



# 2026 Green Book

***SUMMARY OF PUBLIC EDUCATION BILLS  
ENACTED DURING THE 2026 REGULAR SESSION***



West Virginia DEPARTMENT OF  
EDUCATION



**West Virginia Board of Education  
2025-2026**

**L. Paul Hardesty**, President  
**Victor L. Gabriel**, Vice President  
**F. Scott Rotruck**, Secretary  
**Nancy J. White**, Financial Officer

**Robert W. Dunlevy**, Member  
**Cathy L. Justice**, Member  
**James Paul, Ph.D.**, Member  
**Christopher A. Stansbury, O.D.**, Member  
**Gregory F. Wooten**, Member

**Sarah Armstrong Tucker, Ph.D.**, Ex Officio  
Chancellor  
West Virginia Higher Education Policy Commission  
West Virginia Council for Community and Technical College Education

**Michele L. Blatt**, Ex Officio  
State Superintendent of Schools  
West Virginia Department of Education

## FOREWORD

The West Virginia Department of Education (WVDE) dutifully provides this summary of public education bills that were enacted during the 2026 regular session of the West Virginia Legislature. This resource, known as the Green Book, explains the recently passed legislation and offers readers greater insight and information to better understand and interpret new or amended laws.

The Green Book can be used in conjunction with the most current copy of the School Laws of West Virginia and serves as a reference containing updated language and laws. Together, these important publications may offer broad knowledge of legislation and education policies, thus further fulfilling the development of a more richly informed populace.

It is vital to note that the summaries provided in this document are not intended to be comprehensive. The Green Book is not a formally endorsed interpretation of the State Superintendent of Schools. This document serves to outline significant and relevant information regarding the overall interpretation of the legislation. Official interpretations of specific legislative questions may be provided upon request.

The WVDE strives to make the Green Book available and accessible to all. It is critical that education policies and legislation be understood in order to fully support public education in West Virginia. If additional questions or information that is not included in this publication are needed, please contact Drew McClanahan, WVDE Legislative and Policy Officer, at (304) 558-3660.

Sincerely,

A handwritten signature in black ink that reads "Michele L. Blatt". The signature is written in a cursive, flowing style.

Michele L. Blatt  
State Superintendent of Schools

# Amended W. Va. Code Sections

**Black** designates amended code   **Red** designates repealed code   **Green** designates new code

Section	Bill
<b>§5-1E-1 through 5</b>	HB4982
<b>§9-5-34</b>	HB4982
<b>§16-67-1 through 10</b>	HB4982
§18-2-7g	HB4005
§18-4-1	SB694
§18-5-45	SB890
§18-2-7a	HB4982
<b>§18-2-25e</b>	HB4425
§18-5D-4	HB4982
§18-5G-3	SB63
§18-5G-4	SB63
§18-5G-7	SB63
§18-5G-8	SB63
<b>§18-5G-18</b>	SB63
<b>§18-5G-19</b>	SB63
§18-8-1a	HB5089
§18-9A-10	HB5438
<b>§18-9F-9a</b>	HB4798
§18-20-11	HB4995
§18-28-2	SB890
§18A-1-1	SB1064
§18A-2-2	HB5012
§18A-2-7	HB5012
§18A-2-8	HB4995
§18A-2-9	SB899
§18A-3-2a	SB155
<b>§18A-3-2b</b>	SB155
§21-6-2	HB4005
<b>§49-2-125a</b>	HB5048

**NOTE:** Some W. Va. Code sections may be listed more than once on this page. Pursuant to House Rule No. 20, the Clerk of the House of Delegates has the authority to make stylist and technical changes to legislative documents and publications; therefore, the House Clerk renumbers the sections that are not in conflict prior to publication. When citing one of these sections, it is important to refer to the West Virginia School Laws Annotated for accuracy.

# Contents

<b>Amended W. Va. Code Sections List</b> .....	4
<b>Senate Bill 6</b> .....	7
<i>Creating Sustaining Opportunities for Academics in Rural Schools Act</i>	
<b>Senate Bill 155</b> .....	26
<i>Relating to adjunct teaching permits</i>	
<b>Senate Bill 694</b> .....	34
<i>Removing county residency requirement for county superintendent of schools</i>	
<b>Senate Bill 890</b> .....	36
<i>Changing certain school calendar requirements from days or months to hours</i>	
<b>Senate Bill 899</b> .....	44
<i>Permitting certain teachers to be certified to work as school principals</i>	
<b>Senate Bill 1064</b> .....	48
<i>Redefining "long-term substitute" as it relates to public school personnel</i>	
<b>House Bill 4005</b> .....	52
<i>Skills to work</i>	
<b>House Bill 4425</b> .....	57
<i>To repeal the provision allowing for students to transfer from one school to another without losing eligibility</i>	
<b>House Bill 4395</b> .....	58
<i>Relating to investigations of allegations of child safety violations for school personnel</i>	
<b>House Bill 4798</b> .....	61
<i>Permitting teachers to wear a "mobile alert button" for emergency situations, to be known as "Alyssa's Law"</i>	
<b>House Bill 4982</b> .....	63
<i>Make West Virginia Healthy Act of 2026</i>	
<b>House Bill 4995</b> .....	76
<i>Require the use of video cameras in certain special education classrooms</i>	
<b>House Bill 5012</b> .....	85
<i>Providing for in-year school personnel movement to meet school needs</i>	

**House Bill 5048** .....92  
*To ensure virtual instruction for foster students while in temporary placement facilities*

**House Bill 5089**.....94  
*Relating to public school acceptance of student transcripts or other credentials*

**House Bill 5438**.....97  
*To modify the foundation allowance to improve instructional programs*

**Supplemental Appropriations List**..... 102



school authorized by a public school of this state, the governing board shall include the five elected county board members, as well as two members of the community as chosen by the county superintendent; providing that the West Virginia Professional Charter School Board may accept all types of applications; allowing an established public charter school in good standing with its authorizer to establish a second location or campus; providing that a public charter school may submit to its authorizer a proposed amendment to any information in its application at any time and the authorizer may approve or reject the proposed amendment; providing that a rural in-person public charter school may be established by its rural charter school governing board under the sponsorship of a public charter school or county school board to serve eligible students; creating a right of first refusal for public charter schools for unused or underutilized public schools, to be known as Supporting Opportunities for Academics in Rural Schools Act or "SOAR;" providing for the purpose of SOAR; setting forth the process for property disposition; and providing that an institution of higher education may apply to an authorizer to establish an on-campus public charter microschool or a blended program, which includes in-person or virtual instruction, but may not be a full-time virtual charter school, which are required to meet the microschool related requirements of §18-8-1 of this code.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 5G. PUBLIC CHARTER SCHOOLS.**

**§18-5G-3. Public charter school criteria, governance structure and statutory compliance requirements; applicable federal and state laws.**

(a) Public charter schools authorized pursuant to this article shall meet the following general criteria:

(1) Are part of the state's system of public schools and are subject to general supervision by the West Virginia Board of Education for meeting the student performance standards required of other public school students under §18-2E-5(d) and (e) of this code;

(2) Are subject to the oversight of the school's authorizer for operating in accordance with its approved charter contract and for meeting the terms and performance standards established in the charter contract;

(3) Are not home school-based;

(4) Are not affiliated with or espouse any specific religious denomination, organization, sect, or belief and do not promote or engage in any religious practices in their educational program, admissions, employment policies, or operations;

(5) Are not affiliated with any organized group whose espoused beliefs attack or malign an entire class of people, typically for immutable characteristics, as identified through listings of such groups as may be made by the U. S. Department of Justice, the Federal Bureau of Investigation, or officials having similar jurisdiction in this state;

(6) Are public schools to which parents or legal guardians choose to send their child or children;

(7) Do not charge full-time tuition and may only charge such tuition or fees as may be imposed by non-charter public schools in this state, such as for part-time Hope Scholarship enrollment or for participation in student activities.

(8) Have no requirements that would exclude any child from enrollment who would not be excluded at a non-charter public school.

(b) A public charter school authorized pursuant to this article shall be governed by a board that meets the requirements established in §18-5G-7 of this code and:

(1) Has autonomy over key decisions, including, but not limited to, decisions concerning finance, personnel, scheduling, curriculum, and instruction except as provided in this article;

(2) Has no power to levy taxes;

(3) Operates in pursuit of a specific set of educational objectives as defined in its charter contract;

(4) Provides a program of public education that:

(A) Includes one or more of the following: Prekindergarten and any grade or grades from kindergarten to grade 12 including any associated post-secondary embedded credit, dual credit, advanced placement, internship, and industry or workforce credential programs that the public charter school chooses to incorporate into its programs. If a public charter school chooses to incorporate post-secondary embedded credit, dual credit, and industry and workforce credential; programs into its educational program, institutions of higher education may not impose any requirements on the public charter school that are not required of non-charter public schools;

(B) May include in its mission a specific focus on students with special needs, including, but not limited to, at-risk students, English language learners, students with severe

disciplinary problems at a non-charter public school, or students involved with the juvenile justice system; and

(C) May include a specific academic approach or theme including, but not limited to, approaches or themes such as STEM education, mastery-based education, early college, or fine and performing arts; and

(D) May include before school and/or after school programs as a part of the public charter school's education program;

(5) Provides programs and services to a student with a disability in accordance with the student's individualized education program and all federal and state laws, regulations, rules and policies. A charter school shall deliver the services directly or contract with a county board or another provider to deliver the services as set forth in its charter contract;

(6) Is eligible to participate in state-sponsored or district-sponsored athletic and academic interscholastic leagues, competitions, awards, scholarships, and recognition programs for students, educators, administrators, and schools to the same extent as non-charter public schools. If a public charter school does not sponsor an extracurricular athletic and/or academic interscholastic activity for the students enrolled in the public charter school, the public charter school students may participate on the same basis as other public school students in those activities that are sponsored by the non-charter public school serving the attendance area in which the student resides;

(7) Employs its own personnel as employees of the public charter school and is ultimately responsible for processing employee paychecks, managing its employees' participation in the applicable retirement system, and managing its employees' participation in insurance plans: *Provided*, That nothing in this subdivision prohibits the public charter school from contracting with another person or entity to employ personnel or to perform services relating to managing its employees' participation in the retirement system or insurance plan. A county board may not require any employee of its school system to be employed in a public charter school. A county board may not harass, threaten, discipline, discharge, retaliate, or in any manner discriminate against any school system employee involved directly or indirectly with an application to establish a public charter school as authorized under this section. All personnel in a public charter school who were previously employed by the county board shall continue to accrue seniority with the county board in the same manner that they would accrue seniority if employed in a non-charter public school in the county for purposes of employment in non-charter public schools; and

(8) Is responsible for establishing a staffing plan that includes the requisite qualifications and any associated certification and/or licensure that it determines necessary for teachers and other instructional staff to be employed at the public charter school and for verifying that these requirements are met.

(c) A public charter school authorized pursuant to this article is exempt from all statutes, state board policies, and rules applicable to a non-charter public school or board of education except the following unless otherwise specifically provided for in this article:

(1) All federal laws and authorities applicable to non-charter public schools in this state including, but not limited to, the same federal nutrition standards, the same civil rights, disability rights and health, life and safety requirements applicable to non-charter public schools in this state;

(2) The provisions of §29B-1-1 *et seq.* of this code relating to freedom of information and the provisions of §6-9A-1 *et seq.* of this code relating to open governmental proceedings;

(3) The same immunization requirements applicable to non-charter public schools;

(4) The same compulsory school attendance requirements applicable to non-charter public schools.

(A) When a parent or guardian withdraws a student from a public charter school and enrolls the child in a public school district of that county, the school district of the student's county of residence becomes responsible to track the student for all purposes.

(B) When a parent or guardian withdraws a student from a public charter school and enrolls the child in another public charter school, home school, private school, learning pod, microschool, or out-of-state school, the receiving school or district becomes responsible to track the student for all purposes: *Provided*, That the public charter school from which the student is withdrawing ~~provides~~ shall immediately provide the attendance director of the student's county of residence with notification of withdrawal from the charter school by phone, electronically, or in writing.

(C) The written notification shall include, but is not limited to, the student's name, WVEIS identification number, parent/guardian contact information, and the anticipated or actual withdrawal date.

(5) The same minimum number of days or an equivalent amount of instructional time per year as required of non-charter public school students under §18-5-45 of this code;

(6) The same student assessment requirements applicable to non-charter public schools in this state, but only to the extent that will allow the state board to measure the

performance of public charter school students pursuant to §18-2E-5(d) and (e) of this code. Any virtual public charter school may administer any required state assessment, if available, in a virtual setting utilizing remote proctoring that best meets the educational needs of the student. The ratio for students to teachers shall be allowed up to 15 to one when utilizing remote proctoring during virtual testing. Nothing precludes a public charter school from establishing additional student assessment measures that go beyond state requirements. Public charter school teachers who are not certified or licensed in the State shall be permitted to proctor state assessments: *Provided*, That the teacher has successfully completed the annual training to serve as proctor and the charter school maintains a list of all staff who have successfully completed that annual training.

(7) The Student Data Accessibility, Transparency, and Accountability Act pursuant to §18-2-5h of this code;

(8) Use of the electronic education information system established by the West Virginia Department of Education for the purpose of reporting required information;

(9) Reporting information on student and school performance to parents, policy-makers, and the general public in the same manner as non-charter public schools utilizing the electronic format established by the West Virginia Department of Education. Nothing precludes a public charter school from utilizing additional measures for reporting information on student and school performance that go beyond state requirements;

(10) All applicable accounting and financial reporting requirements as prescribed for public schools, including adherence to generally accepted accounting principles. A public charter school shall annually engage an external auditor to perform an independent audit of the school's finances. The public charter school shall submit the audit to its authorizer and to the state superintendent of schools within nine months of the end of the fiscal year for which the audit is performed;

(11) A criminal history check pursuant to §18A-3-10 of this code for any staff person that would be required if the person was employed in a non-charter public school, unless a criminal history check has already been completed for that staff person pursuant to that section. Governing board members and other public charter school personnel are subject to criminal history record checks and fingerprinting requirements applicable to non-charter public schools in this state. Contractors and service providers or their employees are prohibited from making direct, unaccompanied contact with students and from access to school grounds unaccompanied when students are present if it cannot be verified that the

contractors, service providers or employees have not previously been convicted of a qualifying offense pursuant to §18-5-15c of this code: Provided, That nothing in this subdivision, including the reference to §18A-3-10 of this code, requires public charter school employees to be certified or licensed as a condition of employment in a public charter school. A public charter school may, but is not required to, establish certification or licensure as a condition of employment by the school;

(12) The same zoning rules for its facilities that apply to non-charter public schools in this state;

(13) The same building codes, regulations and fees for its facilities that apply to non-charter public schools in this state, including any inspections required for non-charter public schools under this chapter and the West Virginia State Fire Marshal for inspection and issuance of a certificate of occupancy for any facility used by the public charter school; and

(14) The same student transportation safety laws applicable to public schools when transportation is provided.

**§18-5G-4. West Virginia Board of Education; powers and duties for implementation, general supervision and support of public charter schools.**

(a) The state board, along with the West Virginia Public Charter School Board established in §18-5G-15 of this code, ~~shall consult with nationally recognized charter school organizations and~~ establish and maintain a catalogue of best practices for public charter schools applicable for all applicants, authorizers, governing board members, and administrators that are consistent with this article ~~and nationally recognized principles and professional standards for quality public charter school authorizing and governance in all major areas of authorizing and governance responsibility~~ in the following areas:

- (1) Organizational capacity and infrastructure;
- (2) Solicitation and evaluation of charter applications;
- (3) A framework to guide the development of charter contracts;
- (4) Performance contracting including a performance framework;
- (5) Providing transparency and avoiding all conflicts of interest;
- (6) Ongoing public charter school oversight and evaluation; and
- (7) Charter approval and renewal decisionmaking;

(b) The state board is responsible for exercising, in accordance with this article, the following powers and duties with respect to the oversight and authorization of public charter schools:

(1) Provide forms to promote the quality and ease of use for authorizers to solicit applications for public charter schools, for applicants to complete applications, and for establishing quality charter contracts that include a framework for performance standards. The forms shall be available for use and solicitations made not later than the beginning of February 2020. The forms shall include an application deadline of August 31st of the year prior to the beginning of operations for the proposed school year, or April 30th of the proposed school year in the case of a conversion public charter school or a program conversion public charter school; ~~No public charter school may begin operation prior to the beginning of the proposed school year.~~

(2) Provide training programs for public charter school applicants, administrators and governing board members, as applicable, that include, but are not limited to:

(i) Pre-application training programs and forms to assist in the development of high quality public charter school applications;

(ii) The required components and the necessary information of the public charter school application and the charter contract as set forth in this article;

(iii) The public charter school board's statutory role and responsibilities;

(iv) Public charter school employment policies and practices; and

(v) Authorizer responsibilities for public charter school contract oversight and performance evaluation;

(3) Receive and expend appropriate gifts, grants and donations of any kind from any public or private entity to carry out the purposes of this act, subject to all lawful terms and conditions under which the gifts, grants or donations are given;

(4) Apply for any federal funds that may be available for the implementation of public charter school programs;

(5) Establish reporting requirements that enable the state board to monitor the performance and legal compliance of authorizers and public charter schools;

(6) Establish a framework and procedures for interactions between public charter schools, public non-charter schools and county boards of education to facilitate cooperation for shared services, training and information and to ensure the prompt transfer of student records, including IEPs, so as to minimize the interruption of a student's education when transferring between non-charter public schools and public charter schools; and

(7) Submit to the Governor and the Legislature an annual report within 60 days of the end of each school year summarizing:

(A) The student performance of all operating public charter schools; and  
(B) The authorization status of all public charter schools within the last school year, identifying all public charter schools as:

- (i) Application pending;
- (ii) Application denied and reasons for denial;
- (iii) Application approved, but not yet operating;
- (iv) Operating and years of operation;
- (v) Renewed and years of operation;
- (vi) Terminated;
- (vii) Closed;
- (viii) Never opened; and

(ix) Any successful innovations applied in authorized public charter schools which may be replicated in other schools. The report shall provide information about how non-charter public schools may implement these innovations.

