</u>	<u>2,687</u> <u>2,79</u>
	<u>7</u>	<u>7</u>	<u>0</u>	<u>3</u>	<u>5</u>	<u>9</u>	<u>0</u>	<u>7</u>
22	<u>2,380</u> <u>2,49</u>	<u>2,401</u> <u>2,51</u>	<u>2,443</u> <u>2,55</u>	<u>2,496</u> <u>2,60</u>	<u>2,548</u> <u>2,65</u>	<u>2,612</u> <u>2,72</u>	<u>2,644</u> <u>2,75</u>	<u>2,719</u> <u>2,82</u>
	<u>0</u>	<u>1</u>	<u>3</u>	<u>6</u>	<u>8</u>	<u>2</u>	<u>4</u>	<u>9</u>
23	<u>2,412</u> <u>2,52</u>	<u>2,434</u> <u>2,54</u>	<u>2,476</u> <u>2,58</u>	<u>2,529</u> <u>2,63</u>	<u>2,582</u> <u>2,69</u>	<u>2,646</u> <u>2,75</u>	<u>2,678</u> <u>2,78</u>	<u>2,753</u> <u>2,86</u>
	<u>2</u>	<u>4</u>	<u>6</u>	<u>9</u>	<u>2</u>	<u>6</u>	<u>8</u>	<u>3</u>
24	<u>2,445</u> <u>2,55</u>	<u>2,466</u> <u>2,57</u>	<u>2,508</u> <u>2,61</u>	<u>2,561</u> <u>2,67</u>	<u>2,614</u> <u>2,72</u>	<u>2,680</u> <u>2,77</u>	<u>2,711</u> <u>2,821</u>	<u>2,787</u> <u>2,89</u>
	<u>5</u>	<u>6</u>	<u>8</u>	<u>1</u>	<u>4</u>	<u>90</u>	<u>7</u>	<u>7</u>
25	<u>2,478</u> <u>2,58</u>	<u>2,499</u> <u>2,60</u>	<u>2,541</u> <u>2,65</u>	<u>2,594</u> <u>2,70</u>	<u>2,648</u> <u>2,75</u>	<u>2,712</u> <u>2,82</u>	<u>2,745</u> <u>2,85</u>	<u>2,819</u> <u>2,92</u>
	<u>8</u>	<u>9</u>	<u>1</u>	<u>4</u>	<u>8</u>	<u>2</u>	<u>5</u>	<u>9</u>
26	<u>2,510</u> <u>2,62</u>	<u>2,532</u> <u>2,64</u>	<u>2,573</u> <u>2,68</u>	<u>2,628</u> <u>2,73</u>	<u>2,682</u> <u>2,79</u>	<u>2,746</u> <u>2,85</u>	<u>2,777</u> <u>2,88</u>	<u>2,853</u> <u>2,96</u>
	<u>0</u>	<u>2</u>	<u>3</u>	<u>8</u>	<u>2</u>	<u>6</u>	<u>7</u>	<u>3</u>
27	<u>2,543</u> <u>2,65</u>	<u>2,564</u> <u>2,67</u>	<u>2,606</u> <u>2,71</u>	<u>2,660</u> <u>2,77</u>	<u>2,714</u> <u>2,82</u>	<u>2,778</u> <u>2,88</u>	<u>2,811</u> <u>2,92</u>	<u>2,886</u> <u>2,99</u>
	<u>3</u>	<u>4</u>	<u>6</u>	<u>0</u>	<u>4</u>	<u>8</u>	<u>1</u>	<u>6</u>
28	<u>2,576</u> <u>2,86</u>	<u>2,597</u> <u>2,70</u>	<u>2,640</u> <u>2,75</u>	<u>2,694</u> <u>2,80</u>	<u>2,748</u> <u>2,85</u>	<u>2,812</u> <u>2,92</u>	<u>2,845</u> <u>2,95</u>	<u>2,920</u> <u>3,03</u>