(c) The state board shall be the authorizer of a public charter school when a county board or boards approve the application for a public charter school and requests the state board to perform the authorizer duties and responsibilities or when an application to form a public charter school or to renew a charter contract is submitted from an applicant within a county in which the state board has intervened and limited the power of the county board to act pursuant to §18-2E-5 of this code. §18-5G-5. State board rule relating to funding for public charter school enrollment and other necessary provisions; local education agency status; authorizer oversight fee. (a) The state board shall promulgate a rule pursuant to the provisions of §29A-3B-1 *et seq.* of this code setting forth requirements for public charter school funding. The rule shall include a requirement that 99 percent of the per pupil total basic foundation allowance follow the student to the public charter school, subject to the following:

(1) Notwithstanding §18-9A-1 *et seq.* of this code, the rule may provide for modifications to the calculations set forth in §18-9A-7 of this code regarding the allowance for student transportation and in §18-9A-9(1) of this code regarding the allowance for current expense for the purpose of making appropriate adjustments to those allowances to account for student transportation and current expense related funding a school district loses in situations where it pays money to a public charter school pursuant to this subsection without a corresponding decrease in the county's transportation and current expense related expenditures;

(2) The rule shall designate which county school district is required to pay for a student attending a public charter school, and notwithstanding the terms in the definition of "net enrollment" in §18-9A-2 of this code, shall provide that the county school district paying for the student attending a public charter school have that student included in its net enrollment for the purposes of §18-9A-1 *et seq.* of this code;

(3) When a student in grades kindergarten through 12 transfers on a full-time basis after the beginning of the school year from a school district to a public charter school, or vice versa, or to another public charter school, hereinafter referred to as entities, the following apply:

(A) If the student is included in the second month net enrollment for the purposes of §18-9A-2 of this code, of the entity from which the student transferred, the entity to which the student transfers may invoice the entity from which the student transferred for the amount, determined on a pro rata basis, based on the amount required pursuant to subdivision (2) of this subsection for a student attending a public charter school;

(B) If the student is included in the second month net enrollment for the purposes of §18-9A-2 of this code, of the entity from which the student transferred and is eligible for aid to exceptional students, the entity to which the student transfers may invoice the entity from which the student transferred for the amount, determined on a pro rata basis, of the aid to exceptional students due for that student;

(C) If the student is included in the certified child count of exceptional students for the school year of the entity from which the student transferred, the entity to which the student transfers may invoice the entity from which the student transferred for the amount, determined on a pro rata basis, due for that student in the certified child count of exceptional students; and

(D) Invoices issued pursuant to paragraphs (A), (B) and (C) of this subdivision shall be paid by the entity from which the student transferred within 30 days of receipt of the invoice; and

(4) The rule shall require the Department of Education to follow federal requirements in ensuring that federal funding follows the student to a public charter school.

(b) The state board may promulgate a rule in accordance with §29A-3B-1 *et seq.* of this code, if necessary, for ensuring the accountability of public charter schools for meeting the standards for student performance required of other public school students under §18-2E-5 of this code and the accountability of authorizers for ensuring that those standards are met in the schools authorized by it. If an authorizer fails to close a public charter school that does

not meet the standards, the authorizer shall appear before the state board to justify its decision. The state board may uphold or overturn the authorizer's decision and may revoke the authority of the authorizer to authorize public charter schools.

(c) Any public charter school authorized pursuant to this article shall be treated and act as its own local education agency for all purposes except as needed under the provisions of the Public School Support Plan for funding purposes.

(d) To cover authorizer costs for overseeing public charter schools, the state board shall establish a statewide formula for authorizer oversight funding, which shall apply uniformly to every authorizer in the state. Each public charter school shall remit to its respective authorizer an oversight fee. The oversight fee shall be drawn from and calculated as a uniform percentage of the per pupil basic foundation allowance as provided pursuant to state board rule promulgated in accordance with this section, not to exceed one percent of each public charter school's per-student funding in a single school year. The state board may establish a sliding scale for authorizing funding, with the funding percentage decreasing after the authorizer has achieved a certain threshold, such as after a certain number of schools have been authorized or after a certain number of students are enrolled in the authorizer's public charter schools. The state board shall establish a cap on the total amount of funding that an authorizer may withhold from a full-time public charter school. The state board shall annually review the effectiveness of the state formula for authorizer funding and shall adjust the formula if necessary to maximize public benefit and strengthen the implementation of this act.

(e) The state board shall promulgate a rule in accordance with §29A-3B-1 *et seq.* of this code to clarify, if necessary, the requirements of this article and address any unforeseen issues that might arise relating to the implementation of the requirements of this article: *Provided*, That nothing in this rule may conflict with this code. The rule also shall include a provision prohibiting a county board from discrimination against any district employee involved directly or indirectly with an application to establish a public charter school under this article.

(f) All state board rules required to be promulgated by this article shall be promulgated on or before July 1, 2021. The state board may file emergency rules if necessary to meet the July 1, 2021, deadline.

**§18-5G-7. Public charter school governing board.**

(a) (1) To ensure compliance with this article, a public charter school shall be administered by a governing board accountable to the authorizer as set forth in the charter contract, except in the case of a conversion public charter school authorized by a public school

of this state. A public charter school governing board shall consist of no fewer than five members elected or selected in a manner specified in the charter application, including at least the following:

(A) Two parents of students attending the public charter school operating under the governing board; and

(B) Two members who reside in the community served by the public charter school.

(2) In the case of a conversion school authorized by a public school of this state, the governing board shall include the five elected county board members, as well as two members of the community as chosen by the county superintendent.

(b) Members of the governing board shall:

(1) Not be an employee of the public charter school administered by the governing board;

~~(3)~~ (2) Not be an employee of an education service provider that provides services to the public charter school, unless the services are provided by a state institution of higher education;

~~(4)~~ (3) File a full disclosure report to the authorizer identifying potential conflicts of interest, relationships with management organizations, and relationships with family members who are employed by the public charter school or have other business dealings with the school, the management organization of the school, or any other public charter school;

~~(D)~~ (4) Collectively possess expertise in leadership, curriculum and instruction, law, and finance; and

(5) Be considered an officer of a school district under the provisions of §6-6-7 of this code and removal from office shall be in accordance with the provisions of that section or by a vote of the governing board.

(c) The public charter school governing board shall:

(1) Operate under the oversight of its authorizer in accordance with its charter contract;

(2) As a public corporate body, have the powers necessary for carrying out the terms of its charter contract, including, but not limited to the power to:

(A) Receive and disburse funds for school purposes;

(B) Secure appropriate insurance and enter into contracts and leases;

(C) Contract with an education service provider, so long as the governing board retains final oversight and authority over the school;

(D) Pledge, assign, or encumber its assets to be used as collateral for loans or extensions of credit;

(E) Solicit and accept any gifts or grants for school purposes, subject to applicable laws and the terms of its charter; and

(F) Acquire real property for use as its facilities or facilities from public or private sources;

(3) Enroll students in the public charter school pursuant to §18-5G-11 of this code;

(4) Require any education service provider contracted with the governing board to provide a monthly detailed budget to the board; and

(5) Provide programs and services to a student with a disability in accordance with the student's individualized education program and all federal and state laws, rules, and regulations. A public charter school shall deliver the services directly or contract with another provider to deliver the services.

(d) A public charter school authorized under this article may:

(1) Negotiate and contract with its authorizer or any third party for the use, operation, and maintenance of a building and grounds, liability insurance, and the provision of any service, activity, or undertaking that the public charter school is required to perform in order to carry out the educational program described in its charter contract. Any services for which a public charter school contracts with a school district shall be provided by the district at cost and shall be negotiated as a separate agreement after final charter contract negotiations;

(2) Sue and be sued in its own name;

(3) Own, rent, or lease its space;

(4) Participate in cocurricular activities to the same extent as non-charter public schools; and

(5) Participate in extracurricular activities to the same extent as non-charter public schools.

(e) The public charter school governing board is responsible for the operation of its public charter school, including, but not limited to, ensuring compliance with the public charter school criteria, governance and statutory compliance set forth in §18-5G-3 of this code, the preparation of an annual budget, contracting for services, school curriculum, personnel matters, and achieving the objectives and goals of the public charter school's program.

(f) The public charter school governing board shall comply with the provisions of §29B-1-1 *et seq.* of this code relating to freedom of information and the provisions of §6-9A-1 *et seq.* of this code relating to open governmental proceedings.

(g) Notwithstanding anything else in this Code, when a state institution of higher education is an applicant and after its application is approved by an authorizer, the governing board of the public charter school may be an administrative unit of the state institution of higher education, and the governing board may enter into the charter contract on behalf of the state institution of higher education.

**§18-5G-8. Application to establish public charter school.**

(a) To establish a new public charter school, to convert an existing noncharter public school to a public charter school or establish a program conversion public charter school, an applicant shall submit a charter application to an authorizer. The West Virginia Professional Charter School Board may accept all types of applications. Charter authorizers shall accept and document the date and time of receipt of all charter applications.

(b) The application shall contain, at a minimum, the following information:

(1) A mission statement and a vision statement for the public charter school, including specialized academic focus, if any, to be promoted and advanced through the establishment of the public charter school;

(2) A detailed description of the public charter school's proposed program;

(3) The student achievement goals for the public charter school's program and the chosen methods of evaluating whether students have attained the skills and knowledge specified for those goals;

(4) The school's plan for using data derived from student evaluations and assessments, including the statewide summative assessment, to drive instruction and promote continued school improvement;

(5) An explanation of how the school's proposed program is likely to improve the achievement of traditionally underperforming students in the local school district;

(6) The proposed governance structure of the school, including a list of members of the initial governing board, a draft of bylaws that include the description of the qualifications, terms, and methods of appointment or election of governing board members, and the organizational structure of the school that clearly presents lines of authority and reporting between the governing board, school administrators, staff, any related bodies such as advisory

bodies or parent and teacher councils, and any external organizations that will play a role in managing the school;

(7) Plans and timelines for student enrollment, including the school primary recruitment area and policies and procedures for conducting transparent and random admission lotteries when applications for enrollment exceed capacity that are open to the public and consistent with this article;

(8) A proposed five-year budget, including the start-up year and projections for four additional years with clearly stated assumptions;

(9) Proposed fiscal and internal control policies for the public charter school;

(10) Acknowledgement that the public charter school will participate in the state's accountability system;

(11) A proposed handbook that outlines the personnel policies of the public charter school, including the criteria to be used in the hiring of qualified teachers, school administrators, and other school employees, a description of staff responsibilities, and the school's plan to evaluate personnel on an annual basis;

(12) An explanation of proposed student discipline procedures, including disciplinary procedures for students with disabilities, which shall be consistent with the requirements of due process and with state and federal laws and regulations governing the placement of students with disabilities;

(13) A description of the facilities to be used by the public charter school, including the location of the school and how the facility supports the implementation of the school's program. The school shall obtain all required occupation and operation certificates and licenses prior to the first instructional day for students;

(14) The proposed ages and grade levels to be served by the public charter school, including the planned minimum and maximum enrollment per grade per year;

(15) The school calendar and school day schedule;

(16) Types and amounts of insurance coverage to be obtained by the public charter school, which:

(A) Shall include adequate insurance for liability, property loss, and the personal injury of students comparable to noncharter public schools within the local school district operated by the county board; and

(B) May include coverage from the Board of Risk and Insurance Management pursuant to §29-12-5a of this code;

(17) A description of the food services to be provided to students attending the school;

(18) Process and procedures to be followed in the case of the closure or dissolution of the public charter school, including provisions for the transfer of students and student records to the appropriate local school district and an assurance and agreement to payment of net assets or equity after payment of debts;

(19) A code of ethics for the school setting forth the standards of conduct expected of its governing board, officers, and employees;

(20) The public charter school's plan for successfully serving students with disabilities, students who are English language learners, bilingual students, and students who are academically behind and gifted, including, but not limited to, the school's plan for compliance with all applicable federal and state laws and regulations;

(21) A description of cocurricular and extracurricular programs to be offered by the public charter school and how they will be funded and delivered;

(22) The process by which the school will resolve any disputes with the authorizer;

(23) A detailed start-up plan, including financing, tasks, timelines, and individuals responsible for carrying out the plan;

(24) The public charter school's plan for notice to parents and others of enrollment in the school as an option available for students and the school's primary recruitment area; and

(25) The public charter school's plan for parental involvement.

(c) If the applicant intends to contract with an education service provider for educational program implementation or comprehensive management, the application shall additionally require the applicant to provide the following information with respect to the educational service provider:

(1) Evidence of success in serving student populations similar to the targeted population, including demonstrated academic achievement as well as successful management of nonacademic school functions, if applicable;

(2) Student performance data and financial audit reports for all current and past public charter schools;

(3) Documentation of and explanation for any actions taken, legal or otherwise, against any of its public charter schools for academic, financial, or ethical concerns;

(4) The proposed duration of the service contract;

(5) The annual proposed fees and other amounts to be paid to the education service provider;

(6) The roles and responsibilities of the governing board, the school staff, and the education service provider;

(7) The scope of services and resources to be provided by the education service provider;

(8) Performance evaluation measures and timelines;

(9) Methods of contract oversight and enforcement;

(10) Investment disclosure;

(11) Conditions for renewal and termination of the contract; and

(12) Disclosure and explanation any existing or potential conflicts of interest between the governing board and the proposed education service provider or any affiliated business entities.

(d) A public charter school may submit to its authorizer a proposed amendment to any information in its application at any time and the authorizer may approve or reject the proposed amendment.

(e) If a currently authorized public charter school in good standing with its authorizer seeks to establish a second location or campus, the public charter school may submit an abbreviated application to its authorizer for the second location or campus which is only required to include the information set forth in §18-5G-8(b)(13), §18-5G-8(b)(16), and §18-5G-8(b)(23) of this code.

(f) A rural in-person public charter school may be established by its rural charter school governing board under the sponsorship of a public charter school or county school board to serve eligible students. If the sponsoring public charter school is in good standing with its authorizer, the application submitted to establish the rural in-person public charter school may be in an abbreviated form and is only required to include the information required of a currently authorized public charter school applying to establish a second location or campus pursuant to §18-5G-8(d) of this code. All provisions of this article that are not contrary to this section apply to a rural in-person public charter school.

**§18-5G-18. Sustaining Opportunities for Academics in Rural Schools Act (SOAR).**

(a) This section may be cited as the "Sustaining Opportunities for Academics in Rural Schools Act" or the "SOAR Act".

(b) The purpose of this act is to provide rural communities with an additional option to maintain continued access to local schools, prevent consolidation where there is adequate community support, and provide structural support to rural communities to explore public

charter school conversion in an expedited manner when a community public school is proposed to be closed.

(c) If a county board chooses to close a school they shall identify the following in the impact statement:

(1) If the county board of education plans to maintain the facility for use; and

(2) If the county board plans to offload the property through donation, auction, or any other way, allowed by law.

(d) Subject to subsection (2) of this section, upon the closure approval by the West Virginia Board of Education, within 90 days, a public charter school may submit an application to the county board to open a SOAR charter in the closing school. Should an application be submitted during the 90-day period, the county board shall not offload the property. County boards shall provide the right of first refusal to a proposed SOAR Charter subject to the following provisions:

(1) Proposed SOAR Charter applications shall be submitted within the 90-day window, any application outside of the time period may be considered null and void. Further:

(A) Applications shall include the authorizing entity;

(B) Applications shall be submitted to the county board of education for approval: *Provided, however,* That in the event of multiple applications, the Public Charter School Board shall select and approve the most appropriate and viable option; and

(C) Applications shall include a proviso ensuring the transfer of the property occurs as-is and details of what portions of the property shall be transferred.

(2) Upon receipt of applications the county board of education shall negotiate and enter into a contract with the approved applicant detailing agreed upon terms. Details of the contract shall include but are not limited to:

(A) Agreed upon timelines; and

(B) Agreed upon properties to be transferred, including real and personal property, as well as any necessary easements.

(e) Upon an approved SOAR Charter application, the SOAR Charter shall take effect no earlier than August 1 of the authorizing year: *Provided,* That the SOAR Charter and county board can agree to a later date in the agreed upon contract.

(f) Upon the agreed date, the SOAR Charter shall be responsible for all properties transferred, including the insurability thereof.

(g) County boards of education shall not be responsible for any property transferred to a SOAR Charter School after the transfer has occurred.

(h) Nothing in this section shall be construed to force a county board from ceasing legally required staffing plans and other requirements required by law regarding school closure.

(i) Nothing herein shall be construed to prevent a conversion charter school from entering into a contract with an education service provider, subject to the approval of the authorizer.

(j) The state board may promulgate rules pursuant to §29A-3B-1 et seq. of this code to provide guidance on the implementation of this section.

**§18-5G-19. Higher education institution public charter microschool; public charter school assistance to learning pods and microschools.**

(a) An institution of higher education may apply to an authorizer pursuant to this article to establish an on-campus public charter microschool or a blended program, which includes in-person or virtual instruction, but may not be a full-time virtual charter school, which are required to meet the microschool related requirements of §18-8-1 of this code.

(b) Any public charter school, including one that is affiliated with an institution of higher education, may partner with learning pods and microschools created pursuant to §18-8-1 of this code to provide instruction on-campus or virtually to those learning pods or microschools.



adjunct teacher to teach in any content area in which the individual is allowed to teach based on the individual's experience; requiring assignment of a teacher mentor; requiring adjunct teacher to complete certain training and education; prohibiting adjunct teacher from providing special education instruction; requiring each county board that employs an adjunct teacher to report certain information to the West Virginia Department of Education; requiring posting of adjunct teacher position; allowing notification of parents of a vacant adjunct teacher position; and requiring county board to announce any vacant adjunct teacher positions at its meetings.

*Be it enacted by the Legislature of West Virginia:*

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

**§18A-3-2a. Certificates valid in the public schools that may be issued by the State Superintendent.**

In accordance with state board rules for the education of professional educators adopted pursuant to §18A-3-1 of this code and subject to the limitations and conditions of that section, the State Superintendent may issue the following certificates valid in the public schools of the state:

(a) Professional teaching certificates. —

(1) A professional teaching certificate for teaching in the public schools may be issued to a person who meets the following conditions: (A) Holds at least a bachelor's degree from a regionally accredited institution of higher education, and:

(i) Has passed appropriate state board approved basic skills and subject matter tests in the area for which licensure is being sought; and

(ii) Has completed a program for the education of teachers which meets the requirements approved by the state board; or

(iii) Has met equivalent standards at institutions in other states; or

(iv) Has completed three years of successful teaching experience within the last seven years under a license issued by another state in the area for which licensure is being sought; or

(v) Has completed an alternative program approved by another state; or

(B) Holds at least a bachelor's degree from an accredited institution of higher education, and:

(i) Has passed appropriate state board approved basic skills and subject matter tests; and

(ii) Has completed an alternative program for teacher education as provided in this article; and

(iii) Is recommended for a certificate in accordance with the provisions of §18A-3-1i of this code relating to the program; and

(iv) Is recommended by the State Superintendent based on documentation submitted; or

(C) Holds a bachelor's degree from an accredited institution of higher education, and:

(i) Submits to a criminal history check pursuant to §18A-3-10 of this code: *Provided*, That information discovered during the criminal history check may form the basis for the denial of a certificate for just cause; and

(ii) Successfully completes pedagogical training or a pedagogical course or courses in substantive alignment with nationally recognized pedagogical standards, or approved or established by the state board; and

(iii) Passes the same subject matter and competency test or tests required by the state board for traditional program applicants for licensure or;

(D) Is an honorably discharged member of the armed forces who:

(i) Holds at least a bachelor's degree from an accredited institution of higher education that is related to the available position which the veteran has applied to; and

(ii) Has passed the basic skills and subject matter test or tests required by the state board for teachers to become certified in the area for which the licensure is sought; and

(iii) Is exempt from any additional teacher certification requirements except the criminal history check required by §18A-3-10 of this code.