	<u>6</u>	<u>7</u>	<u>0</u>	<u>4</u>	<u>8</u>	<u>2</u>	<u>5</u>	<u>0</u>
29	<u>2,608</u> <u>2,75</u>	<u>2,631</u> <u>2,77</u>	<u>2,673</u> <u>2,81</u>	<u>2,726</u> <u>2,87</u>	<u>2,781</u> <u>2,92</u>	<u>2,846</u> <u>2,98</u>	<u>2,877</u> <u>3,04</u>	<u>2,954</u> <u>3,09</u>
	<u>2</u>	<u>3</u>	<u>7</u>	<u>0</u>	<u>4</u>	<u>8</u>	<u>2</u>	<u>7</u>
30	<u>2,642</u> <u>2,75</u>	<u>2,663</u> <u>2,77</u>	<u>2,707</u> <u>2,81</u>	<u>2,760</u> <u>2,87</u>	<u>2,814</u> <u>2,92</u>	<u>2,878</u> <u>2,98</u>	<u>2,911</u> <u>3,04</u>	<u>2,987</u> <u>3,09</u>
	<u>2</u>	<u>3</u>	<u>7</u>	<u>0</u>	<u>4</u>	<u>8</u>	<u>21</u>	<u>7</u>
31	<u>2,675</u> <u>2,78</u>	<u>2,697</u> <u>2,80</u>	<u>2,741</u> <u>2,85</u>	<u>2,794</u> <u>2,90</u>	<u>2,848</u> <u>2,95</u>	<u>2,912</u> <u>3,02</u>	<u>2,945</u> <u>3,07</u>	<u>3,020</u> <u>3,13</u>
	<u>5</u>	<u>7</u>	<u>1</u>	<u>4</u>	<u>8</u>	<u>2</u>	<u>5</u>	<u>0</u>
32	<u>2,709</u> <u>2,81</u>	<u>2,730</u> <u>2,84</u>	<u>2,773</u> <u>2,88</u>	<u>2,827</u> <u>2,93</u>	<u>2,880</u> <u>2,99</u>	<u>2,946</u> <u>3,05</u>	<u>2,977</u> <u>3,08</u>	<u>3,054</u> <u>3,16</u>
	<u>9</u>	<u>0</u>	<u>3</u>	<u>7</u>	<u>0</u>	<u>6</u>	<u>7</u>	<u>4</u>
33	<u>2,743</u> <u>2,85</u>	<u>2,763</u> <u>2,87</u>	<u>2,807</u> <u>2,91</u>	<u>2,861</u> <u>2,97</u>	<u>2,914</u> <u>3,04</u>	<u>2,978</u> <u>3,08</u>	<u>3,011</u> <u>3,121</u>	<u>3,087</u> <u>3,19</u>
	<u>3</u>	<u>3</u>	<u>7</u>	<u>1</u>	<u>2</u>	<u>8</u>		<u>7</u>
34	<u>2,775</u> <u>2,88</u>	<u>2,797</u> <u>2,90</u>	<u>2,841</u> <u>2,95</u>	<u>2,895</u> <u>3,00</u>	<u>2,948</u> <u>3,05</u>	<u>3,012</u> <u>3,12</u>	<u>3,045</u> <u>3,15</u>	<u>3,120</u> <u>3,23</u>
	<u>5</u>	<u>7</u>	<u>1</u>	<u>5</u>	<u>8</u>	<u>2</u>	<u>5</u>	<u>0</u>
35	<u>2,809</u> <u>2,91</u>	<u>2,831</u> <u>2,94</u>	<u>2,873</u> <u>2,98</u>	<u>2,927</u> <u>3,03</u>	<u>2,980</u> <u>3,09</u>	<u>3,046</u> <u>3,15</u>	<u>3,078</u> <u>3,18</u>	<u>3,154</u> <u>3,26</u>
	<u>9</u>	<u>1</u>	<u>3</u>	<u>7</u>	<u>0</u>	<u>6</u>	<u>8</u>	<u>4</u>
36	<u>2,843</u> <u>2,95</u>	<u>2,864</u> <u>2,97</u>	<u>2,907</u> <u>3,01</u>	<u>2,961</u> <u>3,07</u>	<u>3,015</u> <u>3,12</u>	<u>3,079</u> <u>3,18</u>	<u>3,112</u> <u>3,22</u>	<u>3,186</u> <u>3,29</u>
	<u>3</u>	<u>4</u>	<u>7</u>	<u>1</u>	<u>5</u>	<u>9</u>	<u>2</u>	<u>6</u>
37	<u>2,875</u> <u>2,98</u>	<u>2,898</u> <u>3,00</u>	<u>2,941</u> <u>3,05</u>	<u>2,995</u> <u>3,10</u>	<u>3,049</u> <u>3,15</u>	<u>3,113</u> <u>3,22</u>	<u>3,145</u> <u>3,22</u>	<u>3,220</u> <u>3,33</u>
	<u>5</u>	<u>8</u>	<u>1</u>	<u>5</u>	<u>9</u>	<u>3</u>	<u>5</u>	<u>0</u>
38	<u>2,909</u> <u>3,01</u>	<u>2,930</u> <u>3,04</u>	<u>2,973</u> <u>3,08</u>	<u>3,027</u> <u>3,13</u>	<u>3,081</u> <u>3,19</u>	<u>3,146</u> <u>3,25</u>	<u>3,178</u> <u>3,28</u>	<u>3,254</u> <u>3,36</u>
	<u>9</u>	<u>0</u>	<u>3</u>	<u>7</u>	<u>1</u>	<u>6</u>	<u>8</u>	<u>4</u>
39	<u>2,943</u> <u>3,05</u>	<u>2,964</u> <u>3,07</u>	<u>3,007</u> <u>3,11</u>	<u>3,061</u> <u>3,11</u>	<u>3,115</u> <u>3,22</u>	<u>3,179</u> <u>3,28</u>	<u>3,212</u> <u>3,33</u>	<u>3,286</u> <u>3,39</u>
	<u>3</u>	<u>4</u>	<u>7</u>	<u>7</u>	<u>5</u>	<u>9</u>	<u>22</u>	<u>6</u>
40	<u>2,975</u> <u>3,08</u>	<u>2,998</u> <u>3,10</u>	<u>3,040</u> <u>3,15</u>	<u>3,094</u> <u>3,20</u>	<u>3,149</u> <u>3,25</u>	<u>3,213</u> <u>3,32</u>	<u>3,245</u> <u>3,35</u>	<u>3,320</u> <u>3,43</u>
	<u>5</u>	<u>8</u>	<u>0</u>	<u>4</u>	<u>9</u>	<u>3</u>	<u>5</u>	<u>0</u>

(2) Each service employee shall receive the amount prescribed in the Minimum Pay Scale in accordance with the provisions of this subsection according to their class title and pay grade as set forth in this subdivision:

CLASS TITLE .....	PAY GRADE
Accountant I .....	D
Accountant II .....	E
Accountant III .....	F
Accounts Payable Supervisor .....	G
Aide I .....	A
Aide II .....	B
Aide III .....	C
Aide IV .....	D
Audiovisual Technician .....	C
Auditor .....	G
Autism Mentor .....	F

Braille Specialist.....	E
Bus Operator.....	D
Buyer.....	F
Cabinetmaker.....	G
Cafeteria Manager.....	D
Carpenter I.....	E
Carpenter II.....	F
Chief Mechanic.....	G
Clerk I.....	B
Clerk II.....	C
Computer Operator.....	E
Cook I.....	A
Cook II.....	B
Cook III.....	C
Crew Leader.....	F
Custodian I.....	A
Custodian II.....	B
Custodian III.....	C
Custodian IV.....	D
Director or Coordinator of Services.....	H
Draftsman.....	D
Early Childhood Classroom Assistant Teacher I.....	E
Early Childhood Classroom Assistant Teacher II.....	E
Early Childhood Classroom Assistant Teacher III.....	F
Educational Sign Language Interpreter I.....	F
Educational Sign Language Interpreter II.....	G
Electrician I.....	F
Electrician II.....	G
Electronic Technician I.....	F
Electronic Technician II.....	G
Executive Secretary.....	G
Food Services Supervisor.....	G
Foreman.....	G
General Maintenance.....	C

Glazier.....	D
Graphic Artist.....	D
Groundsman.....	B
Handyman.....	B
Heating and Air Conditioning Mechanic I.....	E
Heating and Air Conditioning Mechanic II.....	G
Heavy Equipment Operator.....	E
Inventory Supervisor.....	D
Key Punch Operator.....	B
Licensed Practical Nurse.....	F
Locksmith.....	G
Lubrication Man.....	C
Machinist.....	F
Mail Clerk.....	D
Maintenance Clerk.....	C
Mason.....	G
Mechanic.....	F
Mechanic Assistant.....	E
Office Equipment Repairman I.....	F
Office Equipment Repairman II.....	G
Painter.....	E
Paraprofessional.....	F
Payroll Supervisor.....	G
Plumber I.....	E
Plumber II.....	G
Printing Operator.....	B
Printing Supervisor.....	D
Programmer.....	H
Roofing/Sheet Metal Mechanic.....	F
Sanitation Plant Operator.....	G
School Bus Supervisor.....	E
Secretary I.....	D
Secretary II.....	E
Secretary III.....	F

Sign Support Specialist.....	E
Supervisor of Maintenance.....	H
Supervisor of Transportation.....	H
Switchboard Operator-Receptionist.....	D
Truck Driver.....	D
Warehouse Clerk.....	C
Watchman.....	B
Welder.....	F
WVEIS Data Entry and Administrative Clerk.....	B

(b) An additional \$12 per month is added to the minimum monthly pay of each service person who holds a high school diploma or its equivalent.

(c) An additional \$11 per month also is added to the minimum monthly pay of each service person for each of the following:

(1) A service person who holds ~~twelve~~ 12 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(2) A service person who holds ~~twenty-four~~ 24 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(3) A service person who holds ~~thirty-six~~ 36 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(4) A service person who holds ~~forty-eight~~ 48 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(5) A service ~~employee-person~~ who holds ~~sixty~~ 60 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(6) A service person who holds ~~seventy-two~~ 72 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(7) A service person who holds ~~eighty-four~~ 84 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(8) A service person who holds ~~ninety-six~~ 96 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(9) A service person who holds ~~one hundred-eight~~ 108 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(10) A service person who holds ~~one hundred-twenty~~ 120 college hours or comparable credit obtained in a trade or vocational school as approved by the state board.

(d) An additional \$40 per month also is added to the minimum monthly pay of each service person for each of the following:

- (1) A service person who holds an associate's degree;
- (2) A service person who holds a bachelor's degree;
- (3) A service person who holds a master's degree;
- (4) A service person who holds a doctorate degree.

(e) An additional \$11 per month is added to the minimum monthly pay of each service person for each of the following:

- (1) A service person who holds a bachelor's degree plus ~~fifteen~~ 15 college hours;
- (2) A service person who holds a master's degree plus ~~fifteen~~ 15 college hours;
- (3) A service person who holds a master's degree plus ~~thirty~~ 30 college hours;
- (4) A service person who holds a master's degree plus ~~forty-five~~ 45 college hours; and
- (5) A service person who holds a master's degree plus ~~sixty~~ 60 college hours.

(f) To meet the objective of salary equity among the counties, each service person is paid an equity supplement, as set forth in ~~section five~~ §18A-4-5 of this ~~article~~ code, of \$164 per month, subject to the provisions of that section. These payments: (i) Are in addition to any amounts prescribed in the applicable State Minimum Pay Scale Pay Grade, any specific additional amounts prescribed in this section and article and any county supplement in effect in a county pursuant to section five-b of this article; (ii) are paid in equal monthly installments; and (iii) are considered a part of the state minimum salaries for service personnel.

(g) When any part of a school service person's daily shift of work is performed between the hours of ~~six o'clock~~ 6:00 p. m. and ~~five o'clock~~ 5:00 a. m. the following day, the employee is paid no less than an additional \$10 per month and one half of the pay is paid with local funds.

(h) Any service person required to work on any legal school holiday is paid at a rate one and one-half times the person's usual hourly rate.

(i) Any full-time service personnel required to work in excess of their normal working day during any week which contains a school holiday for which they are paid is paid for the additional hours or fraction of the additional hours at a rate of one and one-half times their usual hourly rate and paid entirely from county board funds.

(j) A service person may not have his or her daily work schedule changed during the school year without the employee's written consent and the person's required daily work hours may not be changed to prevent the payment of time and one-half wages or the employment of another employee.

(k) The minimum hourly rate of pay for extra duty assignments as defined in ~~section eight-b~~ §18A-4-8b of this ~~article~~ code is no less than one seventh of the person's daily total salary for each hour the person is involved in performing the assignment and paid entirely from local funds: *Provided*, That an alternative minimum hourly rate of pay for performing extra duty assignments within a particular category of employment may be used if the alternate hourly rate of pay is approved both by the county board and by the affirmative vote

of a two-thirds majority of the regular full-time persons within that classification category of employment within that county: *Provided, however,* That the vote is by secret ballot if requested by a service person within that classification category within that county. The salary for any fraction of an hour the employee is involved in performing the assignment is prorated accordingly. When performing extra duty assignments, persons who are regularly employed on a one-half day salary basis shall receive the same hourly extra duty assignment pay computed as though the person were employed on a full-day salary basis.

(l) The minimum pay for any service personnel engaged in the removal of asbestos material or related duties required for asbestos removal is their regular total daily rate of pay and no less than an additional \$3 per hour or no less than \$5 per hour for service personnel supervising asbestos removal responsibilities for each hour these employees are involved in asbestos-related duties. Related duties required for asbestos removal include, but are not limited to, travel, preparation of the work site, removal of asbestos, decontamination of the work site, placing and removal of equipment and removal of structures from the site. If any member of an asbestos crew is engaged in asbestos-related duties outside of the employee's regular employment county, the daily rate of pay is no less than the minimum amount as established in the employee's regular employment county for asbestos removal and an additional \$30 per each day the employee is engaged in asbestos removal and related duties. The additional pay for asbestos removal and related duties shall be payable entirely from county funds. Before service personnel may be used in the removal of asbestos material or related duties, they shall have completed a federal Environmental Protection Act-approved training program and be licensed. The employer shall provide all necessary protective equipment and maintain all records required by the Environmental Protection Act.