(2) The certificate shall be endorsed to indicate the grade level or levels or areas of specialization in which the person is certified to teach or to serve in the public schools.

(3) The initial professional certificate is issued provisionally for a period of three years from the date of issuance:

(A) The certificate may be converted to a professional certificate valid for five years subject to successful completion of a beginning teacher induction program, if applicable; or

(B) The certificate may be renewed subject to rules adopted by the state board.

(4) Teaching certificates granted pursuant to §18A-3-2a(a)(1)(C) of this code shall be equivalent to certificates granted to graduates of teacher preparation programs at public higher education institutions.

(b) Alternative program teacher certificate. — An alternative program teacher certificate may be issued to a candidate who is enrolled in an alternative program for teacher education approved by the state board.

(1) The certificate is valid only for the alternative program position in which the candidate is employed and is subject to enrollment in the program.

(2) The certificate is valid while the candidate is enrolled in the alternative program, up to a maximum of three years, and may not be renewed.

(c) Professional administrative certificate. —

(1) A professional administrative certificate, endorsed for serving in the public schools, with specific endorsement as a principal, vocational administrator, supervisor of instructions, or superintendent, may be issued to a person who has completed requirements all to be approved by the state board as follows:

(A) Holds at least a master's degree from an institution of higher education accredited to offer a master's degree, and:

(i) Has successfully completed an approved program for administrative certification developed by the state board in cooperation with the chancellor for higher education; and

(ii) 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; and

(iii) Possesses three years of management level experience.

(2) Any person serving in the position of dean of students on June 4, 1992, is not required to hold a professional administrative certificate.

(3) The initial professional administrative certificate is issued provisionally for a period of five years. This certificate may be converted to a professional administrative certificate valid for five years or renewed, subject to the regulations of the state board.

(d) Paraprofessional certificate. — A paraprofessional certificate may be issued to a person who meets the following conditions:

(1) Has completed 36 semester hours of post-secondary education or its equivalent in subjects directly related to performance of the job, all approved by the state board; and

(2) Demonstrates the proficiencies to perform duties as required of a paraprofessional as defined in §18A-4-8 of this code.

(e) Other certificates; permits. —

(1) Other certificates and permits may be issued, subject to the approval of the state board, to persons who do not qualify for the professional or paraprofessional certificate.

(2) A certificate or permit may not be given permanent status and a person holding one of these credentials shall meet renewal requirements provided by law and by regulation, unless the state board declares certain of these certificates to be the equivalent of the professional certificate.

(3) Within the category of other certificates and permits, the State Superintendent may issue certificates for persons to serve in the public schools as athletic coaches or coaches of other extracurricular activities, whose duties may include the supervision of students, subject to the following limitations:

(A) The person is employed under a contract with the county board of education.

(i) The contract specifies the duties to be performed, specifies a rate of pay that is equivalent to the rate of pay for professional educators in the district who accept similar duties as extra duty assignments, and provides for liability insurance associated with the activity; and

(ii) The person holding this certificate is not considered an employee of the board for salary and benefit purposes other than as specified in the contract.

(B) The person completes an orientation program designed and approved in accordance with state board rules.

(f) Clinical teacher of record permit. —

(1) A clinical teacher of record permit may be issued to a candidate who is enrolled in a clinical teacher of record program in accordance with an agreement between an institution of higher education and a county board. The agreement is developed pursuant to §18A-3-1(e) of this code and requires approval by the state board.

(2) The permit is valid only for the clinical teacher of record program position in which the candidate is enrolled and is subject to enrollment in the program. The permit is valid for no more than one school year and may not be renewed.

(g) Temporary teaching certificates for armed forces spouses. —

(1) A temporary teaching certificate for an armed forces spouse may be issued to an individual who meets the following criteria:

(A) He or she is married to a member of the armed forces of the United States who is on active duty;

(B) He or she holds a current unencumbered teaching certificate or license issued by an equivalent credentialing department, board, or authority, as determined by the State Superintendent, in another state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, another territory or protectorate of the United States or a foreign country; and

(C) He or she provides proof acceptable to the State Superintendent that his or her spouse is assigned to a duty station in this state or at a military installation within 50 air miles of the West Virginia border and that he or she is also assigned to a duty station in this state or at a military installation within 50 air miles of the West Virginia border under his or her spouse's official active duty military orders.

(2) The State Superintendent shall deny a temporary teaching certificate to an individual described in paragraph (1) of this subdivision for fraud, material misrepresentation or concealment in the person's application for a temporary teaching certificate or for a conviction for which an individual's teaching certificate may be revoked under §18A-3-6 of this code.

(3) A temporary teaching certificate issued under paragraph (1) of this subdivision is valid for one year and may be renewed for additional one-year terms if the State Superintendent determines the individual holding the temporary teaching certificate continues to meet the requirements of paragraph (1) of this subdivision. The State Superintendent may revoke a temporary teaching certificate for a conviction for which an individual's teaching certificate may be revoked under §18A-3-6 of this code.

(h) Notwithstanding the provisions of subsection (a)(3)(B) of this section, teachers with a bachelor's degree and 10 years teaching experience, with a valid teaching certificate, in good standing, without any unsatisfactory evaluations will be able to apply for and receive a permanent teaching certificate in West Virginia without having to take any additional course work. This subsection shall be effective from passage.

(i) Adjunct teaching permit. — An adjunct teacher permit may be issued to an individual who meets the requirements set forth in §18A-3-2b of this code.

**§18A-3-2b. Adjunct teaching permit.**

(a) An individual with an adjunct teaching permit may be hired to fill a vacant teaching position, offer a new program or class, or to supplement a program currently being offered only if no other teacher holding certification in the subject area is available and accepts the position or assignment. All requirements of this section other than the requirement for a

criminal history check pursuant to §18A-3-2b(b)(2) of this code apply separately to each year of employment under an adjunct teaching permit.

(b) An adjunct teacher permit may be issued to an individual who meets the following requirements:

(1) The individual has at least four years of experience in the content area in which the individual intends to teach through employment experience or has a college degree in that content area: *Provided*, That a related content area that includes the concepts of the content area in which the individual intends to teach satisfies this requirement;

(2) The individual submits to the criminal history check of applicants for licensure provided in §18A-3-10 of this code;

(3) The individual has not been convicted of a felony or plead guilty or plead no contest to a felony charge or convicted, plead guilty, or plead no contest to any charge involving sexual misconduct with a minor or a student.

(c) An adjunct teacher permit is valid for one year from the date of issuance. Each year that a county board seeks to employ an individual under an adjunct teaching permit, the county board shall repost the position. Renewal of the permit is contingent upon the teacher's performance meeting a basic standard as determined by an evaluation. For this purpose, the state board shall include in its evaluation rule required by §18A-3C-2 of this code a process for the evaluation of teachers holding an adjunct teacher permit.

(d) If a county board employs any individual with an adjunct teaching permit issued pursuant to this section:

(1) The employment may be on a part-time or full-time basis;

(2) The compensation may be any amount both the county board and the adjunct teacher agree to and is not required to be based on §18A-4-2 or any other provision of this code;

(3) The county board is not required to provide the adjunct teacher retirement benefits, health insurance, nor any other type of employment benefit unless both the county board and the adjunct teacher agree to those benefits;

(4) The county board shall enter into a contract with the adjunct teacher that specifies the length of time for the contract; which days the adjunct teacher is to teach; the amount of time the teacher is to teach on those days; the rate of compensation; whether any retirement, health insurance, or any other type of benefit will be provided and if so exactly what those benefits will be; and any other provisions the county board and adjunct teacher agree to;

(5) The individual who holds the adjunct teaching permit may teach in any content area, including a career and technical education content area, in which the individual is allowed to teach based on the individual's experience described in subsection (b) of this section;

(6) The individual must be assigned a teacher mentor for support in pedagogy; and

(7) The individual shall complete the harassment, intimidation, and bullying training, and preventing child sexual abuse training required by state board policy 4373, and education on the warning signs and resources to assist in suicide prevention pursuant to §18-2-40 of this code within the first 90 days of employment.

(e) An adjunct teacher may not provide special education instruction.

(f) Each county board that employs an adjunct teacher with an adjunct teacher permit issued pursuant to this section shall report to the West Virginia Department of Education the following information:

(1) The number of adjunct teachers who hold a permit issued under this section that the county board has hired each school year, disaggregated by the grade level and subject area taught by the adjunct teacher; and

(2) The following information for each adjunct teacher described in subdivision (1) of this subsection:

(A) The name of the adjunct teacher;

(B) The subject matter the adjunct teacher is permitted to teach;

(C) A description of the adjunct teacher's experience that qualifies him or her under §18A-3-2b(b)(1) of this code;

(D) The compensation paid to the adjunct teacher during the school year;

(E) The number of previous adjunct teaching employment agreements the adjunct teacher has entered into with the county board.

(g) A county board shall post a vacant adjunct teacher position pursuant to §18A-4-7a(q) of this code.

(h) A county board may notify parents of students enrolled in the school of a vacant adjunct teacher position.

(i) The county board shall announce any vacant adjunct teacher positions at its meetings.

**Senate Bill 694: Removing county residency requirement for county superintendent of schools**

Effective: Passed March 9, 2026; Effective June 7, 2026

Code Reference: W. Va. Code §18-4-1 (AMENDED)

WVDE Contact: External Operations (Accountability)

Summary: This act removes the requirement that a county superintendent reside in the county which he or she is serving, or in a contiguous county. The act clarifies that the county may require the county superintendent to reside in the county of which they are serving and may place restrictions on remote work in the county superintendent’s contract.

Enrolled Bill: **ENROLLED Committee Substitute for Senate Bill 694**  
BY SENATORS GRADY AND DEEDS

AN ACT to amend and reenact §18-4-1 of the Code of West Virginia, 1931, as amended, relating to removing the requirement for a county superintendent of schools to reside in the county in which he or she serves or in a contiguous county; allowing the county board to require that the county superintendent reside within the county in which he or she serves; and allowing the county board to prohibit the county superintendent from working remotely and to establish exceptions to this prohibition.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 4. COUNTY SUPERINTENDENT OF SCHOOLS.**

**§18-4-1. Election and term; interim superintendent.**

(a) The county superintendent shall be appointed by the board upon a majority vote of the members thereof to serve for a term of not less than one, nor more than four years. At the expiration of the term or terms for which he or she shall have been appointed, each county superintendent shall be eligible for reappointment for additional terms of not less than one, nor more than four years.

(1) At the expiration of his or her term or terms of service the county superintendent may transfer to any teaching position in the county for which he or she is qualified and has seniority, unless dismissed for statutory reasons.

(2) The appointment of the county superintendent shall be made between January 1 and June 1 for a term beginning on July 1 following the appointment.

(b) In the event of a vacancy in the superintendent's position that results in an incomplete term, the board may appoint an interim county superintendent:

(1) To serve until the following July 1 if the vacancy occurs before March 1.

(2) To serve until July 1 of the next following year if the vacancy occurs on or after March 1, unless a superintendent is appointed sooner.

(c) If the superintendent becomes incapacitated due to accident or illness to an extent that may lead to prolonged absence, the county board, by unanimous vote, may enter an order declaring that an incapacity exists in which case the county board shall appoint an acting superintendent to serve until a majority of the members of the board determine that the incapacity no longer exists. An acting superintendent may not serve in that capacity for more than one year, nor later than the expiration date of the superintendent's term, whichever occurs sooner, unless he or she is reappointed by the county board.

(d) Immediately following the appointment of a county superintendent or an interim county superintendent, the president of the county board shall certify the appointment to the state superintendent. Immediately following the appointment of an acting county superintendent or a vote by a majority of the members of the county board that an incapacity no longer exists, the president of the county board shall certify the appointment, reappointment, or appointment termination of the acting superintendent to the state superintendent.

(e) During his or her term of appointment, the county superintendent shall be a state resident ~~and shall reside in the county which he or she serves or in a contiguous county~~ subject to the following:

(1) The county board may require in its contract with the county superintendent that he or she reside within the county in which he or she serves;

(2) The county board may prohibit in its contract with the county superintendent him or her from working remotely and establish exceptions to this prohibition; and

(3) The county superintendent in office on the effective date of this section shall continue in office until the expiration of his or her term.

**Senate Bill 890: Changing certain school calendar requirements from days or months to hours**

Effective: Passed March 14, 2026; Effective July 1, 2027

Code Reference: W. Va. Code §18-5-45 (AMENDED)  
§18-28-2 (AMENDED)

WVDE Contact: Instructional Leadership

Summary: This act revises school calendar requirements by converting the instructional term from a 180-day requirement to a minimum of 900 instructional hours and defines both “instructional term” (900 hours) and “employment term” (minimum 200 days). The act also defines “instructional day hour” and clarifies components of instructional time, including cocurricular activities and instruction delivered through alternative methods.

County boards are required to establish school calendars that ensure the 900-hour instructional minimum and may vary the length of instructional days to meet the requirement. The act authorizes county boards, with WVBE approval, to utilize alternative methods of instruction for up to 25 hours when schools are closed due to inclement weather or other unforeseen circumstances, with such hours counting toward the instructional requirement.

Additionally, the act creates three “Educator Focus Days” within the required noninstructional days, to be used at the discretion of classroom teachers for activities designed to improve instruction. These days are required to be scheduled prior to the instructional term, in December, and in April, and must include a two-hour block for faculty senate meetings. The measure also requires that faculty senate meetings be scheduled within these designated timeframes.

Additionally, the act prohibits requiring teachers to use school preparation days for purposes other than preparing for the opening or closing of school. It further authorizes the WVBE to promulgate rules to clarify implementation of the hourly instructional framework and address issues arising from the transition, while specifying that the changes may not adversely impact existing employment contracts or retirement benefits.

Enrolled Bill: **ENROLLED Committee Substitute for Senate Bill 890**  
BY SENATORS ROBERTS, GRADY, FULLER, DEEDS, AND BARTLETT

AN ACT to amend and reenact §18-5-45 and §18-28-2 of the Code of West Virginia, 1931, as amended, relating to the school calendar; defining employment term and instructional term; prohibiting a teacher from being required to use school preparation days for any other purpose besides the preparation for the opening of school or for school closing; requiring noninstructional days to include three Educator Focus Days to be used as determined by classroom teachers for activities that will improve instruction; requiring faculty senate meetings to occur on Educator Focus Days; providing a schedule for these days to be used during the instructional term; reducing the number of days to be used as designated by the county board; changing minimum public school 180-instructional day requirement to a minimum 900-instructional hour requirement; allowing state board rule to clarify certain school calendar requirements and address any unforeseen issues that might arise from changing from an instructional day requirement to an instructional hour requirement; providing that nothing in this section as amended during the 2026 regular session of the Legislature is intended to adversely modify any existing employment contracts or retirement benefits for county personnel; and allowing nonpublic schools to deliver instruction through alternative methods that count toward up to 25 hours of instructional time when schools are closed due to inclement weather or other unforeseen circumstance.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 5. COUNTY BOARD OF EDUCATION.**

**§18-5-45. School calendar.**

(a) As used in this section:

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

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

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

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

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

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

~~(B) Instructional time is an hour used for instruction and cocurricular activities as set forth in subsection (2) below, and~~

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

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

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

~~(4) "Employment term" means at least a 200-day contract.~~

~~(5) "Instructional term" consists of at least 900 instructional hours.~~

(b) *Findings.* —

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

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

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

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

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

(2) Within the employment term, an instructional term for students of no less than ~~one hundred eighty separate instructional days~~ 900 hours, which includes an inclement weather and emergencies plan designed to guarantee an instructional term for students of no less than ~~one hundred eighty separate instructional days~~ 900 hours, subject to the following:

(A) A county board ~~may increase the length of the instructional day as defined in this section by at least thirty minutes per day to~~ shall establish a length for the days of instruction, which may vary, that will ensure that it achieves at least an amount of instructional time

~~equivalent to one hundred and eighty separate instructional days~~ 900 instructional hours within its school calendar; and

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

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

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

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

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

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

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

(A) Seven paid holidays;

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

(C) Six days to be designated by the county board to be used by the employees outside the school environment, with at least four outside-the-school environment days scheduled to occur after the one hundred and thirtieth instructional day of the school calendar;

(D) One day to be designated by the county board to be used by the employees for preparation for opening school and one day to be designated by the county board to be used by the employees for preparation for closing school, ~~Provided, That the~~ subject to the following:

(i) The school preparation days may be used for the purposes set forth in paragraph (E) (F) of this subdivision at the teacher's discretion; and

(ii) No teacher may be required to use the school preparation days for any other purpose besides preparation for the opening of school or for school closing;

(E) Three "Educator Focus Days" to be used as determined by classroom teachers for activities that will improve instruction, subject to the following:

(i) One "Educator Focus Day" shall occur before the beginning of the instructional term, one "Educator Focus Day" shall occur in December, one "Educator Focus Day" shall occur in April, and the remaining day as set forth in paragraph (F) of this subdivision may occur at any point during the school year;

(ii) The principal may use "Educator Focus Days" as a teacher does; and

(iii) A two-hour block of time on "Educator Focus Days" shall be used for faculty senate meetings; and

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

(i) Curriculum development;

(ii) Professional development;

(iii) Teacher-pupil-parent conferences;

(iv) Professional meetings;

(v) Making up ~~days~~ hours when instruction was scheduled but not conducted; and

(vi) ~~At least six two-hour blocks of time for faculty~~ Faculty senate meetings; and with at least one two-hour block of time scheduled in the first month of the employment term, at least one two-hour block of time scheduled in the last month of the employment term, and at least

~~one two-hour block of time scheduled in each of the months of October, December, February, and April; and~~

~~(4)~~ (5) Scheduled out-of-calendar days that are to be used ~~for~~ to schedule instructional days and employment hours in the event school is canceled for any reason.

(d) A county board of education shall develop a policy that requires additional minutes or hours of instruction ~~in the school day or additional days of instruction~~ to recover time lost due to late arrivals and early dismissals.