(m) For the purpose of qualifying for additional pay as provided in ~~section eight, article five~~[§18A-5-8](#) of this ~~chapter~~[code](#), an aide is considered to be exercising the authority of a supervisory aide and control over pupils if the aide is required to supervise, control, direct, monitor, escort or render service to a child or children when not under the direct supervision of a certified professional person within the classroom, library, hallway, lunchroom, gymnasium, school building, school grounds or wherever supervision is required. For purposes of this section, "under the direct supervision of a certified professional person" means that certified professional person is present, with and accompanying the aide.

Bill Sponsors: Delegates Armstead and Miley

**House Bill 4156:           Establishing the qualifications of full and part time nursing school faculty members**

Effective Date:           March 10, 2018

Code Reference:           Amends: §30-7-1; §30-7-5; and §30-7A-8  
                                  Adds: §30-7-5a

WVDE Contact:           Kathy D’Antoni, Associate Superintendent, Division of Technical Education & Governor’s Economic Initiatives

Bill Summary:           This bill modifies the process for obtaining approval from the Licensed Practical Nursing (LPN) Board to operate a LPN program in West Virginia. Under the terms of the bill, LPN programs now have two avenues by which they can attain approval by the LPN Board to operate: (1) follow the LPN Board’s approved process as outlined in its legislative rule, or (2) be accredited by a national accrediting agency recognized by the United States Department of Education (USDE). If the LPN program attains Board approval via the latter option, the program is statutory exempt from LPN Board’s rules requiring ongoing approval so long as the LPN program maintains its accreditation.

All LPN nursing programs are statutorily required to be nationally accredited by a national accrediting agency recognized by the USDE by July 1, 2022. For LPN programs created after July 1, 2018, such programs shall have five years to attain national accreditation.

Finally, the LPN Board is authorized to require information concerning LPN programs so long as such information is consistent with the information the LPN program otherwise collects in order to maintain its national accreditation. Any information required by the LPN Board is to be included in its legislative rules.

**CHAPTER 30. PROFESSIONS AND OCCUPATIONS.**

**ARTICLE 7. REGISTERED PROFESSIONAL NURSES.**

**§30-7-1. Definitions.**

As used in this article:

~~(a)~~ “Advanced practice registered nurse” means a registered nurse who has acquired advanced clinical knowledge and skills preparing him or her to provide direct and indirect care to patients as a certified nurse practitioner, certified nurse-midwife, certified registered nurse anesthetist, or clinical nurse specialist, who has completed a board-approved graduate-level education program and who has passed a board-approved national certification examination.

~~(b)~~ “Board” means the West Virginia Board of Examiners for Registered Professional



Nurses;

(c) "Collaborative relationship" means a working relationship, structured through a written agreement, in which an advanced practice registered nurse may prescribe drugs in collaboration with a qualified physician;

"Direct patient care" means the provision of services to a sick, injured, mentally or physically disabled, elderly or fragile patient that requires some degree of interaction with that patient. Direct patient care may include assessment, treatment, counseling, procedures, self-care, patient education, administration of medication, and implementation of a care plan;

(d) "Practice of registered professional nursing" or "registered professional nursing" means the performance for compensation of any service requiring substantial specialized judgment and skill based on knowledge and application of principles of nursing derived from the biological, physical and social sciences, such as responsible supervision of a patient requiring skill in observation of symptoms and reactions and the accurate recording of the facts, or the supervision and teaching of other persons with respect to such principles of nursing, or in the administration of medications and treatments as prescribed by a licensed physician, a licensed dentist or a licensed advanced practice registered nurse, or the application of such nursing procedures as involve understanding of cause and effect in order to safeguard life and health of a patient and others; and

(e) "Temporary permit" means a permit authorizing the holder to practice registered professional nursing in this state until such permit is no longer effective or the holder is granted a license by the West Virginia State Board of Examiners for Registered Professional Nurses.

### **§30-7-5. Schools of nursing; accreditation; standards; surveys and reports; failure to maintain standards.**

~~An institution desiring to be accredited by the board for the preparation of practitioners of registered professional nursing shall file an application therefor with the board, together with the information required and a fee of \$50. It shall submit written evidence that: (a) It is prepared to give a program of nursing education which meets the standards prescribed by the board; and (b) it is prepared to meet all other standards prescribed in this article and by the board.~~

~~Instruction and practice may be secured in one or more institutions approved by the board. Such institution or institutions with which the school is to be affiliated shall be surveyed by the executive secretary of the board, who shall submit a written report of the survey to the board. If, in the opinion of the board, the requirements for an accredited school to prepare practitioners of registered professional nursing are met, it shall approve the school as an accredited school. From time to time as deemed necessary by the board, it shall be the duty of the board, through its executive secretary, to survey all such schools. Written reports of such surveys shall be submitted to the board. If the board determines that any such accredited school is not maintaining the standards required by this article and by the board, notice thereof in writing specifying the defect or defects shall be immediately given to the school. A school which fails to correct these conditions to the satisfaction of the board within a reasonable time shall be removed from the list of accredited schools.~~(a) A nursing program is determined to be board approved if the program is accredited by a national nursing

accrediting agency recognized by the United State Department of Education. The accreditation is considered board approved and is exempt from board rules that require ongoing approval if the school or program maintains this accreditation.

(b) By July 1, 2022, all nursing programs shall be accredited by a national accrediting agency recognized by the United States Department of Education. A program created after July 1, 2018, shall have 5 years to obtain accreditation by an accrediting agency recognized by the United States Department of Education.

(c) The board may require information concerning the nursing program to be reported to the board by legislative rule. The requested information shall be consistent with information already being collected by the schools which is required to maintain the program's accreditation.

(d) The board shall approve a new nursing program until the program is accredited by a national nursing accrediting agency recognized by the United States Department of Education.

### **§30-7-5a. Schools of nursing faculty requirements.**

(a) Full-time nursing faculty members shall:

(1) Have a graduate degree with a major in nursing; have a bachelor's degree with a major in nursing and be enrolled in a graduate degree program with a major in nursing within one year of employment as a faculty member, or have a bachelor's degree with a major in nursing and at least 10 years of direct patient care experience in nursing;

(2) Have evidence of current experience in nursing practice and education sufficient to demonstrate professional competence. For faculty with less than two years' experience in education, the nursing program administrator will submit to the board mentoring and orientation plans as defined by board guidelines and function under the guidance of a faculty member fully qualified in the specific teaching area and professional competence; and

(3) Have credentials which verify status as a registered professional nurse in West Virginia.

(b) Part-time nursing faculty members shall:

(1) Have a graduate degree with a major in nursing; have a bachelor's degree with a major in nursing and be enrolled in a graduate degree program with a major in nursing within one year of employment as a faculty member, or have a bachelor's degree with a major in nursing and at least two years of direct patient care experience in nursing;

(2) Have evidence of current experience in nursing practice and education sufficient to demonstrate professional competence. For faculty with less than two years' experience in education, the nursing program administrator will submit to the board mentoring and orientation plans as defined by board guidelines and function under the guidance of a faculty member fully qualified in the specific teaching area and professional competence; and

(3) Have credentials which verify status as a registered professional nurse in West Virginia.

(c) The board may grant an exception to the requirements in §30-7-5a(a) and §30-7-5a(b) of this code for faculty members who have qualifications other than those set forth in these subsections which are acceptable to the board.

## **ARTICLE 7A. PRACTICAL NURSES.**

### **§30-7A-8. Schools of practical nursing.**

~~The board shall prescribe curricula and standards for schools, clinical practice areas and courses preparing persons for licensure under this article; it shall provide for surveys of such schools, clinical practice areas and courses at such times as it may deem necessary. It shall accredit such schools, clinical practice areas and courses as meet the requirements of this article and of the board. An institution desiring to conduct a school of practical nursing to be accredited by the board as such shall file an application therefor with the board, together with the information required and such fee as may be prescribed by the board. It shall submit satisfactory evidence that: (1) It is prepared to give the course of instruction and practical experience in practical nursing as prescribed in the curricula adopted by the board; and (2) it is prepared to meet other standards established by this law and by the board.~~

~~A survey of the institution or institutions, with which the school is to be, or is, affiliated, shall be made by the executive secretary of the board. The executive secretary shall submit a written report of the survey to the board. If, in the opinion of the board, the requirements for an accredited school of practical nursing are met, it shall approve the school as an accredited school of practical nursing. From time to time as deemed necessary by the board, it shall be the duty of the board, through its executive secretary, to survey all schools of practical nursing in the state. Written reports of such surveys shall be submitted to the board. If the board determines that any accredited school of practical nursing is not maintaining the standards required by the statutes and by the board, notice thereof in writing specifying the defect or defects shall be immediately given to the school. A school which fails to correct these conditions to the satisfaction of the board within a reasonable time shall be removed from the list of accredited schools of practical nursing and shall be in violation of this article. Nothing contained in this article shall infringe upon the rights or power of the state Board of Education, or county boards of education to establish and conduct a program of practical nurse education or other health occupation so long as the prescribed curricula meets the requirements of the board.~~  
(a) A practical nursing program is determined to be board approved if approved by the board, or the program is accredited by a national accrediting agency recognized by the United States Department of Education. The accreditation is considered board approved and is exempt from board rules that require ongoing approval if the school or program maintains this accreditation.

(b) By July 1, 2022, all practical nursing programs shall be accredited by a national accrediting agency recognized by the United States Department of Education. A program created after July 1, 2018, shall have 5 years to obtain accreditation by an accrediting agency recognized by the United States Department of Education.

(c) The board may require information concerning the practical nursing program to be reported to the board by legislative rule. The requested information shall be consistent with information already being collected by the schools which is required to maintain the program's accreditation.

(d) The board shall approve a new practical nursing program until the program is accredited by a national accrediting agency recognized by the United States Department of Education.

Bill Sponsors: Delegates Summers, Ellington, Espinosa, Householder and Frich

**House Bill 4183: Relating generally to standardized testing requirements for nonpublic schools**

Effective Date: June 6, 2018

Code Reference: Amends: §18-28-3

WVDE Contact: Karen Larry, Special Assistant to the Superintendent

Bill Summary: Currently, private schools are required to test all students in grades one through twelfth in all four subject areas (ELA, math, science, social studies). The bill changes the required testing to match that required of public schools (ELA and math in grades 3-8 and once in high school; science at each programmatic level).

**CHAPTER 18. EDUCATION.**

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

**§18-28-3. Standardized testing requirements.**

(a) Each private, parochial or church school or school of a religious order or other nonpublic school electing to operate under this statute in lieu of the approval requirements set forth as part of ~~section one, article eight, chapter eighteen, exemption A~~ §18-8-1(b) of this code shall administer ~~on an annual basis during each school year to every child enrolled therein between the ages of seven and sixteen years either the comprehensive test of basic skills, the California~~ a nationally achievement test, ~~the Stanford achievement test or the Iowa tests of basic skills tests of achievement and proficiency,~~ which test ~~will~~ shall be selected by the chief administrative officer of each school, ~~in the subjects of English, grammar, reading, social studies, science and mathematics; and~~ The test shall be administered to students at the same grade levels and in the same subjects as required in the public schools of the state for administration of the state-wide summative assessment. The selected test shall be published or normed within the last ten years and shall be administered under standardized conditions as set forth by the published instructions of the selected test. ~~Provided, That~~ The student participation rate on the standardized achievement test must be the same as that required in the public schools for a school's composite score to be considered valid.

(b) Notwithstanding subsection (a) of this section, any private, parochial, church school, school of a religious order or other nonpublic school that exclusively teaches special education students or children with learning disabilities shall ~~not be required to comply with this subsection or subsection (d) of this section, but shall academically assess every child enrolled therein between the ages of seven and sixteen years on an annual basis during each school year~~ academically assess students by one or more of the following methods: (1) A standardized group achievement test; (2) a standardized individual achievement test; (3) a written narrative of an evaluation of a portfolio of samples of a child's work; (4) an alternative academic assessment of the child's proficiency as mutually agreed by the county superintendent, parent(s) or legal guardian(s) and the school. The assessment shall be made of students at the same grade level and in the same subject areas as required in the public

schools of the state for administration of the state-wide summative assessment.