(e) If it is not possible to complete ~~one hundred eighty separate instructional days~~ 900 hours with the current school calendar, ~~and the additional five days of instructional time gained by increasing the length of the instructional day as provided in subsection (c) of this section are insufficient to offset the loss of separate instructional days~~ the county board shall increase the amount of instruction on a day when instruction was previously scheduled or schedule instruction on any available noninstructional day for which instruction was not originally scheduled, regardless of the purpose for which the day originally was scheduled, or an out-of-calendar day and the day will be used for instruction of students: *Provided*, That the provisions of this subsection do not apply to:

- (1) Holidays;
- (2) Election day;
- (3) Saturdays and Sundays; and

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

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

(g) The state board ~~may not~~ shall, no earlier than 150 instructional hours prior to the end of the instructional year, schedule the primary statewide assessment program ~~more than thirty days prior to the end of the instructional year unless the state board determines that the nature of the test mandates an earlier testing date.~~

(h) The following applies to cocurricular activities:

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

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

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

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

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

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

(l) In formulation of a school's calendar, a county school board shall hold at least two public meetings that allow parents, teachers, teacher organizations, businesses, and other interested parties within the county to discuss the school calendar. The public notice of the date, time, and place of the public hearing must be published in a local newspaper of general circulation in the area as a Class II legal advertisement, in accordance with the provisions of article three, chapter fifty-nine of this code.

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

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

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

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

2026 regular session of the Legislature is intended to adversely modify any existing employment contracts or retirement benefits for county personnel.

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

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

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

(a) Each school shall observe a minimum instructional term of 900 hours per school year: Provided, That the school may deliver instruction through alternative methods that count toward up to 25 hours of instructional time when schools are closed due to inclement weather or other unforeseen circumstance and these hours of instruction shall count toward meeting the 900 hour instructional time requirement notwithstanding the closure of the school;

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

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

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

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

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

**Senate Bill 899:                   Permitting certain teachers to be certified to work as school principals**

Effective:                           Passed March 14, 2026; Effective June 12, 2026

Code Reference:                 W. Va. Code   §18A-2-9 (AMENDED)

WVDE Contact:                 Internal Operations (Certification)

Summary:                         This act establishes new eligibility requirements for the issuance of administrative certificates for principals at the elementary, middle, and high school levels. An applicant must have a minimum of 15 years of teaching experience at the corresponding school level.

Additionally, the act requires completion of a year-long program developed and administered by the WVDE to ensure candidates demonstrate competency in core areas of school leadership, including instructional leadership, school finance, personnel management, student discipline, and school law.

Enrolled Bill:                   **ENROLLED Committee Substitute for Senate Bill 899**  
BY SENATORS THORNE, GRADY, AND DEEDS

AN ACT to amend and reenact §18A-2-9 of the Code of West Virginia, 1931, as amended, relating to permitting teachers with a minimum of 15 years of experience teaching at the elementary, middle, or high school level to be certified to work as school principals at the school level in which they have the 15 years of experience teaching if they also successfully complete a year-long program developed and administered by the West Virginia Department of Education to ensure the candidate demonstrates competence in the core elements of school administration, including but not limited to, instructional leadership, school finance, personnel management, student discipline, and school law.

*Be it enacted by the Legislature of West Virginia:*

**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 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 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 schools, the school accreditation process and strategic planning for continuous improvement.

(3) Beginning on July 1, 2026, the prerequisites for issuance of an administrative certificate for principals for elementary schools shall be satisfied by teaching at the elementary school level for a minimum of 15 years: *Provided*, That the applicant successfully completes a year-long program developed and administered by the West Virginia Department of Education to ensure the candidate demonstrates competence in the core elements of school administration, including, but not limited to, instructional leadership, school finance, personnel management, student discipline, and school law.

(4) Beginning on July 1, 2026, the prerequisites for issuance of an administrative certificate for principals for middle schools shall be satisfied by teaching at the middle school level for a minimum of 15 years: *Provided*, That the applicant successfully completes a year-long program developed and administered by the West Virginia Department of Education to ensure the candidate demonstrates competence in the core elements of school administration, including, but not limited to, instructional leadership, school finance, personnel management, student discipline, and school law.

(5) Beginning on July 1, 2026, the prerequisites for issuance of an administrative certificate for principals for high schools shall be satisfied by teaching at the high school level for a minimum of 15 years: *Provided*, That the applicant successfully completes a year-long program developed and administered by the West Virginia Department of Education to ensure the candidate demonstrates competence in the core elements of school administration,

including but not limited to, instructional leadership, school finance, personnel management, student discipline, and school law.

(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:

(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) 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. The recommendations shall be submitted in writing as prescribed by the superintendent; and

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

(e) 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) The assignment of principals and assistant principals by each county board of education is subject to the following:

(1) A certificated principal shall be assigned to each school;

(2) A principal may not be assigned more than two schools;

(3) No additional schools may be assigned to the principal of a school where enrollment exceeds 400 students;

(4) A principal assigned to more than one school may not be assigned any teaching duties except on a temporary emergency basis;

(5) A principal shall be assigned full-time at each school whose net enrollment equals or exceeds 170 students and may not be assigned any teaching duties except on a temporary emergency basis;

(6) A principal assigned on a full-time basis to a school whose net enrollment is more than ~~seventy-five~~ 75 students but less than 170 students shall have a minimum of ~~twenty~~ 20 hours per week for non-teaching duties;

(7) A principal assigned on a full-time basis to a school with ~~seventy-five~~ 75 students or less shall have a minimum of 10 hours per week for non-teaching duties;

(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 170 students; and

(9) The State Board of Education may not deny a county board of education the right to place a principal in a school with less than 170 students.

**Senate Bill 1064: Redefining "long-term substitute" as it relates to public school personnel**

Effective: Passed March 14, 2026; Effective June 12, 2026

Code Reference: W. Va. Code §18A-1-1 (AMENDED)

WVDE Contact: External Operations (Certification)

Summary: This act clarifies the definition of long-term substitute and changes the 30-day job posting requirement to once at the beginning of the year and once at mid-year. The act also clarifies that the definition of long-term substitute does not include a retired employee hired to fill the vacant position.

Enrolled Bill: **ENROLLED Senate Bill 1064**  
BY SENATORS GRADY, WOELFEL, AND DEEDS

AN ACT to amend and reenact §18A-1-1 of the Code of West Virginia, 1931, as amended, relating to redefining "long-term substitute" as it relates to public school personnel.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 1. GENERAL PROVISIONS.**

**§18A-1-1. Definitions.**

The definitions contained in §18-1-1 of this code apply to this chapter. In addition, the following words used in this chapter and in any proceedings pursuant to this chapter have the meanings ascribed to them unless the context clearly indicates a different meaning:

(a) "School personnel" means all personnel employed by a county board whether employed on a regular full-time basis, an hourly basis or otherwise. "School personnel" is comprised of two categories: Professional personnel and service personnel;

(b) "Professional person" or "professional personnel" means those persons or employees who meet the certification requirements of the state, licensing requirements of the state, or both, and includes a professional educator and other professional employee;

(c) "Professional educator" has the same meaning as "teacher" as defined in §18-1-1 of this code. Professional educators are classified as follows:

(1) "Classroom teacher" means a professional educator who has a direct instructional or counseling relationship with students and who spends the majority of his or her time in this capacity;

(2) "Principal" means a professional educator who functions as an agent of the county board and has responsibility for the supervision, management, and control of a school or

schools within the guidelines established by the county board. The principal's major area of responsibility is the general supervision of all the schools and all school activities involving students, teachers, and other school personnel;

(3) "Supervisor" means a professional educator who is responsible for working primarily in the field with professional and other personnel in instructional and other school improvement. This category includes other appropriate titles or positions with duties that fit within this definition; and

(4) "Central office administrator" means a superintendent, associate superintendent, assistant superintendent, and other professional educators who are charged with administering and supervising the whole or some assigned part of the total program of the countywide school system. This category includes other appropriate titles or positions with duties that fit within this definition;

(d) "Other professional employee" means a person from another profession who is properly licensed and who is employed to serve the public schools. This definition includes a registered professional nurse, licensed by the West Virginia Board of Examiners for Registered Professional Nurses, who is employed by a county board and has completed either a two-year (64 semester hours) or a three-year (96 semester hours) nursing program;

(e) "Service person" or "service personnel", whether singular or plural, means a nonteaching school employee who is not included in the meaning of "teacher" as defined in §18-1-1 of this code and who serves the school or schools as a whole, in a nonprofessional capacity, including such areas as secretarial, custodial, maintenance, transportation, school lunch, and aides. Any reference to "service employee" or "service employees" in this chapter or chapter 18 of this code means service person or service personnel as defined in this section;

(f) "Principals Academy" or "academy" means the academy created pursuant to §18A-3A-2b of this code;

(g) "Center for Professional Development" means the center created pursuant to §18A-3A-1 of this code;

(h) "Job-sharing arrangement" means a formal, written agreement voluntarily entered into by a county board with two or more of its employees who wish to divide between them the duties and responsibilities of one authorized full-time position;

(i) "Prospective employable professional person", whether singular or plural, means a certified professional educator who:

(1) Has been recruited on a reserve list of a county board;

(2) Has been recruited at a job fair or as a result of contact made at a job fair;  
(3) Has not obtained regular employee status through the job posting process provided in §18A-4-7a of this code; and

(4) Has obtained a baccalaureate degree from an accredited institution of higher education within the past year;

(j) "Dangerous student" means a student who is substantially likely to cause serious bodily injury to himself, herself, or another individual within that student's educational environment, which may include any alternative education environment, as evidenced by a pattern or series of violent behavior exhibited by the student, and documented in writing by the school, with the documentation provided to the student and parent or guardian at the time of any offense;

(k) "Alternative education" means an authorized departure from the regular school program designed to provide educational and social development for students whose disruptive behavior places them at risk of not succeeding in the traditional school structures and in adult life without positive interventions; and

~~(l) "Long term substitute" means a substitute employee who fills a vacant position: That the county superintendent expects to extend for at least thirty consecutive days, and is either:~~

~~(A) Listed in the job posting as a long term substitute position of over 30 days; or~~

~~(B) Listed in a job posting as a regular, full time position and:~~

~~(i) Is not filled by a regular, full time employee; and~~

~~(ii) Is filled by a substitute employee.~~

~~For the purposes of §5-16-2 of this code, long term substitute does not include a retired employee hired to fill the vacant position.~~

(l) "Long-term substitute" means a substitute employee who fills a position for more than thirty consecutive instructional days, regardless of whether the position is vacant or the regular employee is absent, subject to the following:

(1) A position expected to exceed thirty consecutive instructional days shall be considered a long-term substitute position and shall require the individual serving in the assignment to hold the appropriate credential issued in accordance with State Board rule where the posting is only required to occur once at the beginning of the year and once mid-year in accordance to §18A-4-7a., and the position is listed as a regular, full-time position; is not filled by a regular, full-time employee; and is filled by a substitute employee.

(2) For the purposes of section two, article sixteen, chapter five §5-16-2 of this code, long-term substitute does not include a retired employee hired to fill the vacant position.

**House Bill 4005: Skills to work**

Effective: Passed March 10, 2026; Effective June 8, 2026

Code Reference: W. Va. Code §18-2-7g (AMENDED)  
§21-6-2 (AMENDED)

WVDE Contact: Instruction and Support

Summary: This act expands the “Youth Apprenticeship Program” by aligning existing child labor provisions with federal standards and workforce development goals. It also creates a structured pathway for eligible high school students, specifically those in the 11<sup>th</sup> or 12<sup>th</sup> grade or 16 years and older, to participate in approved apprenticeship programs that combine classroom instruction with supervised, on-the-job training. Further, the act clarifies prohibited occupations and exemptions pursuant to federal statute and policy.

Enrolled Bill: **ENROLLED Committee Substitute for House Bill 4005**  
BY DELEGATES BROWNING, DEAN, WORRELL, MCCORMICK, PRITT, MARTIN, HOTT, BELL, PINSON, STEPHENS, AND WATT

AN ACT to amend and reenact §18-2-7G and §21-6-2 of the Code of West Virginia, 1931, as amended; to clarify the categories of employment which are prohibited or authorized for persons in West Virginia who are under the age of 18 and to clarify youth apprenticeships prohibited or authorized in such categories of employment and to be known as "The Workforce Development Act of 2026".

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 2. STATE BOARD OF EDUCATION.**

**§18-2-7g. Youth Apprenticeship Program.**

(a) In addition to any other registered apprenticeship programs, there is herein created the "Youth Apprenticeship Program," which shall allow for any public, private, or home school student in the eleventh or twelfth grade, or are 16 years or older, the opportunity to enroll in apprenticeship programs: Provided, That, no apprenticeship program shall be authorized for any occupation prohibited for children under the age of 16 in accordance with the requirements of §21-6-2 of this code.

(b) For the purposes of this section, "apprenticeship program" shall have the same meaning as defined in §21-1E-2 of this code.

(c) Any student participating in the program may receive secondary credit or other credentialing for the apprenticeship when the apprenticeship is approved by the local county board of education and in keeping with the rules of the Division of Labor (hereinafter "the division").

(d) The West Virginia Department of Education (hereinafter "the department") is responsible for establishing the Youth Apprenticeship Program, including setting standards, providing guidelines for county boards of education to approve local enterprise, and granting release time from public schools to participate in the program.

(1) The Youth Apprenticeship Program shall include a broad range of skills, including those specifically focused on manufacturing, engineering technology, administration and office technology, and health care.

(2) The county boards of education shall develop materials in conjunction with industry to promote awareness of apprenticeship for students and to encourage recruitment.

(3) The program shall create a structural linkage between secondary and postsecondary components of the program leading to the school awarding a high school diploma and postsecondary certification of occupational skills to the student.

(e) The department shall develop pilot projects for the 2024-2025 school year and shall implement and direct a comprehensive apprenticeship program for all school systems by the beginning of the 2025-2026 school year.

(f) Each apprenticeship shall meet the department's criteria which shall include, but is not limited to:

(1) A detailed training plan between the employer and the apprentice that identifies specific work tasks that will develop workplace competency;

(2) A minimum of 135 classroom hours of related academic instruction and training;

(3) A minimum of 400 hours of on-the-job training;

(4) A progressive wage schedule established by the participating employer;

(5) On-site evaluation of the student's performance; and

(6) Training remediation as necessary at the school site.

## **CHAPTER 21. LABOR.**

### **ARTICLE 6. CHILD LABOR.**

#### **§21-6-2. Employment of children under 16 in certain occupations; determination as to other occupations; exemptions for certain students performing roofing operations.**

(a) A child under 16 years of age or older may not be employed, permitted, or suffered to work in, about, or in connection with any nonagricultural category of employment prohibited by the U.S. Department of Labor for individuals in such age range, pursuant to federal law or Hazardous Occupation Order issued by the U.S. Secretary of Labor pursuant to federal law, except as subject to any and all special provisions permitting employment of such minors in such nonagricultural categories, or subject to any and all exemptions from specified Hazardous Occupation Orders for Apprentices and Student-Learners granted by the U.S. Department of Labor: *Provided*, That the following occupation(s) shall be subject to whatever applicable age restrictions and additional authorizations and prohibitions are established pursuant to federal law, the Code of West Virginia, or by legislative rule of the commissioner:

(1) Ore reduction works, smelters, hot rolling mills, furnaces, foundries, forging shops, or in any other place in which the heating, melting, or heat treatment of metals is carried on; but

(2) May work in hazardous occupations in agriculture and with hours and times in accordance with those authorized by federal law or exemptions issued by the U.S. Secretary of Labor pursuant to federal law for such agricultural occupations, unless expressly prohibited by the commissioner pursuant to §21-6-2(d) of this code.

(b) Children under the age of 16 may only be employed as specifically authorized by exceptions and special provisions issued by the U.S. Secretary of Labor pursuant to federal law, unless expressly prohibited by the commissioner pursuant to §21-6-2(d) of this code. of the following occupations:

~~(1) Motor vehicle driver and outside helper whose work includes riding on a motor vehicle outside the cab for the purpose of assisting in transporting or delivery of goods;~~

~~(2) The manufacture, storage, handling or transportation of explosives or highly flammable substances;~~

~~(3) Ore reduction works, smelters, hot rolling mills, furnaces, foundries, forging shops, or in any other place in which the heating, melting, or heat treatment of metals is carried on;~~

~~(4) Logging and saw milling occupations;~~

~~(5) Power driven woodworking machine occupations;~~

~~(6) Occupations involving exposure to radioactive substances and ionizing radiations;~~

~~(7) Power driven hoisting apparatus occupations;~~

~~(8) Power driven metal forming, punching, and shearing machine occupations;~~

~~(9) Mining, including coal mining;~~

- ~~(10) Occupations involving slaughtering, meat packing, or processing or rendering;~~
  - ~~(11) Power driven bakery machines;~~
  - ~~(12) Power driven paper products machine occupations;~~
  - ~~(13) Occupations involved in the manufacturing of brick, tile, and kindred products;~~
  - ~~(14) Occupations involved in the operation of power driven circular saws, band saws, and guillotine shears;~~
  - ~~(15) Occupations involved in wrecking, demolition, and ship breaking operations;~~
  - ~~(16) Roofing operations above ground level, subject to subsection (d) of this section;~~
- and
- ~~(17) Excavation operations.~~

~~(b) (c)~~ A child under 18 years of age may not be employed or permitted to work in a bar, or be permitted, employed, or suffered to sell, dispense, or serve alcoholic beverages in any place or establishment where the consumption of alcoholic beverages is permitted by law: Provided, That the prohibitions of this subsection shall be subject to the exceptions allowing retail sales by employees between the inclusive ages of 16 years and 20 years when directly supervised by a person 21 years of age or older as set forth in §60-3A-25(c), §§60-7-12(a)(10)(A)-(B), §60-8-20(g), and §11-16-18(d) of this code.