(c) Nothing in this section prohibits a private parochial, church school, school of a religious order or other nonpublic school from administering standardized achievement tests in additional subject areas or at additional grade levels as they may choose at their sole discretion.

~~(b)~~(d) Each child's testing or assessment results and the school composite ~~test~~ results shall be made available to ~~such~~the child's parents or legal guardians. Upon request of a duly authorized representative of the West Virginia Department of Education, the school composite ~~test~~ results shall be furnished by the school or by a parents organization composed of the parents or guardians of children enrolled in said school to the State Superintendent of Schools.

~~(e)~~€ Each school to which this article applies shall:

(1) Establish curriculum objectives, the attainment of which will enable students to develop the potential for becoming literate citizens.

(2) Provide an instructional program that will make possible the acquisition of competencies necessary to become a literate citizen.

~~(d)~~(f) If ~~such school~~the school's composite test results for any single year for ~~English, grammar, reading, social studies, science and mathematics~~ fall below the fortieth percentile on the selected ~~tests, the school as herein described~~ standardized achievement test or a comparable level established by the state board for assessment methods authorized pursuant to subsection (b) of this section, the school shall initiate a remedial program to foster achievement above that level. If after two consecutive calendar years school composite test results are not above the fortieth percentile or comparable level, attendance at the school ~~may~~ no longer ~~satisfy~~ satisfies the compulsory school attendance requirement ~~exemption of exemption K, section one, article eight, chapter eighteen of §18-8-1(k) of this code,~~ until ~~such time as~~ the percentile standards herein set forth are met.

Bill Sponsors: Delegates Espinosa, R. Romine, Upson, Higginbotham, Rohrbach, Kelly, Cooper, Westfall and Dean

**House Bill 4402: Relating to the prevention of sexual abuse of children**

Effective Date: June 3, 2018

Code Reference: Adds: §18-2-41

WVDE Contact: Heather Hutchens, General Counsel

Bill Summary: The bill resulted from the task force on the prevention of sexual abuse of children that was statutorily established a few years ago. Starting July 1, 2019, students in grades K-12 are to receive body age appropriate safety information at least once annually. The State Board is charged with developing a policy to facilitate this instruction. Additionally, by December 31 2018, the State Board is directed to propose a policy establishing training requirements for all public school employees focused on developing skills, knowledge, and capabilities related to preventing child sexual abuse and recognizing and responding to suspected abuse and neglect. School employees are statutorily required to receive this training at least four (4) hours of training, at least once every two years.

**CHAPTER 18. EDUCATION.**

**ARTICLE 2. STATE BOARD OF EDUCATION.**

**§18-2-41. Education and Prevention of the Sexual Abuse of Children.**

(a) Education of children in grades K-12 – Beginning July 1, 2019, children in grades K-12 shall receive body age-appropriate safety information at least once per academic school year, with a preference for four times per academic year. To facilitate this process and develop resources, the state board shall propose a legislative rule for promulgation, in accordance with §29A-3b-1 et seq. of this code, by December 31, 2018. The rule shall provide for at least the following:

(1) Developmentally appropriate education and resources;

(2) Social media usage and content;

(3) Implementation of best practices;

(4) Differing county and school sizes, demographics, etc. relating to implementation strategies;

(5) Strategies for dealing with disclosures after student education;

(6) Rules informed by family voice;

(7) Offender dynamics;

(8) Child-on-child scenarios;

(9) Rules on development of supplementary materials, including posting of the child abuse hotline, to embed into the school climate;

(10) Protocols for local crisis response in conjunction with §18-9F-9 of this code.

(b) Training of public school employees. The state board shall proposed by December 31, 2018 a legislative rule for promulgation in accordance with §29A-3b-1 et seq. of this code, and if necessary may promulgate an emergency rule in accordance with said article, for the establishment of standards for training requirements of all public school employees focused on developing skills, knowledge, and capabilities related to preventing child sexual abuse and recognizing and responding to suspected abuse and neglect. The rule shall provide for at least the following:

(1) This required training shall include comprehensive instruction and information to better equip schools and their employees, including how to:

(A) Recognize sexually offending behaviors in adults, questionable behaviors such as boundary violations, and signs in adults that might indicate they pose a sexual risk to children;

(B) Recognize, appropriately respond to, and prevent sexually inappropriate, coercive, or abusive behaviors among children and youth served by schools;

(C) Recognize behaviors and verbal cues that might indicate a child or youth has been a victim of abuse or neglect;

(D) Support the healthy development of children and youth and the building of protective factors to mitigate against their sexual victimization by adults or peers;

(E) Recognize and appropriately respond to student infatuations and flirtations with adults in schools;

(F) Recognize appropriate and inappropriate social media usage by adults and children;

(G) Provide consistent and standard protocols for responding to disclosures of sexual abuse or reports of boundary-violating behaviors by adults or children in a supportive and appropriate manner which meet mandated reporting requirements;

(H) Provide adequate understanding of the age-appropriate, comprehensive, evidence-informed child sexual abuse prevention education which will be offered to their students; and

(1) Reflect the research of Adverse Childhood Experiences (ACES) and trauma-informed care.

(2) The rule shall contain provisions to ensure public school employees complete the required training every two years.

(A) The required training shall be at least a cumulative four hours (half day) of instruction on the elements identified in this section.

(B) A skills renewal is required every two years thereafter.

(C) The mode of delivery for the training may include in-person or e-learning instruction



and may include a series of trainings or modules.

(D) The state board shall provide certificates of satisfactory completion for the employee and the employer documenting the employee completed the required training.

Bill Sponsors: Delegates Espinosa, Statler, Moye, Hornbuckle, Kelly, Rodighiero, Blair, Householder, Higginbotham, Dean and Campbell

**House Bill 4478: Authorizing public schools to distribute excess foods to students**

Effective Date: June 5, 2018

Code Reference: Adds: §18-5D-5

WVDE Contact: Amanda Harrison, Executive Director, Office of Child Nutrition

Bill Summary: The bill is designed to encourage schools to collect unused food appropriate for redistribution, and make that food available throughout the day to student who may be hungry, to provide a method for discrete distribution of that food to be taken home by kids with food insecurity, and to donate any unused food to local food pantries and other entities that distribute food to those in need. Since the bill involves unused food items from meals already prepared, it does not require the purchasing/preparation of additional food, therefore, no extra costs are involved.

Under the bill, the State Board is required to adopt a policy providing guidance to county boards on management and distribution of excess food. The guidance is to be consistent with state county, and USDA requirements. County boards are required under the bill to establish a program to participate in this initiative (referred to in bill as the “Shared Table” initiative).

Individuals participating in the preparation/donation of food that is distributed under a Shared Table initiative are covered by the Good Samaritan Food Donation Act (§55-7D-1, et seq.).

**CHAPTER 18. EDUCATION.**

**ARTICLE 5D WEST VIRGINIA FEED TO ACHIEVE ACT.**

**§18-5D-5. Shared table initiative.**

(a) The Legislature finds and determines that:

(1) In West Virginia, one in four children suffer from food insecurity; however, every day each school has a large percentage of food that is left uneaten and thrown away, and in many cases this food can be reused;

(2) A new initiative called “The Shared Table” encourages schools to collect unused food appropriate for redistribution, and make the food available throughout the day to students who may be hungry, to provide a method for discrete distribution of that food to be taken home by kids with food insecurity, and to donate any unused food to local food pantries and other entities that distribute food to those in need;

(3) This program has begun to catch on nationally and has shown itself to be an effective way to distribute excess school food;

(4) The Shared Table initiative can be as simple as designating a table or location in the school for food to be taken by students through the school day, and can also provide a system of discretely placed food in containers in student's lockers each day to take home, and other creative initiatives to promote consumption of unused food already provided by schools to students and others who have food insecurity at home; and

(5) The Shared Table initiative does not require school cafeterias to produce extra food and is only intended to promote the more effective consumption of existing food particularly to students who may otherwise go without. Similar initiatives have been implemented in various states and have been very successful in safely distributing food consistent with U.S. Food and Drug Administration and local health agencies requirements.

Therefore, the purpose of this section is to establish a statewide initiative to facilitate this worthwhile program.

(b) The state board shall promulgate a rule in accordance with §29A-3B-1 et seq. of this code that provides policy guidance to county boards on the management and distribution of excess school food consistent with state and county health department and United States Food and Drug Administration requirements and guidelines for the distribution of excess foods. The guidance policy at a minimum shall provide a list of food products and methodologies for distribution that include, but are not limited to:

(1) The types of foods that may be distributed;

(2) Methods of distribution to make excess food available at other times during the school day;

(3) Methods of distributing excess food to students to consume after school; and

(4) Methods to otherwise donate excess food to persons or organizations providing food to persons or families suffering from food insecurity.

(c) The preparation, safety, and donation of food made available to students during a regular school meal time and donated to a food bank or any other nonprofit charitable organization for distribution, shall comply with and be thereby covered by the Good Samaritan Food Donation Act, §55-7D-1 et seq. of this code.

(d) The methods of distributing excess food to students within a school may include a sharing table where food service staff, students and faculty may return appropriate food items consistent with state board guidelines to make those food items available to students during the school day.

(e) Each county board of education shall establish a program to assist and encourage schools to participate in the Shared Table initiative.

**Bill Sponsors:**

**Delegates: Lovejoy, Rohrbach, Hanshaw, Hornbuckle, Williams, Byrd, Canestraro, R. Miller, Robinson, Rowe and Isner**

**House Bill 4619:           Relating to supporting implementation of comprehensive systems for teacher and leader induction and professional growth**

Effective Date:           July 1, 2018

Code Reference:           Amends: §18-9A-10

WVDE Contact:           Amy Willard, Executive Director, Office of School Finance

Bill Summary:           The bill added a new provision (Step 7d) to the Public School Support Plan (PSSP) for the purpose of supporting county-level implementation of comprehensive systems for teacher and leader induction and professional growth. Step 7d will first be included in the state aid calculations for the 2019-20 school year.

Up through the 2018-19 school year, the legislature made separate line-item appropriations for teacher and principal mentors. The statewide Step 7d funding will be calculated as the amount appropriated for the purpose in the immediately preceding school year plus twenty percent of the growth in the local share amount under PSSP. The statewide Step 7d amount will be allocated to the county boards of education in a manner established by the State Board which takes into account the following factors:

- The number of full-time equivalent teachers employed by the county with zero years of experience.
- The total number of full-time equivalent teachers employed by the county with one, two or three years of experience.
- The number of full-time equivalent principals, assistant principals and vocational administrators employed by the county who are in their first or second year of employment as a principal, assistant principal or vocational administrator.
- The number of full-time equivalent principals, assistant principals and vocational administrators employed by the county who are in their first year in an assignment at a school with a programmatic level in which they have not previously served as a principal, assistant principal or vocational administrator.
- Needs identified in the strategic plans for continuous improvement of schools and school systems, including those identified through the performance evaluation of professional personnel.

The bill indicates that no county may receive an allocation which is less than the county's total 2016-17 allocation from the teacher mentor and principal mentor funds distributed by the WVDE.

The bill also indicates the Step 7d funding shall not only be used for the implementation of comprehensive systems of teacher and leader

induction and professional growth pursuant to §18A-3C-3.

## CHAPTER 18. EDUCATION.

### ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

#### **§18-9A-10. Foundation allowance to improve instructional programs, ~~and instructional technology, and teacher and leader induction and professional growth.~~**

(a) The total allowance to improve instructional programs and instructional technology is the sum of the following:

(1) For instructional improvement, in accordance with county and school electronic strategic improvement plans required by ~~section five, article two e~~§18-2E-5 of this ~~chapter code~~, an amount equal to ten percent of the increase in the local share amount for the next school year ~~above any required allocation pursuant to section six b of this article~~ shall be added to the amount of the appropriation for this purpose for the immediately preceding school year. The sum of these amounts shall be allocated to the counties as follows:

(A) One hundred fifty thousand dollars shall be allocated to each county; and

(B) Allocation to the counties of the remainder of these funds shall be made proportional to the average of each county's average daily attendance for the preceding year and the county's second month net enrollment.