~~(c) (d)~~ A child at least 16 years old but under 18 years of age may ~~not~~ be employed or permitted to work in any occupation not otherwise prohibited by §21-6-2(a), §21-6-2(b) or §21-6-2(c) of this code, or which is expressly prohibited by West Virginia state law, or expressly determined by the commissioner by legislative rulemaking to be dangerous or injurious: *Provided, That a child between the ages of 16 and 18 years who is enrolled in, participating in, or has completed the minimum training requirements of the West Virginia State Fire Commission, West Virginia Department of Education Public Service Training, or West Virginia University fire service extension, or equivalent approved program, and who has the written consent of his or her parents or guardian, may be employed by or elected as a member of a volunteer fire department to perform firefighting functions: *Provided, however, That no child may be permitted to operate any fire fighting vehicles, enter a burning building in the course of his or her employment or work or enter into any area determined by the fire chief or fireman in charge at the scene of a fire or other emergency to be an area of danger exposing the child to physical harm by reason of impending collapse of a building or explosion, unless the child is under the immediate supervision of a fire line officer.**

~~(d)~~(e) Students enrolled in a Youth Apprenticeship Program pursuant to §18-2-7g of this code are authorized to work on machinery associated with any occupations not listed in prohibited by §21-6-2(a), §21-6-2(b), or §21-6-2(d) of this code ~~only on an occasional and incidental basis while under mandatory direct supervision. For the purposes of this section, the term "occasional and incidental use" means use done for training purposes and for no more than five percent of the student's training hours a day.~~

~~(e)~~(f) In compliance with U.S. Child Labor Provisions for nonagricultural occupations under the Fair Labor Standards Act, Child Labor Bulletin 101, exemptions shall be made for students 16 years of age or older performing roofing operations above ground level for the express purpose of learning how to install, wire, or repair a rooftop or other equipment provided the student is employed under the following conditions:

(1) The student is enrolled in a course of study and training in a cooperative vocational training program under a recognized state or local educational authority or in a course of study in a substantially similar program conducted by a private school;

(2) Written consent of the parent or legal guardian for the student to perform roofing operations pursuant to this subsection is submitted to both the cooperative vocational training program or private school, as applicable, and the employer; and

(3) The student is employed under a written agreement which stipulates that:

(A) The work will be intermittent and under the direct and close supervision of a qualified and experienced person;

(B) Safety instruction will be provided by the school and coordinated with the employer through on-the-job training; and

(C) A schedule of organized and progressive work processes be performed.

~~(f)~~(g) Other limited exemptions for nonagricultural work in compliance with U.S. Child Labor Provisions for nonagricultural occupations under the Fair Standards Act, Child Labor Bulletin 101 may be permitted by the department.

**House Bill 4425: To repeal the provision allowing for students to transfer from one school to another without losing eligibility**

Effective: Passed March 13, 2026; Effective June 11, 2026

Code Reference: W. Va. Code §18-2-25e (REPEALED)

WVDE Contact: Internal Operations (Legislation and Policy)

Summary: This Act repeals the provision of W.Va. code that granted secondary school students the ability to transfer once while retaining WVSSAC eligibility.

Enrolled Bill: **ENROLLED House Bill 4425**  
BY DELEGATES GEARHEART, PRITT, STEPHENS, ROOP, CAMPBELL, AND KELLY

AN ACT to repeal §18-2-25e of the Code of West Virginia, 1931, as amended, relating to athletic eligibility of transfer students.

*Be it enacted by the Legislature of West Virginia:*

**§18-2-25e. Athletic eligibility of transfer students.**

[Repealed].

**House Bill 4395:                    Relating to investigations of allegations of child safety violations for school personnel**

Effective:                                Passed March 13, 2026; Effective June 11, 2026

Code Reference:                        W. Va. Code    §18A-2-8 (AMENDED)

WVDE Contact:                         Internal Operations (Legal Services)

Summary:                                This act clarifies and expands the responsibility of county superintendents regarding investigations of employee misconduct. The act states that investigations reported to the State Superintendent shall include the reason for the investigation, and require investigations concerning allegations of jeopardizing the health, safety, or welfare of students to continue if an employee transfers or resigns before the completion of an investigation. Further, the act allows any nonpublic school to provide information to the State Superintendent regarding employee discipline.

Enrolled Bill:                         **ENROLLED Committee Substitute for House Bill 4395**  
BY DELEGATES DRENNAN, HITE, CROUSE, MOORE, DITTMAN, KYLE,  
McCORKMICK, STEPHENS, LEAVITT, HORNBY, AND BURKHAMMER

AN ACT to amend and reenact §18A-2-8 of the Code of West Virginia, 1931, as amended, relating to expanding requirement for a school principal to report certain employee conduct to the county superintendent within 24 hours to also require an a supervisor or administrator to report the conduct; expanding the duty of the county superintendent to report certain employees being investigated for alleged misconduct to the state superintendent within seven days; requiring that certain investigations continue if the employee transfers or resigns; expanding the individuals to be included in the database maintained by the state superintendent to include those investigated for jeopardizing the health, safety, or welfare of students, or for impacting the learning environment of other students; requiring database to include the reason for the investigation; and allowing nonpublic schools to provide information to the state superintendent to be housed in the database.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 2. SCHOOL PERSONNEL.**

**§18A-2-8. Suspension and dismissal of school personnel by board; appeal.**

(a) Notwithstanding any other provisions of law, a board may suspend or dismiss any person in its employment at any time for: Immorality, incompetency, cruelty, insubordination, intemperance, willful neglect of duty, unsatisfactory performance, a finding of abuse by the Department of Human Services in accordance with §49-1-1 *et seq.* of this code, the conviction of a misdemeanor or a guilty plea or a plea of *nolo contendere* to a misdemeanor charge that has a rational nexus between the conduct and performance of the employee's job, the conviction of a felony or a guilty plea or a plea of *nolo contendere* to a felony charge. Upon the commencement of any fact-finding investigation involving conduct alleged to jeopardize the health, safety, or welfare of students or the learning environment of other students, whether being conducted internally, or in cooperation with police or Department of Human Services, the affected employee shall be suspended, placed on administrative leave, or reassigned to duties which do not involve direct interaction with pupils.

(b) A charge of unsatisfactory performance shall not be made except as the result of an employee performance evaluation pursuant to §18A-2-12 of this code. The charges shall be stated in writing served upon the employee within two days of presentation of the charges to the board.

(c) The affected employee shall be given an opportunity, within five days of receiving the written notice, to request, in writing, a level three hearing and appeals pursuant to the provisions of §6C-2-1 *et seq.* of this code, except that dismissal for a finding of abuse or the conviction of a felony or guilty plea or plea of *nolo contendere* to a felony charge is not by itself a grounds for a grievance proceeding. An employee charged with the commission of a felony, a misdemeanor with a rational nexus between the conduct and performance of the employee's job, or child abuse shall be suspended, placed on administrative leave, or reassigned to duties which do not involve direct interaction with pupils pending final disposition of the charges.

(d) A county board of education has the duty and authority to provide a safe and secure environment in which students may learn and prosper; therefore, it may take necessary steps to suspend or dismiss any person in its employment at any time should the health, safety, or welfare of students be jeopardized or the learning environment of other students has been impacted. A county board shall complete an investigation of an employee that involves evidence that the employee may have engaged in conduct that jeopardizes the health, safety, or welfare of students despite the employee's resignation from employment prior to completion of the investigation.

(e) It shall be the duty of any school principal to report any employee conduct alleged to jeopardize the health, safety, or welfare of students or the learning environment of other students, to the county superintendent within 24 hours of the allegation. Nothing in this subsection supersedes §49-2-803 of this code or the provisions therein regarding mandated reporting of child abuse and neglect.

(f) It shall be the duty of any county superintendent to report any employee suspended, ~~or~~ dismissed, transferred, or resigned during the course of an investigation of the employee's alleged misconduct, in accordance with this section, including the reason for the investigation or rationale for the suspension or dismissal, to the state superintendent within seven business days of the suspension, dismissal, transfer, or resignation. Investigations of allegations of jeopardizing the health, safety, or welfare of a student shall continue even if an employee transfers to another school or resigns prior to the investigation being completed. The state superintendent shall maintain a database of all individuals investigated, suspended or dismissed for jeopardizing the health, safety, or welfare of students, or for impacting the learning environment of other students: Provided, That any nonpublic school may elect to provide information to the state superintendent to be housed in the database. The database shall also include the reason for the investigation or rationale for the suspension or dismissal. The database shall be confidential and shall only be accessible to county human resource directors, county superintendents, and the state superintendent of schools.

(g) Notwithstanding any other provisions of law, a suspended employee may not be barred from attending public events on school property while serving the suspension, nor may a suspended employee who has a dependent child, grandchild, foster child, or other family member be barred from entering the school to exercise normal functions of a parent or guardian while suspended: Provided, That the suspended employee's presence does not jeopardize the health, safety, or welfare of students, employees, or visitors; impact the learning environment or the school-sponsored activity; prejudice an investigation or disciplinary proceedings involving the employee; violate an order of a court or any law; or threaten damage to property.

**House Bill 4798:                   Permitting teachers to wear a “mobile alert button” for emergency situations, to be known as “Alyssa’s Law”**

Effective:                               Passed March 10, 2026; Effective June 8, 2026

Code Reference:                   W. Va. Code    **§18-9F-9a (NEW)**

WVDE Contact:                   External Operations (School Facilities)  
Internal Operations (Legal Services)

Summary:                            This Act known as “Alyssa’s Law” sets forth expectations regarding the wearing of a panic alert system device for public school staff. The Act prescribes general expectations on training requirements and capabilities of each device including emergency services communication and the ability to implement a campus-wide lockdown. Implementation of the program is contingent upon available funding with the West Virginia Division of Homeland Security through The Alyssa Alhadeff School Safety Fund. Further, the WVDE, in conjunction with the Division of Homeland Security, is required to complete a legislative rule regarding the provisions of the Act.

Enrolled Bill:                   **ENROLLED Committee Substitute for House Bill 4798**  
BY DELEGATES PINSON, TONEY, CROUSE, BURKHAMMER, LEAVITT, PARSONS,  
PRITT, ELLINGTON, HORNBY, AND BUTLER

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §18-9F-9a, relating to Alyssa's law; requiring the West Virginia Board of Education in conjunction with the Division of Homeland Security and Emergency Management to promulgate a rule permitting all public schools in the state to implement a wearable panic alert system device contingent on available funding; specifying requirements and county board authority relating to the wearable panic alert system device; requiring all security data within a school facility to be accessible by a local law-enforcement agency; creating the Alyssa Alhadeff School Safety Fund; making expenditures from the fund available for the implementation of mobile panic buttons and similar school safety equipment; and sunseting Alyssa's law by December 31, 2029.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 9F. SCHOOL ACCESS SAFETY ACT.**

**§18-9F-9a. Wearable panic alert system, "Alyssa's law".**

(a) The state board in conjunction with the Division of Homeland Security and Emergency Management shall promulgate by December 31, 2026, a legislative rule in accordance with §29A-3B-1 et seq. of this code, and if necessary may promulgate an emergency rule in accordance with that article, permitting a wearable panic alert system device to be implemented at every public school in the state contingent upon available funding. Each county board may apply to the West Virginia Department of Homeland Security for funding from the fund created pursuant to §18-9F-9a(f) of this section. This section shall be known as Alyssa's law.

(b) Each wearable panic alert system device shall be capable of integrating with local public safety answering point infrastructure to transmit 9-1-1 calls and mobile activations and initiating a campus-wide lockdown notification.

(c) Each county board may provide each school employee in a school facility with a wearable panic alert device that allows for immediate contact with local emergency response agencies.

(d) Prior to the first day of school each year, each county board shall ensure that all school facility personnel who utilize the wearable panic alert devices receive training on the protocol for and appropriate use of the panic alert device.

(e) Each county board shall ensure that all security data within a school facility is accessible by a local law-enforcement agency and coordinate with the local law-enforcement agency to establish appropriate access protocols. Accessible security data includes cameras, maps, and access control.

(f) The Alyssa Alhadeff School Safety Fund is hereby created within the Treasury of the State. The fund shall be administered by the West Virginia Department of Homeland Security and shall consist of all monies from any source, including, but not limited to, all fees, gifts, grants, bequests, or transfers from any source. Expenditures from the fund shall be available for the implementation of mobile panic buttons and similar school safety equipment.

(g) The provisions of this section shall sunset by December 31, 2029.

**House Bill 4982:**

**Make West Virginia Healthy Act of 2026**

Effective:

Passed February 20, 2026; Effective May 21, 2026

Code Reference:

W. Va. Code **§5-1E-1 (REPEALED)**  
**§5-1E-2 (REPEALED)**  
**§5-1E-3 (REPEALED)**  
**§5-1E-4 (REPEALED)**  
**§5-1E-5 (REPEALED)**  
**§9-5-34 (NEW)**  
**§16-67-1 (NEW)**  
**§16-67-2 (NEW)**  
**§16-67-3 (NEW)**  
**§16-67-4 (NEW)**  
**§16-67-5 (NEW)**  
**§16-67-6 (NEW)**  
**§16-67-7 (NEW)**  
**§16-67-8 (NEW)**  
**§16-67-9 (NEW)**  
**§16-67-10 (NEW)**  
§18-2-7a (AMENDED)  
§18-5D-4 (AMENDED)

WVDE Contact:

Instruction and Support

Summary:

This act known as the “Make West Virginia Healthy Act of 2026”, establishes goals and objectives for the Office of Healthy Lifestyles, housed within the Department of Health. Coordination between the Office of Healthy Lifestyles and the WVDE is outlined with specific goals, including improving the physical fitness of students in West Virginia, improving the nutrition of students throughout West Virginia, and expanding Farm-to-School programs throughout the state. Further, data collection is required to be shared with the Office of Healthy Lifestyles, including physical activity initiatives, physical activity participation, aerobic capacity, strength, flexibility, and clarifies that all data reported remain anonymous. School nutrition initiatives are also required to comply with the United States Department of Agriculture’s School Nutrition Standards, and the act specifies that the amount of fresh fruit and vegetables made available to students be recorded separately from the general school lunch program. The act also prohibits removing access to recess or other physical activity offered as part of the school’s physical education curriculum as a consequence for academic performance or behavior in grades K-8. The WVDE is required to research the viability of programs such as a community-based “Mountaineer Mile” trail, to be open to the public,

implementation of a school fitness month, and report such initiatives to the Office of Healthy Lifestyles for inclusion in an annual legislative report. Finally, the act requires the adoption of the Presidential Fitness Test and sets forth general parameters and expectations for testing and student outcomes.

Enrolled Bill:

**ENROLLED Committee Substitute for House Bill 4982**  
BY DELEGATE WORRELL

AN ACT to amend and reenact §18-2-7a and §18-5D-4 of the Code of West Virginia, 1931, as amended; to amend the code by adding a new section, designated §9-5-34; to amend the code by adding a new article, designated §16-67-1, §16-67-2, §16-67-3, §16-67-4, §16-67-5, §16-67-6, §16-67-7, §16-67-8, §16-67-9, and §16-67-10; and to repeal §5-1E-1, §5-1E-2, §5-1E-3, §5-1E-4, and §5-1E-5, relating to the healthy lifestyles; reestablishing the statewide Healthy Lifestyles Program; defining terms; creating fund; expanding the authority of the Office of Healthy Lifestyles; promoting wellness initiatives; coordinating efforts among state agencies; creating programs; requiring physical fitness in schools; and requiring a report.

*Be it enacted by the Legislature of West Virginia:*

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

**ARTICLE 1E. HEALTHY WEST VIRGINIA PROGRAM.**

**§5-1E-1. Findings and purposes.**

[Repealed.]

**§5-1E-2. Creation of the Office of Healthy Lifestyles.**

[Repealed.]

**§5-1E-3. Powers and duties of the Office.**

[Repealed.]

**§5-1E-4. Partnership to encourage healthy lifestyles by children and families.**

[Repealed.]

**§5-1E-5. Creation of a Healthy Lifestyles Fund.**

[Repealed.]

**CHAPTER 9. HUMAN SERVICES.**

**ARTICLE 5. MISCELLANEOUS PROVISIONS.**

**§9-5-34. Food is Medicine services under the Medicaid Program.**

(a) The Legislature finds that nutrition-related chronic diseases are prevalent among Medicaid members in West Virginia and contribute to poor health outcomes and increased health care costs. The purpose of this section is to authorize the use of nutrition-based interventions, known as Food Is Medicine services, as a cost-effective strategy to improve health outcomes and reduce avoidable medical utilization.

(b) In accordance with the Rural Health Transformation Program, the Department of Human Services, through the Bureau for Medical Services, shall permit and encourage Medicaid managed care organizations to offer Food is Medicine services within the state Medicaid program.

(c) Food is Medicine services offered pursuant to this section shall be designed to improve health outcomes for Medicaid members with nutrition related chronic diseases through nutrition supports and related services that reduce the need for higher cost medical care.

(d) Food is medicine services include, but are not limited to:

(1) Nutrition-related case management;

(2) Nutrition counseling provided by qualified professionals;

(3) Medically tailored meals;

(4) Produce prescriptions; and

(5) Grocery provisions intended to support medically appropriate diets.

(e) Where feasible and consistent with Medicaid requirements, the Bureau for Medical Services shall encourage managed care organizations and their contracted entities to partner with community-based organizations and to prioritize the use of food grown or produced by local farmers and food producers in West Virginia.

(f) The Bureau for Medical Services shall provide guidance to managed care organizations regarding the implementation of Food Is Medicine services under this section and may establish standards, reporting expectations, and quality measures to ensure program integrity and effectiveness.

## **CHAPTER 16 PUBLIC HEALTH**

### **ARTICLE 67. MAKE WEST VIRGINIA HEALTHY ACT OF 2026.**

#### **§16-67-1. Short title.**

This article shall be known and may be cited as the "Make West Virginia Healthy Act of 2026".

#### **§16-67-2. Findings and purpose.**

(a) The Legislature finds that chronic diet-/lifestyle-related diseases (including obesity, type 2 diabetes, hypertension) impose substantial health and fiscal burdens on the State.

(b) The Legislature finds that ensuring program integrity in state health and nutrition assistance programs, promoting nutritious food access, increasing consumer transparency, and encouraging physical fitness are essential to improving the health of West Virginians.

(c) The purpose of this article is to create, as an integral part of the Department of Health, an entity to coordinate the efforts of all agencies to prevent and remedy chronic diseases and to ensure that all citizens are being educated on this serious health risks that are affecting the state.

**§16-67-3. Definitions.**

In this article, unless the context otherwise requires:

"BMS" means the West Virginia Bureau for Medical Services.

"Department" means the West Virginia Department of Health, or successor.

"Eligible nutritious food" means food items that meet criteria established by the Department under rule for high-nutritional value, no or low added sugar, minimal artificial dyes/additives, and meeting standards consistent with USDA guidance.

"Food deserts" means areas with limited access to affordable and nutritious food.

"Pilot program" means a time-limited, state-approved demonstration initiative under this article.

"SNAP" means the Supplemental Nutrition Assistance Program under the federal Food and Nutrition Act of 2008 (7 U.S.C. §2011 *et seq.*) and the State's implementing rules.

**§16-67-4. Creation of the Office of Healthy Lifestyles.**

There is continued the Office of Healthy Lifestyles within the Department of Health. The management of this office shall be provided in the manner determined by the Secretary of the Department of Health to be in the best interest of the state and its citizens.

**§16-67-5. Powers and duties of the office.**

The Office of Healthy Lifestyles shall:

(1) Establish a Healthy Lifestyle Coalition to assure consistency of the public health and private sector approach to dealing with programs that affect health and wellness; to provide a forum for discussing the issues that affect healthy lifestyles and to identify best practices that can be replicated. By July 1, 2026, the Secretary shall appoint 13 members of the Coalition whose terms shall be for a period of four years, and the members may be reappointed to a second term. The terms may be staggered to assure continuity of experience on the coalition.

Members shall represent state agencies, community organizations and other entities which have an interest and expertise in healthy lifestyles. Members may not be compensated but shall receive reimbursement for expenses incurred while performing the business of the coalition. The Coalition shall meet monthly;

(2) Establish a clinical advisory committee to assure a unified approach using the latest research to assure consistency in program development;

(3) Establish a statewide voluntary private sector partnership and recognition program for employers, merchants, restaurants and other private sector businesses to encourage the development or further advance current programs that encourage healthy lifestyles;

(4) Coordinate higher education training programs for dietary and exercise physiology students with rural health care providers;

(5) Coordinate existing health promotion initiatives to assure clear, concise and consistent communication;

(6) Solicit, accept and expend grants, gifts, bequests, donations and other funds from any source for programs that will enable the state to accomplish the goals of this program;

(7) Develop a cross-agency series of goals to ensure consistency throughout the system of providers and agencies working in the area of improving lifestyles;

(8) Consider the resources of the local health departments and recommend ongoing relationships, as appropriate, between local health departments, family resource networks, faith-based organizations, cooperative extension services, farm bureaus and other health care providers;

(9) Encourage the development of incentives for participation in employee wellness programs. Incentives may be based upon, but should not be limited to, the employee's completion of health questionnaires or participating in healthy lifestyles initiatives, and may use experiences of successful initiatives that have occurred in this state. The action plan should include among its targets, state government employees in this incentive program;

(10) Build upon existing initiatives that focus on any of the coalition's goals, soliciting input from these initiatives and eliminating duplication of efforts; and

(11) Report its progress annually by December 1st to the Legislative Oversight Commission on Health and Human Resource Accountability; including:

(A) The initiatives and outcomes of efforts coordinated with the Department of Education;

(B) The initiatives and outcomes of efforts coordinated with the Department of Agriculture;

(C) The initiatives and outcomes of efforts coordinated with BMS; and

(D) The initiatives and outcomes of efforts coordinated with SNAP.

**§16-67-6. Creation of a Healthy Lifestyles Fund.**

There is continued in the State Treasury a separate special revenue account, which shall be an interest bearing account, to be known as the "Healthy Lifestyles Fund". The special revenue account shall consist of all appropriations made by the Legislature, income from the investment of moneys held in the special revenue account and all other sums available for deposit to the special revenue account from any source, public or private. No expenditures for purposes of this section are authorized from collections except in accordance with the provisions of §12-3-1 et seq. of this code and upon fulfillment of the provisions set forth in §11B-2-1 et seq. of this code. Any balance remaining in the special revenue account at the end of any state fiscal year does not revert to the General Revenue Fund but remains in the special revenue account and shall be used solely in a manner consistent with this article. No expenses incurred under this section shall be a charge against the General Funds of the state.

**§16-67-7. Coordination with the West Virginia Department of Education.**

(a) The Office of Healthy Lifestyles shall work with the Department of Education to help develop and implement plans focused on improving the physical fitness of students in West Virginia pursuant to §18-2-7a of this code.

(b) The Office of Healthy Lifestyles shall work with the Department of Education to help develop and implement plans focused on improving the nutrition of students in West Virginia pursuant to §18-5D-3 of this code.

(c) The Office of Healthy Lifestyles shall work with the Department of Education and the Department of Agriculture to implement and fund a sustainable Farm-to-School program.

(d) The Department of Education shall provide the Office of Healthy Lifestyles the results of the programs listed in this section, including:

(1) For the physical activity initiatives.

(A) Physical activity participation;

(B) Aerobic capacity;

(C) Strength;

(D) Flexibility; and

(E) All metrics to be reported will be anonymous and are not to include any identifying information about students.

(2) For the nutrition initiatives:

(A) Whether the school meal options provided to students comply with the United States Department of Agriculture's School Nutrition Standards; and

(B) The amount of fresh fruit and vegetables, to be recorded separately, made available to students.

**§16-67-8. Coordination with the West Virginia Department of Agriculture.**

(a) The Office for Healthy Lifestyles shall coordinate with the West Virginia Department of Agriculture to complete a study on the health impact of food additives and dyes.

(b) The Office of Healthy Lifestyles shall coordinate with the West Virginia Department of Agriculture to create a state-wide map of "food desert" zones and create a plan to improve access to fresh-local food.

(c) The Office of Healthy Lifestyles shall coordinate with the West Virginia Department of Agriculture and the West Virginia Department of Education to implement and fund a sustainable Farm-to-School program.

(d) The Office for Healthy Lifestyles shall coordinate with the West Virginia Department of Agriculture to identify vendors to locally source, grow, and supply fresh healthy foods.

(e) The outcome of all programs in this section will be provided to the Office of Health Lifestyles to include in the annual report required by §16-67-5 of this code.

**§16-67-9. Coordination with Medicaid.**

(a) The Legislature requests the Office for Healthy Lifestyles coordinate with Bureau of Medical Services to develop a demonstration waiver for Section 1115 of the Social Security Act to be given to the Secretary of the United States Health and Human Services exhibiting the impact of the Food Is Medicine program, as provide for in §9-5-34 of this code.

(b) A copy of the demonstration shall be provided to the Legislative Oversight Committee on Health and Human Resources Accountability upon submission.

(c) Upon approval of demonstration the implementation and outcomes of the Section 1115 waiver programs shall be included in the Office for Healthy Lifestyles annual report.

**§16-67-10. The Office of Healthy Lifestyles County Grant Program.**

(a) The Office of Healthy Lifestyles shall develop a county grant program to help further the goals of this office in promoting healthy lifestyles for West Virginia residents. The grant program shall prioritize applications by schools to increase the participation in Farm-to-School initiative.

(b) The Office of Healthy Lifestyles shall develop and publish publicly the criteria for eligibility.

(c) The Office of Healthy Lifestyles shall include in its annual report required by §16-67-5 of this code, the grant awardees, the proposed plans by the recipients, and the following year how the grant awardees utilized the funds awarded.

## **CHAPTER 18. EDUCATION.**

### **ARTICLE 2. STATE BOARD OF EDUCATION.**

#### **§18-2-7a. Legislative findings; required physical education; program in physical fitness.**

(a) The Legislature hereby finds that obesity is a problem of epidemic proportions in this state. There is increasing evidence that all segments of the population, beginning with children, are becoming more sedentary, more overweight and more likely to develop health risks and diseases including Type II Diabetes, high blood cholesterol and high blood pressure. The Legislature further finds that the promotion of physical activity during the school day for school children is a crucial step in combating this growing epidemic and in changing the attitudes and behavior of the residents of this state toward health promoting physical activity.

(b) As a result of these findings, the State Department of Education shall establish the requirement that each child enrolled in the public schools of this state actively participates in physical education classes during the school year to the level of his or her ability as follows:

(1) *Elementary school grades.* □- Not less than 30 minutes of physical education, including physical exercise and age-appropriate physical activities, for not less than three days a week.

(2) *Middle school grades.* □- Not less than one full period of physical education, including physical exercise and age-appropriate physical activities, each school day of one semester of the school year.

(3) *High school grades.* □- Not less than one full course credit of physical education, including physical exercise and age-appropriate physical activities, which shall be required for graduation and the opportunity to enroll in an elective lifetime physical education course.

(c) In providing a physical education curriculum, a school employee may not restrict participation in:

(1) Recess or other physical activity offered as part of the school's physical education curriculum for a student enrolled in kindergarten or in a grade level below grade six as a penalty for the student's academic performance or behavior; or

(2) Physical activity offered as part of the school's physical education curriculum for a student enrolled in grade level six, seven, or eight as a penalty for the student's academic performance or behavior.

(d) The Office of Healthy Lifestyles shall coordinate with the West Virginia Department of Education, to help develop and implement initiatives to improve the physical fitness of students in West Virginia under §16-67-5 and §16-67-7 of this code.

(1) Research viability of programs such as:

(A) Develop a plan utilizing existing facilities, if available, to implement a mile trail surrounding the high schools or school grounds that would be open for the communities use to encourage participation in this fitness initiative.

(B) Implementing a school fitness month; that provides learning opportunities to students on maintaining their physical health.

(2) Providing the outcomes of all programs developed under this section to the Office of Healthy Lifestyles to include in the annual report to the Legislative Oversight Committee on Health and Human Resources Accountability under §16-67-5 of this code.

(e) Enrollment in physical education classes and activities required by the provisions of this section shall not exceed, and shall be consistent with, state guidelines for enrollment in all other subjects and classes: *Provided*, That schools which do not currently have the number of certified physical education teachers, do not currently have the required physical setting or would have to significantly alter academic offerings to meet the physical education requirements may develop alternate programs that will enable current staff, physical settings and offerings to be used to meet the physical education requirements established herein. These alternate programs shall be submitted to the state Department of Education and the Healthy Lifestyle Council for approval. Those schools needing to develop alternate programs shall not be required to implement this program until the school year commencing two thousand six.

(f) The state board shall prescribe a program within the existing health and physical education program which incorporates fitness testing, reporting, recognition, fitness events and incentive programs which requires the participation in grades four through eight and the required high school course. The state board shall adopt the Presidential Fitness Test as part

of this program and ensure it is administered and operated in accordance with the guidance of the President’s Council on Sports, Fitness, and Nutrition. For any areas of testing and preparation not addressed by the Presidential Fitness Test and the President’s Council on Sports, Fitness, and Nutrition, those areas of The the program shall be selected from nationally accepted fitness testing programs designed for school-aged children that test cardiovascular fitness, muscular strength and endurance, flexibility and body composition: ~~Provided, That nothing in this subsection shall be construed to prohibit the use of programs designed under the auspices of the President’s Council on Physical Fitness and Sports.~~ The program shall include modified tests for exceptional students. Each school in the state shall participate in National Physical Fitness and Sports Month in May of each year and shall make every effort to involve the community it serves in the related events.

(1) The components shall include curl-ups or sit-ups (depending on school policy), shuttle run, sit and reach, pull ups, and 1-mile run.

(2) Students shall be required to take the test once in elementary school, once in middle school, and once in high school.

(3) The test shall be accommodated or modified for students to comply with students’ IEP’s and 504 plans.

(4) Nothing in this section shall hinder the ability to graduate or pass a physical education course.

(5) The criteria that students shall follow will be in the format set forth on the chart provided by the national organization responsible for the Qualifying Standards for the Physical Fitness Challenge.

(6) Participants must at least reach these levels in all 5 events in order to qualify for the Presidential Physical Fitness Award. These levels represent the 85<sup>th</sup> percentile based on the 1985 School Population Fitness Survey.

Age	<u>Curl Ups</u> (number per one minute, or)	<u>Partial</u> <u>Curl Ups</u> (number)	<u>Shuttle</u> <u>run</u> (sec.)	<u>V-Sit</u> <u>Reach</u> (inches) or	<u>Sit &amp;</u> <u>Reach</u> (cm)	<u>One</u> <u>Mile</u> <u>Run</u> (min: sec) or	<u>Distance</u> <u>Option</u> (min: sec) 1/4 mile and (min:sec) 1/2 mile	<u>Pull Ups</u> (number) or	<u>Rt. Angle</u> <u>Push Ups</u> (number)	
BOYS	<u>6</u>	<u>33</u>	<u>22</u>	<u>12.1</u>	<u>3.5</u>	<u>31</u>	<u>10:15</u>	<u>1:55</u>	<u>2</u>	<u>9</u>
	<u>7</u>	<u>36</u>	<u>24</u>	<u>11.5</u>	<u>3.5</u>	<u>30</u>	<u>9:22</u>	<u>1:48</u>	<u>4</u>	<u>14</u>
	<u>8</u>	<u>40</u>	<u>30</u>	<u>11.1</u>	<u>3</u>	<u>31</u>	<u>8:48</u>	<u>3:30</u>	<u>5</u>	<u>17</u>
	<u>9</u>	<u>41</u>	<u>37</u>	<u>10.9</u>	<u>3</u>	<u>31</u>	<u>8:31</u>	<u>3:30</u>	<u>5</u>	<u>18</u>
	<u>10</u>	<u>45</u>	<u>35</u>	<u>10.3</u>	<u>4</u>	<u>30</u>	<u>7:57</u>		<u>6</u>	<u>22</u>

	<u>11</u>	<u>47</u>	<u>43</u>	<u>10</u>	<u>4</u>	<u>31</u>	<u>7:32</u>		<u>6</u>	<u>27</u>
	<u>12</u>	<u>50</u>	<u>64</u>	<u>9.8</u>	<u>4</u>	<u>31</u>	<u>7:11</u>		<u>7</u>	<u>31</u>
	<u>13</u>	<u>53</u>	<u>59</u>	<u>9.5</u>	<u>3.5</u>	<u>33</u>	<u>6:50</u>		<u>7</u>	<u>39</u>
	<u>14</u>	<u>56</u>	<u>62</u>	<u>9.1</u>	<u>4.5</u>	<u>36</u>	<u>6:26</u>		<u>10</u>	<u>40</u>
	<u>15</u>	<u>57</u>	<u>75</u>	<u>9</u>	<u>5</u>	<u>37</u>	<u>6:20</u>		<u>11</u>	<u>42</u>
	<u>16</u>	<u>56</u>	<u>73</u>	<u>8.7</u>	<u>6</u>	<u>38</u>	<u>6:08</u>		<u>11</u>	<u>55</u>
	<u>17</u>	<u>55</u>	<u>66</u>	<u>8.7</u>	<u>7</u>	<u>41</u>	<u>6:06</u>		<u>13</u>	<u>53</u>
	<u>6</u>	<u>32</u>	<u>22</u>	<u>12.4</u>	<u>5.5</u>	<u>32</u>	<u>11:20</u>	<u>2:00</u>	<u>2</u>	<u>9</u>
	<u>7</u>	<u>34</u>	<u>24</u>	<u>12.1</u>	<u>5</u>	<u>32</u>	<u>10:36</u>	<u>1:55</u>	<u>2</u>	<u>14</u>
	<u>8</u>	<u>38</u>	<u>30</u>	<u>11.8</u>	<u>4.5</u>	<u>33</u>	<u>10:02</u>	<u>3:58</u>	<u>2</u>	<u>17</u>
	<u>9</u>	<u>39</u>	<u>37</u>	<u>11.1</u>	<u>5.5</u>	<u>33</u>	<u>9:30</u>	<u>3:53</u>	<u>2</u>	<u>18</u>
	<u>10</u>	<u>40</u>	<u>33</u>	<u>10.8</u>	<u>6</u>	<u>33</u>	<u>9:19</u>		<u>3</u>	<u>20</u>
<u>GIRLS</u>	<u>11</u>	<u>42</u>	<u>43</u>	<u>10.5</u>	<u>6.5</u>	<u>34</u>	<u>9:02</u>		<u>3</u>	<u>19</u>
	<u>12</u>	<u>45</u>	<u>50</u>	<u>10.4</u>	<u>7</u>	<u>36</u>	<u>8:23</u>		<u>2</u>	<u>20</u>
	<u>13</u>	<u>46</u>	<u>59</u>	<u>10.2</u>	<u>7</u>	<u>38</u>	<u>8:13</u>		<u>2</u>	<u>21</u>
	<u>14</u>	<u>47</u>	<u>48</u>	<u>10.1</u>	<u>8</u>	<u>40</u>	<u>7:59</u>		<u>2</u>	<u>20</u>
	<u>15</u>	<u>48</u>	<u>38</u>	<u>10</u>	<u>8</u>	<u>43</u>	<u>8:08</u>		<u>2</u>	<u>21</u>
	<u>16</u>	<u>45</u>	<u>49</u>	<u>10.1</u>	<u>9</u>	<u>42</u>	<u>8:23</u>		<u>1</u>	<u>24</u>
	<u>17</u>	<u>44</u>	<u>58</u>	<u>10</u>	<u>8</u>	<u>42</u>	<u>8:15</u>		<u>1</u>	<u>25</u>

The program shall include modified tests for exceptional students. Each school in the state shall participate in National Physical Fitness and Sports Month in May of each year and shall make every effort to involve the community it serves in the related events.

(e)(g) The state board shall promulgate a rule in accordance with the provisions article three-b, chapter twenty-nine-a of this code that includes at least the following provisions to provide for the collection, reporting and use of body mass index data in the public schools:

(1) The data shall be collected using the appropriate methodology for assessing the body mass index from student height and weight data;

(2) The data shall be collected on a scientifically drawn sample of students;

(3) The data shall be collected and reported in a manner that protects student confidentiality;

(4) The data shall be reported to the Department of Education; and

(5) All body mass index data shall be reported in aggregate to the Governor, the state West Virginia Board of Education, the Healthy Lifestyles Coalition, the Office for Healthy Lifestyles, and the Legislative Oversight Commission on Health and Human Resources Accountability for use as an indicator of progress toward promoting healthy lifestyles among school-aged children.

**ARTICLE 5D. FEED TO ACHIEVE ACT.**

**§18-5D-4. Creating public-private partnerships; creating nonprofit foundation or fund; audit.**

(a) The Department of Education and each county board of education shall promptly establish fund that is restricted solely for the receipt and expenditure of gifts, grants and bequests for the purposes of this article and may establish in lieu thereof a nonprofit foundation for this purpose. The purpose of the fund or nonprofit foundation is to provide supplemental or matching funds to increase participation in the nutrition programs in the Feed to Achieve initiative set forth in subsection (c) of this section. The Department of Education shall utilize its fund or nonprofit foundation to assist county boards of education in counties whose fund or foundation lacks sufficient business, industry and individual contributors to fund the Feed to Achieve nutrition programs.

(b) Financial support for the fund or foundation may come from either public or private gifts, grants, contributions, bequests and endowments.

(c) Expenditures from the state or county funds or by the foundations shall be used for provision of food to students through any of the programs or initiatives approved by the Office of Child Nutrition, including the following programs: School Breakfast Program, National School Lunch Program, the Summer Food Service Program, the Fresh Fruit and Vegetable Program, the Child and Adult Care Food Program, the farm-to-school initiative and community gardens. Expenditures may also be made for initiatives developed with the Department of Human Services and public-private partnerships to provide outreach and nutritional meals when students are not in school.

(d) No administrative expenses or personnel expenses for any of the state departments implementing this act, the State Board of Education, any county board of education, school or program may be paid from the funds or by the foundations.

(e) Individuals or businesses that contribute to the funds or foundations may specify schools or nutrition programs for which the contribution is to be used.

(f) The Department of Education and county boards of education may establish public-private partnerships to enhance current or advance additional nutrition programs that provide nutritious food for children to take home for weekend meals.