Moneys allocated by this subdivision shall be used to improve instructional programs according to the county and school strategic improvement plans required by ~~section five, article two e~~§18-2E-5 of this ~~chapter code~~ and approved by the state board.

Up to fifty percent of this allocation for the improvement of instructional programs may be used to employ professional educators and service personnel in the county. Prior to the use of any funds from this subdivision for personnel costs, the county board must receive authorization from the state superintendent. The state superintendent shall require the county board to demonstrate: (1) The need for the allocation; (2) efficiency and fiscal responsibility in staffing; (3) sharing of services with adjoining counties ~~and the regional educational service agency for that county~~ in the use of the total local district board budget; and (4) employment of technology integration specialists to meet the needs for implementation of the West Virginia Strategic Technology Learning Plan. County boards shall make application for the use of funds for personnel for the next fiscal year by May 1 of each year. On or before June 1, the state superintendent shall review all applications and notify applying county boards of the approval or disapproval of the use of funds for personnel during the fiscal year appropriate. The state superintendent shall require the county board to demonstrate the need for an allocation for personnel based upon the county's inability to meet the requirements of state law or state board policy.

The funds available for personnel under this subdivision may not be used to increase the total number of professional noninstructional personnel in the central office beyond four.

The plan shall be made available for distribution to the public at the office of each affected county board; plus

(2) For the purposes of improving instructional technology, an amount equal to twenty percent of the increase in the local share amount for the next school year ~~above any required allocation pursuant to section six b of this article~~ shall be added to the amount of the appropriation for this purpose for the immediately preceding school year. The sum of these amounts shall be allocated to the counties as follows:

(A) Thirty thousand dollars shall be allocated to each county; and

(B) Allocation to the counties of the remainder of these funds shall be made proportional to the average of each county's average daily attendance for the preceding year and the county's second month net enrollment.

Moneys allocated by this subdivision shall be used to improve instructional technology programs according to the county board's strategic technology learning plan.

This allocation for the improvement of instructional technology programs may also be used for the employment of technology system specialists essential for the technology systems of the schools of the county to be fully functional and readily available when needed by classroom teachers. The amount of this allocation used for the employment of technology system specialists shall be included and justified in the county board's strategic technology learning plan; plus

(3) One percent of the state average per pupil state aid multiplied by the number of students enrolled in dual credit, advanced placement and international baccalaureate courses, as defined by the state board, distributed to the counties proportionate to enrollment in these courses in each county; plus

(4) For the purpose of supporting county-level implementation of the comprehensive systems for teacher and leader induction and professional growth pursuant to §18A-3C-3 of this code, an amount equal to twenty percent of the increase in the local share amount for the next school year shall be added to the amount of the appropriation for this purpose for the immediately preceding school year. The sum of these amounts shall be allocated to the counties in a manner established by the State Board which takes into account the following factors:

(A) The number of full-time-equivalent teachers employed by the county with zero years of experience;

(B) The total number of full-time-equivalent teachers employed by the county with one year of experience, with two years of experience and with three years of experience;

(C) The number of full-time-equivalent principals, assistant principals and vocational administrators employed by the county who are in their first or second year of employment as a principal, assistant principal or vocational administrator;

(D) The number of full-time-equivalent principals, assistant principals and vocational administrators employed by the county who are in their first year in an assignment at a school with a programmatic level in which they have not previously served as a principal, assistant principal or vocational administrator; and

(E) Needs identified in the strategic plans for continuous improvement of schools and

school systems including those identified through the performance evaluations of professional personnel.

Notwithstanding any provision of this subsection to the contrary, no county may receive an allocation for the purposes of this subdivision which is less than the county's total 2016-2017 allocation from the Teacher mentor and Principals Mentorship appropriations to the Department of Education. Moneys allocated by this subdivision shall be used for implementation of the comprehensive systems for teacher and leader induction and professional growth pursuant to §18A-3C-3 of this code; plus

(5) An amount not less than the amount required to meet debt service requirements on any revenue bonds issued prior to January 1, 1994, and the debt service requirements on any revenue bonds issued for the purpose of refunding revenue bonds issued prior to January 1, 1994, shall be paid by the Department of Education in accordance with the expenditure schedule approved by the state budget office into the School Building Capital Improvements Fund created by ~~section six, article nine d~~ §18-9D-6 of this ~~chapter code~~ and shall be used solely for the purposes of that article. The School Building Capital Improvements Fund shall not be utilized to meet the debt services requirement on any revenue bonds or revenue refunding bonds for which moneys contained within the School Building Debt Service Fund have been pledged for repayment pursuant to that section.

(b) Notwithstanding the restrictions on the use of funds pursuant to subdivisions (1) and (2), subsection (a) of this section, a county board may:

(1) Utilize up to twenty-five percent of the allocation for the improvement of instructional programs in any school year for school facility and equipment repair, maintenance and improvement or replacement and other current expense priorities and for emergency purposes. The amount of this allocation used for any of these purposes shall be included and justified in the county and school strategic improvement plans or amendments thereto; and

(2) Utilize up to fifty percent of the allocation for improving instructional technology in any school year for school facility and equipment repair, maintenance and improvement or replacement and other current expense priorities and for emergency purposes. The amount of this allocation used for any of these purposes shall be included and justified in the county board's strategic technology learning plan or amendments thereto.

(c) When the school improvement bonds secured by funds from the School Building Capital Improvements Fund mature, the State Board of Education shall annually deposit an amount equal to \$24,000,000 from the funds allocated in this section into the School Construction Fund created pursuant to the provisions of ~~section six, article nine d~~ §18-9D-6 of this ~~chapter code~~ to continue funding school facility construction and improvements.

(d) Any project funded by the School Building Authority shall be in accordance with a comprehensive educational facility plan which must be approved by the state board and the School Building Authority.

Bill Sponsors: Delegates Espinosa, Statler, Upson, Folk, Cooper, Rohrbach, Atkinson and Cowles







Steven L. Paine, Ed.D.  
West Virginia Superintendent of Schools