~~(g) The Department of Education and county boards of education shall form or expand existing partnerships with the federal and state departments of agriculture, Department of Human Services, local master gardeners, county extension agents or other experts in the field~~

~~of agriculture or gardening to develop community gardens, farm-to-school programs and other such programs that teach students how to grow and produce healthy food and provide healthy food to the students.~~

(g) The West Virginia Board of Education will work with the Office of Healthy Lifestyles and the West Virginia Department of Agriculture to implement and fund a sustainable "Farm-to-School" program. The outcomes of this program will be included in the annual report provided by the Office of Healthy Lifestyles required by §16-67-5 of this code.

(h) The Department of Education shall collaborate with the Department of Human Services to develop effective strategies and programs such as after school nutrition outreach and programs that improve the healthy lifestyle of all students in pre-kindergarten through twelfth grade. The Department of Human Services may propose rules for promulgation in accordance with the provisions of article three, chapter twenty-nine-a of this code to effectuate any programs so developed.

(i) All moneys contributed to a fund or foundation established pursuant to this section and all expenditures made therefrom shall be audited as part of the annual independent audit of the State Board of Education and the county boards of education.



*Be it enacted by the Legislature of West Virginia:*

**CHAPTER 18. EDUCATION.**

**ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.**

**§18-20-11. Video cameras required in certain special education classrooms; audio recording devices required in restroom of a self-contained classroom.**

(a) A local educational agency (LEA) shall ensure placement of video cameras in self-contained classrooms and audio recording devices in the restrooms of self-contained classrooms as defined in state board policy.

(b) As used in this section:

(1) "Incident" means a raised suspicion by a teacher, aide, parent, or guardian of a student, of bullying, abuse, or neglect of a student or of harm to an employee of a public school by:

(A) An employee of a public school or local educational agency (LEA); or

(B) Another student;

(2) "Self-contained classroom" means a classroom at a public school in which a majority of the students in regular attendance are provided special education instruction and as further defined in state board policy; and

(3) "Special education" means the same as defined in §18-20-1 *et seq.* of this code.

(c) (1) A local educational agency (LEA) shall provide a video camera to a public school for each self-contained classroom that is a part of that school which shall be used in every self-contained classroom.

(2) Prior to August 1, 2023, a local educational agency (LEA) shall provide an audio recording device to a public school to be used in the restroom of each self-contained classroom that is a part of that school. If the public school is not able to receive the audio recording device by August 1, 2023, the public school may apply to the state Department of Education for a waiver to extend that date to August 1, 2024.

(3) The principal of the school or other school administrator whom the principal assigns as a designee shall be the custodian of the video camera and audio recording device, all recordings generated by the video camera and audio recording device, and access to those recordings pursuant to this section.

(d)(1) Every public school that receives a video camera under this section shall operate and maintain the video camera in every self-contained classroom that is part of that school.

(2) Every public school that receives an audio recording device under this section shall operate and maintain the audio recording device in every restroom that is a part of a self-contained classroom that is part of that school: *Provided*, That each restroom of a self-contained classroom shall have posted on its door a notice that states: "Pursuant to state law, this restroom is equipped with an audio recording device for the protection of the students."

(3) If there is an interruption in the operation of the video camera or audio recording device for any reason, a written explanation should be submitted to the school principal and the local educational agency (LEA) board explaining the reason and length for which there was no recording. The explanation shall be maintained at the local educational agency (LEA) board office for at least one year. Notice shall also be provided to any parent or guardian whose child was present at the time of the interruption.

(e)(1) A video camera placed in a self-contained classroom shall be capable of:

(A) Monitoring all areas of the self-contained classroom, including, without limitation, a room attached to the self-contained classroom and used for other purposes; and

(B) Recording audio from all areas of the self-contained classroom, including, without limitation, a room attached to the self-contained classroom and used for other purposes.

(2) A video camera placed in a self-contained classroom shall not monitor a restroom or any other area in the self-contained classroom where a student changes his or her clothes except, for incidental monitoring of a minor portion of a restroom or other area where a student changes his or her clothes because of the layout of the self-contained classroom.

(3) An audio recording device shall be placed in the restroom of the self-contained classroom and notice provided pursuant to §18-20-11(d)(2) of this code.

(4) A video camera or audio recording device required by this section is not required to be in operation during the time in which students are not present in the self-contained classroom.

(f) Before a public school initially places a video camera in a self-contained classroom or an audio recording device in the restroom of a self-contained classroom pursuant to this section, the local educational agency (LEA) shall provide written notice of the placement, including a written copy of this section of code, to:

(1) The parent or legal guardian of a student who is assigned to the self-contained classroom: *Provided*, That the parent or guardian be allowed the opportunity to opt out of the bathroom audio monitoring for their student. An Individual Education Plan or 504 plan shall

outline the opt out and an alternative arrangement for the student or parent needs and requested accommodation; and

(2) The school employee(s) who is assigned to work with one or more students in the self-contained classroom.

(g)(1) Except as provided in subdivision (2) of this subsection, a public school shall retain video and audio recorded pursuant to this section for at least three months after the date of the recording, subject to the following:

(A) If the minimum three-month period overlaps the summer break occurring between the last day of one instructional term and the first day of the next instructional term, the minimum three-month period shall be extended by the number of days occurring between the two instructional terms;

(B) For any school-based camera system or audio device recording device that is installed or replaced after April 1, 2022, the public school shall retain video recorded from a camera or audio device recording for at least 365 days after the date the video or audio was recorded and no extension of this time period during the summer break is required.

(2) If a person requests to review a recording under subsection (k) or subsection (l) of this section, the public school shall retain the recording from the date of the request until:

(A) The earlier of the person reviewing the recording or 60 days after the person who requested the video or audio recording was notified by the public school that the video or audio recording is available; and

(B) Any investigation and any administrative or legal proceedings that result from the recording have been completed, including, without limitation, the exhaustion of all appeals.

(3) In no event may the recording be deleted or otherwise made unretrievable before the time period set forth in subdivision (1) of this subsection elapses.

(h) This section does not:

(1) Waive any immunity from liability of a public local educational agency (LEA) or employee of a public local educational agency (LEA);

(2) Create any liability for a cause of action against a public school or local educational agency (LEA) or employee of a public school or local educational agency (LEA); or

(3) Require the principal or other designated school administrator to review the recording absent an authorized request pursuant to this code section or suspicion of an incident except as otherwise provided in subsection (j) of this section.

(i) A public school or local educational agency (LEA) shall not use video or audio recorded under this section for:

(1) Teacher evaluations: Provided, That this subdivision does not prohibit the use of video or audio recordings under this section for purposes of the suspension and dismissal of school personnel pursuant to §18A-2-8 of this code; or

(2) Any purpose other than the promotion and protection of the health, wellbeing, and safety of students receiving special education and related services in a self-contained classroom or restroom of a self-contained classroom.

(j) Except as provided under subsections (k) and (l) of this section, a recording made under this section is confidential and shall not be released or reviewed by anyone except the school principal, other school administration designee, or local educational agency (LEA) designee if the school principal or other school administration designee is unable to review the video or audio recording pursuant to this subsection. The school principal, other school administration designee, or local educational agency (LEA) designee shall review no less than 15 minutes of the video and no less than 15 minutes of audio of each self-contained classroom and restroom at the school no less than every ~~90~~ 30 calendar days. The state board shall include in its rule authorized by this section requirements for documentation of compliance with the video and audio reviewing requirements of this subsection.

(k) Within seven days of receiving a request, a public school or local educational agency (LEA) shall allow review of a recording by:

(1) A public school or local educational agency (LEA) employee who is involved in an alleged incident that is documented by the recording and has been reported to the public school or local educational agency (LEA);

(2) A parent or legal guardian of a student who is involved in an alleged incident that is documented by the recording and has been reported to the public school or local educational agency (LEA); or

(3) An employee of a public school or local educational agency (LEA) as part of an investigation into an alleged incident that is documented by the recording and has been reported to the public school or local educational agency (LEA).

(l) Within seven days of receiving a request, a public school or local educational agency (LEA) shall allow review of a recording by and comply with all subsequent requests for review or release of the recording, by:

(1) A law-enforcement officer or employee of the Department of Human Services, as part of an investigation into an alleged incident that is documented by the recording and has been reported to the agency: *Provided*, That if a release of the recording is requested pursuant to this subdivision, the agency receiving a copy of the recording shall maintain strict confidentiality of the recording and not further release the recording without authorization from the public local educational agency (LEA) through its superintendent; or

(2) A judge, counsel, or other legal entity that is charged with deciding or representing either the school board, students, or employees in any matters related to legal issues arising from an incident: *Provided*, That the recording may only be released pursuant to an appropriate protective order or under seal.

(m) If an incident is discovered while initially reviewing a recording that requires a report to be made under §49-2-803 of this code, that report shall be made by the reviewer pursuant to that section within 24 hours of viewing the incident.

(n) When a recording is under review as part of the investigation of an alleged incident, and the recording reveals a student violating a disciplinary code or rule of the school, which violation is not related to the alleged incident for which the review is occurring, and which violation is not already the subject of a disciplinary action against the student, the student is not subject to disciplinary action by the school for such unrelated violation unless it reveals a separate incident as described in §18-20-11(b)(1) of this code.

(o) It is not a violation of subsection (j) of this section if a contractor or other employee of a public school or local educational agency (LEA) incidentally reviews a recording under this section if the contractor or employee of a public school or local educational agency (LEA) is performing job duties related to the:

(1) Installation, operation, or maintenance of video or audio equipment; or

(2) Retention of video or audio recordings.

(p) This section applies solely to cameras and audio recording devices installed pursuant to this code section and does not limit the access of a student's parent or legal guardian to a recording reviewable under the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. §1232g, or any other law.

(q) A public school or local educational agency (LEA) shall:

(1) Take necessary precautions to conceal the identity of a student who appears in a video recording but is not involved in the alleged incident documented by the video recording

for which the public school allows viewing under subsection (j) of this section, including, without limitation, blurring the face of the uninvolved student; and

(2) Provide procedures to protect the confidentiality of student records contained in a recording in accordance with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. §1232g, or any other law.

(r) (1) Any aggrieved person may appeal to the State Board of Education an action by a public school or local educational agency (LEA) that the person believes to be in violation of this section.

(2) The state board shall grant a hearing on an appeal under this subsection within 45 days of receiving the appeal.

(s) (1) A public school or local educational agency (LEA) may use funds distributed from the Safe Schools Fund created in §18-5-48 of this code or any other available funds to meet the requirements of this section.

(2) A public school or local educational agency (LEA) may accept gifts, grants, or donations to meet the requirements of this section.

(t) The state board may promulgate a rule in accordance with §29A-3B-1 *et seq.* of this code to clarify the requirements of this section and address any unforeseen issues that might arise relating to the implementation of the requirements of this section.

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

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

#### **§18A-2-8. Suspension and dismissal of school personnel by board; appeal.**

(a)(1) Notwithstanding any other provisions of law, a board may suspend or dismiss any person in its employment at any time for: Immorality, incompetency, cruelty, insubordination, intemperance, willful neglect of duty, unsatisfactory performance, a finding of abuse by the Department of Human Services in accordance with §49-1-1 *et seq.* of this code, the conviction of a misdemeanor or a guilty plea or a plea of nolo contendere to a misdemeanor charge that has a rational nexus between the conduct and performance of the employee's job, the conviction of a felony or a guilty plea or a plea of nolo contendere to a felony charge. Upon the commencement of any fact-finding investigation involving conduct alleged to jeopardize the health, safety, or welfare of students or the learning environment of other students, whether being conducted internally, or in cooperation with police or Department of Human Services, the affected employee shall be suspended, placed on administrative leave, or reassigned to duties which do not involve direct interaction with pupils.

(2) Nothing in this section shall be construed as relieving a board or a local educational agency of its duty to conduct an independent investigation and review of an allegation of abuse of a child in the absence of either a finding of abuse by the Department of Human Services in accordance with §49-1-1 et seq. of this code or the initiation of proceedings for a felony or misdemeanor charge against the person.

(b) A charge of unsatisfactory performance shall not be made except as the result of an employee performance evaluation pursuant to §18A-2-12 of this code. The charges shall be stated in writing served upon the employee within two days of presentation of the charges to the board.

(c) The affected employee shall be given an opportunity, within five days of receiving the written notice, to request, in writing, a level three hearing and appeals pursuant to the provisions of §6C-2-1 et seq. of this code, except that dismissal for a finding of abuse or the conviction of a felony or guilty plea or plea of nolo contendere to a felony charge is not by itself a grounds for a grievance proceeding. An employee charged with the commission of a felony, a misdemeanor with a rational nexus between the conduct and performance of the employee's job, or child abuse shall be suspended, placed on administrative leave, or reassigned to duties which do not involve direct interaction with pupils pending final disposition of the charges.

(d) A county board of education has the duty and authority to provide a safe and secure environment in which students may learn and prosper; therefore, it may take necessary steps to suspend or dismiss any person in its employment at any time should the health, safety, or welfare of students be jeopardized or the learning environment of other students has been impacted. A county board shall complete an investigation of an employee that involves evidence that the employee may have engaged in conduct that jeopardizes the health, safety, or welfare of students despite the employee's resignation from employment prior to completion of the investigation.

(e) It shall be the duty of any school principal to report any employee conduct alleged to jeopardize the health, safety, or welfare of students or the learning environment of other students, to the county superintendent within 24 hours of the allegation. Nothing in this subsection supersedes §49-2-803 of this code or the provisions therein regarding mandated reporting of child abuse and neglect.

(f) It shall be the duty of any county superintendent to report any employee suspended or dismissed, or resigned during the course of an investigation of the employee's alleged

misconduct, in accordance with this section, including the rationale for the suspension or dismissal, to the state superintendent within seven business days of the suspension, dismissal, or resignation. The state superintendent shall maintain a database of all individuals suspended or dismissed for jeopardizing the health, safety, or welfare of students, or for impacting the learning environment of other students. The database shall also include the rationale for the suspension or dismissal. The database shall be confidential and shall only be accessible to county human resource directors, county superintendents, and the state superintendent of schools.

(g) Notwithstanding any other provisions of law, a suspended employee may not be barred from attending public events on school property while serving the suspension, nor may a suspended employee who has a dependent child, grandchild, foster child, or other family member be barred from entering the school to exercise normal functions of a parent or guardian while suspended: *Provided*, That the suspended employ's presence does not jeopardize the health, safety, or welfare of students, employees, or visitors; impact the learning environment or the school-sponsored activity; prejudice an investigation or disciplinary proceedings involving the employee; violate an order of a court or any law; or threaten damage to property.

**House Bill 5012: Providing for in-year school personnel movement to meet school needs**

Effective: Passed March 13, 2026; Effective June 11, 2026

Code Reference: W. Va. Code §18A-2-2 (AMENDED)  
§18A-2-7 (AMENDED)

WVDE Contact: Internal Operations (Legal Services)

Summary: This act clarifies when a teacher can be transferred. Specifically, the act allows a teacher to be transferred into a vacant position in the coming school year, if the teacher has been dismissed based on lack of need. Further, the act states that a teacher may be transferred, at any time, if student population shifts have resulted in a teacher being left without any instructional responsibilities or work assignments.

Enrolled Bill: **ENROLLED Committee Substitute for House Bill 5012**  
BY DELEGATES ELLINGTON, STATLER, HORNBY, AND CROUSE

AN ACT to amend and reenact §18A-2-2 and §18A2-7 of the Code of West Virginia, 1931, as amended, relating to allowing in cases of dismissal due to lack of need the dismissed teacher to be transferred into an unfilled vacant position in order of their length of service with the county board of education as an alternative to being placed upon a preferred list; providing that these transfers are not effective until the following school year and do not prevent the teacher from applying for another position; allowing reassignment of school personnel after the last day of the second school month under certain conditions; providing that transfers may not be made for arbitrary, capricious, or retaliatory reasons; and allowing teachers to file a grievance for violation of certain provisions..

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 2. SCHOOL PERSONNEL.**

**§18A-2-2. Employment of teachers; contracts; continuing contract status; how terminated; dismissal for lack of need; released time; failure of teacher to perform contract or violation thereof; written notice bonus for teachers and professional personnel.**

(a) Before entering upon their duties, all teachers shall execute a contract with their county boards, which shall state the salary to be paid and shall be in the form prescribed by the state superintendent. Each contract shall be signed by the teacher and by the president

and secretary of the county board and shall be filed, together with the certificate of the teacher, by the secretary of the office of the county board. When necessary to facilitate the employment of employable professional personnel and prospective and recent graduates of teacher education programs who have not yet attained certification, the contract may be signed upon the condition that the certificate is issued to the employee prior to the beginning of the employment term in which the employee enters upon his or her duties.

(b) Each teacher's contract, under this section, shall be designated as a probationary or continuing contract. A probationary teachers contract shall be for a term of not less than one nor more than three years, one of which shall be for completion of a beginning teacher internship pursuant to the provisions of section two-b, article three of this chapter, if applicable. If, after three years of such employment, the teacher who holds a professional certificate, based on at least a bachelor's degree, has met the qualifications for a bachelors degree and the county board enter into a new contract of employment, it shall be a continuing contract, subject to the following:

(1) Any teacher with less than a bachelor's degree who holds a valid certificate and is employed in a county beyond the three-year probationary period shall be granted continuing contract status upon qualifying for the professional certificate based upon a bachelor's degree, if the teacher becomes reemployed; and

(2) A teacher holding continuing contract status with one county shall be granted continuing contract status with any other county upon completion of one year of acceptable employment if the employment is during the next succeeding school year or immediately following an approved leave of absence extending no more than one year.

(c) The continuing contract of any teacher shall remain in full force and effect except as modified by mutual consent of the school board and the teacher, unless and until terminated, subject to the following:

(1) A continuing contract may not be terminated except:

(A) By a majority vote of the full membership of the county board on or before May 1 of the then current year, after written notice, served upon the teacher, return receipt requested, stating cause or causes and an opportunity to be heard at a meeting of the board prior to the board's action on the termination issue; or

(B) By written resignation of the teacher on or before May 1 to initiate termination of a continuing contract;

(2) The termination shall take effect at the close of the school year in which the contract is terminated;

(3) The contract may be terminated at any time by mutual consent of the school board and the teacher;

(4) This section does not affect the powers of the school board to suspend or dismiss a principal or teacher pursuant to section eight of this article;

(5) A continuing contract for any teacher holding a certificate valid for more than one year and in full force and effect during the school year 1984-1985 shall remain in full force and effect;

(6) A continuing contract does not operate to prevent a teacher's dismissal based upon the lack of need for the teacher's services pursuant to the provisions of law relating to the allocation to teachers and pupil-teacher ratios. The written notification of teachers being considered for dismissal for lack of need shall be limited to only those teachers whose consideration for dismissal is based upon known or expected circumstances which will require dismissal for lack of need. An employee who was not provided notice and an opportunity for a hearing pursuant to this subsection may not be included on the list. In case of dismissal for lack of need, a dismissed teacher shall be placed upon a preferred list or transferred into an unfilled vacant position in the order of their length of service with that board. A teacher may not be employed by the board until each qualified teacher on the preferred list, in order, has been offered the opportunity for transfer or reemployment in a position for which he or she is qualified, not including a teacher who has accepted a teaching position elsewhere. The reemployment or transfer shall be upon a teacher's preexisting continuing contract and has the same effect as though the contract had been suspended during the time the teacher was not employed. Any transfer pursuant to this subsection is not effective until the following school year and does not prevent the teacher from applying for another position.

(d) In the assignment of position or duties of a teacher under a continuing contract, the board may provide for released time of a teacher for any special professional or governmental assignment without jeopardizing the contractual rights of the teacher or any other rights, privileges or benefits under the provisions of this chapter. Released time shall be provided for any professional educator while serving as a member of the Legislature during any duly constituted session of that body and its interim and statutory committees and commissions without jeopardizing his or her contractual rights or any other rights, privileges, benefits or

accrual of experience for placement on the state minimum salary schedule in the following school year under the provisions of this chapter, board policy and law.

(e) A teacher is disqualified to teach in any public school in the state for the duration of the next ensuing school year, if that teacher:

(1) Fails to fulfill his or her contract with the board, unless prevented from doing so by personal illness or other just cause or unless released from his or her contract by the board, or

(2) Violates any lawful provision of his or her contract: *Provided*, That the marriage of a teacher is not considered a failure to fulfill, or violation of, the contract.

The State Department of Education or board may hold all papers and credentials of the teacher on file for a period of one year for the violation and shall report such disqualification status in the National Association of State Directors of Teacher Education and Certification (NASDTEC) database system.

(f) Any classroom teacher, as defined in section one, article one of this chapter, who desires to resign employment with a county board or request a leave of absence, the resignation or leave of absence to become effective on or before July 15 of the same year and after completion of the employment term, may do so at any time during the school year by written notification of the resignation or leave of absence and any notification received by a county board shall automatically extend the teacher's public employee insurance coverage until August 31 of the same year.

(g) (1) A classroom teacher who gives written notice to the county board on or before March 1 of the school year of his or her retirement from employment with the board at the conclusion of the school year shall be paid \$500 from the early notification of retirement line item established for the Department of Education for this purpose, subject to appropriation by the Legislature. If the appropriations to the Department of Education for this purpose are insufficient to compensate all applicable teachers, the Department of Education shall request a supplemental appropriation in an amount sufficient to compensate all such teachers. Additionally, if funds are still insufficient to compensate all applicable teachers, the priority of payment is for teachers who give written notice the earliest. This payment may not be counted as part of the final average salary for the purpose of calculating retirement.

(2) The position of a classroom teacher providing written notice of retirement pursuant to this subsection may be considered vacant and the county board may immediately post the position as an opening to be filled at the conclusion of the school year. If a teacher has been

hired to fill the position of a retiring classroom teacher prior to the start of the next school year, the retiring classroom teacher is disqualified from continuing his or her employment in that position. However, the retiring classroom teacher may be permitted to continue his or her employment in that position and forfeit the early retirement notification payment if, after giving notice of retirement in accordance with this subsection, he or she becomes subject to a significant unforeseen financial hardship, including a hardship caused by the death or illness of an immediate family member or loss of employment of a spouse. Other significant unforeseen financial hardships shall be determined by the county superintendent on a case-by-case basis. This subsection does not prohibit a county school board from eliminating the position of a retiring classroom teacher.

**§18A-2-7. Assignment, transfer, promotion, demotion, suspension and recommendation of dismissal of school personnel by superintendent; preliminary notice of transfer; hearing on the transfer; proof required.**

(a) The superintendent, subject only to approval of the board, may assign, transfer, promote, demote or suspend school personnel and recommend their dismissal pursuant to provisions of this chapter. However, an employee shall be notified in writing by the superintendent on or before April 1 if he or she is being considered for transfer or to be transferred. Only those employees whose consideration for transfer or intended transfer is based upon known or expected circumstances which will require the transfer of employees shall be considered for transfer or intended for transfer and the notification shall be limited to only those employees. Any teacher or employee who desires to protest the proposed transfer may request in writing a statement of the reasons for the proposed transfer. The statement of reasons shall be delivered to the teacher or employee within ten days of the receipt of the request. Within ten 10 days of the receipt of the statement of the reasons, the teacher or employee may make written demand upon the superintendent for a hearing on the proposed transfer before the county board. The hearing on the proposed transfer shall be held on or before May 1. At the hearing, the reasons for the proposed transfer must be shown.

(b) The superintendent at a meeting of the board on or before May 1 shall furnish in writing to the board a list of teachers and other employees to be considered for transfer and subsequent assignment for the next ensuing school year. An employee who was not provided notice and an opportunity for a hearing pursuant to subsection (a) of this section may not be included on the list. All other teachers and employees not so listed shall be considered as reassigned to the positions or jobs held at the time of this meeting. The list of those

recommended for transfer shall be included in the minute record of the meeting and all those so listed shall be notified in writing and shall be delivered within ~~ten~~ 10 days following the board meeting, with written receipt notification documented by the superintendent, and shall state that the person is being recommended for transfer and subsequent assignment and the reasons therefor.

(c) The superintendent's authority to suspend school personnel shall be temporary only pending a hearing upon charges filed by the superintendent with the county board and the period of suspension may not exceed ~~thirty~~ 30 days unless extended by order of the board.

(d) The provisions of this section respecting hearing upon notice of transfer are not applicable in emergency situations where a school building becomes damaged or destroyed through an unforeseeable act and which act necessitates a transfer of the school personnel because of the aforementioned condition of the building.

(e) Notwithstanding this section or any provision of this code, when actual student enrollment in a grade level or program, unforeseen on or before May 1 of the preceding school year, permits the assignment of fewer teachers or service personnel to or within a school under any pupil-teacher ratio, class size or caseload standard established in §18-5-18A of this code or any policy of the state board, the superintendent, with board approval, may reassign the surplus personnel to another school or to another grade level or program within the school if needed there to comply with any such pupil-teacher ratio, class size or caseload standard.

(1) Before any reassignment may occur pursuant to this subsection, notice shall be provided to the employee and the employee shall be provided an opportunity to appear before the county board to state the reasons for his or her objections, if any, prior to the board voting on the reassignment.

(2) Except as otherwise provided in subdivision (1) of this subsection, the reassignment may be made without following the notice and hearing provisions of this section, and at any time during the school year when the conditions of this subsection are met: *Provided*, That the reassignment may not occur after the last day of the second school month unless student population shifts have resulted in a teacher or service personnel being without any instructional responsibilities or work assignments: *Provided further*, That no transfer shall be made based on arbitrary, capricious, or retaliatory reasons. Any teacher who believes that his/her transfer violated these provisions may file a grievance pursuant to the West Virginia Public Employees Grievance Procedure set forth in § 6C-2-1 *et seq.* of this code.

(3) A professional employee reassigned under this subsection shall be the least senior of the surplus professional personnel who holds certification or licensure to perform the duties at the other school or at the grade level or program within the school.

(4) A service employee reassigned under this subsection shall be the least senior of the surplus personnel who holds the same classification or multiclassification needed to perform the duties at the other school or at the grade level or program within the same school.

(5) No school employee's annual contract term, compensation or benefits shall be changed as a result of a reassignment under this subsection.

**House Bill 5048: To ensure virtual instruction for foster students while in temporary placement facilities**

Effective: Passed March 14, 2026; Effective June 12, 2026

Code Reference: W. Va. Code **§49-2-125a (NEW)**

WVDE Contact: Instruction and Support  
Federal Programs

Summary: This act clarifies that a foster child, awaiting placement, shall, within 3 days, be enrolled in a virtual learning option. The act prescribes how a virtual learning option may be chosen and sets forth training requirements to ensure individuals responsible for the child know how to utilize the virtual platform. Additionally, the act requires the transfer of student educational records once the student is placed with a foster family.

Enrolled Bill: **ENROLLED House Bill 5048**  
BY DELEGATES MOORE, KIMBLE, D. CANNON, COOP-GONZALEZ, CHIARELLI, BROWNING, KYLE, MAZZOCCHI, DRENNAN, ROHRBACK, AND DITTMAN

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §49-2-125a, relating to ensuring that foster children awaiting residential placement shall continue to receive education through virtual learning.

*Be it enacted by the Legislature of West Virginia:*

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

**§49-2-125a. Right to education for residential placement of foster children.**

(a) When a foster child is in the process of residential placement, the foster child shall continue to receive his or her education through virtual learning while the foster child is awaiting placement with a foster family.

(b) Virtual learning shall be done through the county where the foster student was last enrolled, and if this is not possible, then the virtual learning shall occur in the county where the foster child currently resides while awaiting residential placement: Provided, That if neither county has the capability for virtual learning, then a public charter virtual school or the closest available county with virtual learning capability shall be the county used by the foster student.

(c) Virtual learning shall take place in accordance with the provisions of §18-5F-1 et seq. or §18-5G-1, et seq. of this code.

(d) The individual, group, or organization responsible for the foster child while the child

is awaiting residential placement shall receive information technology ("IT") training from West Virginia Department of Education for purposes of ensuring the foster child shall receive virtual learning. This training shall include education in every step needed for the student to be able to log in and participate in the virtual courses the foster child is enrolled in. This training shall be at the expense of the West Virginia Department of Education.

(e) The virtual instruction for the child awaiting residential placement shall occur no more than three days after the child is in the temporary care of the individual, group, or organization.

(f) Once the foster child is placed with a foster family, the virtual learning information and educational enrollment information received from the child shall be provided to both the foster family and to the new county where the student is enrolled.

**House Bill 5089: Relating to public school acceptance of student transcripts or other credentials**

Effective: Passed March 11, 2026; Effective June 9, 2026

Code Reference: W. Va. Code §18-8-1a (AMENDED)

WVDE Contact: Instruction and Support

Summary: This act requires that transcripts of public-school students include the class, grade, and source of each course. The act also requires an annual report to be submitted to the Legislative Oversight Commission on Education Accountability that includes the demographics of students who re-enroll into public schools and whether they have attended school in a non-public setting.

Enrolled Bill: **ENROLLED Committee Substitute for House Bill 5048**  
BY DELEGATES ELLINGTON, SHAMBLIN, BELL, GEARHEART, G. HOWELL, TONEY, CAMPBELL, CANTERBURY, STATLER, DITTMAN, AND CROUSE

AN ACT to amend and reenact §18-8-1a of the Code of West Virginia, 1931, as amended, relating to public school acceptance of student transcripts or other credentials; adding acceptance of public charter school transcripts and credentials; adding requirement that public school record class, grade and source on student’s public school transcript; and requiring report to LOCEA.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.**

**§18-8-1a. Commencement and termination of compulsory school attendance; public school entrance requirements; exceptions.**

(a) Notwithstanding the provisions of section one of this article, compulsory school attendance begins with the school year in which the sixth birthday is reached prior to July 1 of such year or upon enrolling in a full-time publicly funded kindergarten program, and continues to the 17th birthday or for as long as the student continues to be enrolled in a school system after the 17th birthday.

(1) A child may be removed from such kindergarten program when the parent or guardian determines that the best interest of the child would not be served by requiring further attendance: *Provided*, That the principal shall make the final determination with regard to compulsory school attendance in a publicly supported kindergarten program.

(2) The compulsory school attendance provision of this article shall be enforced against a person 18 years of age or older for as long as the person continues to be enrolled in a school system and may not be enforced against the parent, guardian, or custodian of the person.

(3) Notwithstanding the provisions of section one of this article, compulsory school attendance begins with the school year in which the sixth birthday is reached prior to September 1 of such year or upon enrolling in a publicly supported kindergarten program and continues to the seventeenth birthday or for as long as the student continues to be enrolled in a school system after the 17th birthday: *Provided*, That beginning in the school year 2019-2020, compulsory school attendance begins with the school year in which the sixth birthday is reached prior to July 1 of such year or upon enrolling in a publicly supported kindergarten program.

(b) A parent, as defined in §18-31-2 of this code, shall have the option, prior to enrolling in a publicly supported kindergarten program, to apply for a Hope Scholarship on behalf of his or her child as set forth in §18-31-1 *et seq.* of this code. Every year thereafter, a parent shall have the option to renew his or her child's enrollment in the Hope Scholarship Program pursuant to §18-31-8 of this code.

(c) Attendance at a state-approved, nonpublic kindergarten program, including a Montessori kindergarten program as provided in §18-5-18 of this code, homeschool kindergarten program, Hope Scholarship kindergarten program, or private, parochial, or church kindergarten program recognized under §18-8-1(k) of this code is deemed school attendance for the purposes of this section. Students entering the public school system after such kindergarten program shall be placed in the developmentally and academically appropriate grade level.

(d) Notwithstanding the provisions of this section and §18-5-18 of this code, a county board may provide for advanced entrance or placement under policies adopted by said board for any child who has demonstrated sufficient mental and physical competency for such entrance or placement.

(e) A student from another state, or who is eligible to enroll in a public school in this state, shall be enrolled in the same grade in a public school in West Virginia as the student was enrolled at the school or program from which the student transferred. A transcript or other credential provided by a public school or public charter school program, private school program, homeschool program, microschool program, or HOPE scholarship program shall be accepted by a public school in this state as a record of a student's previous academic

performance for the purposes of placement and credit assignment: Provided, That each public school shall record the class, grade and source on the student's public school transcript.

(1) A report shall be made, at least annually, to the Legislative Oversight Commission on Education Accountability ("LOCEA") of the demographics (including, but not limited to, age, race, county, and grade) of students who re-enroll into public schools in this state and whether they attended a homeschool, charter school, private school, microschool, or HOPE scholarship program.

**House Bill 5438: To modify the foundation allowance to improve instructional programs**

Effective: Passed March 14, 2026; Effective July 1, 2026

Code Reference: W. Va. Code §18-9A-10 (AMENDED)

WVDE Contact: External Operations (School Finance)

Summary: This act provides allowances to the Department of Education to withhold up to \$15 million for the implementation and administration of a uniform budgeting and accounting system. Further, the Act requires that any used funds be reappropriated for implementation of the Third Grade Success Act and expands access to the Science of Reading through the fifth grade.

Enrolled Bill: **ENROLLED House Bill 5438**  
BY DELEGATES TONEY AND STATLER

AN ACT to amend and reenact §18-9A-10 of the Code of West Virginia, 1931, as amended, relating to modifying the foundation allowance to improve instructional programs; relating to the implementation and funding of a replacement uniform budgeting and accounting system; providing for the Governor to include in each budget for the reappropriation for expenditure during the ensuing fiscal year the unused accumulated balance remaining with the Department of Education to continue initiatives; providing funding to support the full implementation of the Third Grade Success Act; providing for the Department of Education to reduce retained funding by the unused accumulated balance; and providing that county boards of education may utilize up to 50% of the allocation for teacher and leader induction in any school year for the purpose of funding projects identified in the “Safe Schools Fund”.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 9A. PUBLIC SCHOOL SUPPORT.**

**§18-9A-10. 125a. Foundation allowance to improve instructional programs, 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 §18-2E-5 of this code, an amount equal to 10 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 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;

(C) Moneys allocated by this subdivision shall be used to improve instructional programs according to the county and school strategic improvement plans required by §18-2E-5 of this code and approved by the state board;

~~Up to 50 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 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.~~

(D) 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;

(E) 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 20 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 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;

(C) Moneys allocated by this subdivision shall be used to improve instructional technology programs according to the county board's strategic technology learning plan;

(D) 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

(E) The total appropriation computed under the preceding allocation structure will be reduced annually by an amount not to exceed \$15 million to be retained by the Department of Education to implement and fund annually a replacement uniform budgeting and accounting system pursuant to Department requirements outlined in §18-9B-5 and §18-9B-9 of this code, respectively; 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 20 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 considers the following factors:

(A) The number of full-time-equivalent teachers employed by the county with zero years of experience;

(B) The number of full-time-equivalent teachers employed by the county who are less than fully certified for the teaching position in which they are employed;

(C) 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;

(D) 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;

(E) 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;

(F) Needs identified in the strategic plans for continuous improvement of schools and school systems including those identified through the performance evaluations of professional personnel;

(G) 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. ~~Notwithstanding any provision of this subsection to the contrary, for each of the five school years beginning with the school year 2020—2021 and ending after the school year 2024—2025, from funds to be allocated under this subdivision, \$100,000 shall be retained by the Department of Education to assist county boards with the design and implementation of a teacher leader framework to accomplish the teacher induction and professional growth aspects of their comprehensive systems of support for teacher and leader induction and professional growth pursuant to §18A-3C-3 of this code.~~

(H) The Department of Education may also retain an additional amount of funds to be allocated under this subdivision beginning with the school year 2024 – 2025, not exceeding \$15,000,000, to accommodate the participation by county school systems in regional professional learning cadres or teacher leadership networks established or supported by the Department of Education, to expand regional professional learning cadres or teacher leadership networks designed to support the full implementation of the Third Grade Success Act provided in §18-2E-10 of this code, to implement the Department of Education's academic initiatives to provide and promote training in the science of reading as defined in §18-2E-10(c) of this code for kindergarten through fifth grade classroom teachers, and to assist teachers who are less than fully certified for the teaching position in which they are employed as further provided in §18A-3C-3 of this code. The Governor shall also provide in each budget for the

reappropriation for expenditure during the ensuing fiscal year the unused accumulated balance remaining with the Department of Education to continue these initiatives, including training in the science of reading as defined in §18-2E-10(c) of this code for kindergarten through fifth grade classroom teachers. Up to \$1,000,000 of the \$15,000,000 shall be distributed to county boards for the purpose of expanding the school districts' ability to contract with organizations that facilitate the school districts' participation in regional professional learning cadres or teacher leadership networks designed to support math and science improvement or to support teachers who are less than fully certified for the teaching position in which they are employed as further provided in §18A-3C-3 of this code. The \$1,000,000 shall be distributed to the county boards under a grant program to be established by the state board by rule pursuant to §29A-3B-1 *et seq.* of this code. The rule shall include at least the following:

- (A) A requirement and procedures for county boards to submit applications for a grant;
- (B) Criteria on which awards of the grants will be based on; and
- (C) A requirement for an external evaluation for any program funded by a grant.

~~(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 25 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 50 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.~~

# Supplemental Appropriations

## ***HB4575: Making Supplemental Appropriation to State Board of Education***

This supplemental appropriation provides \$8,000,000 to the State Board of Education Temporary Shortfall Supplemental Fund for County Boards of Education.

## ***HB5694: Supplemental appropriation to Department of Education, fund 0313***

This supplemental appropriation provides a total of \$146,237,440 to several funds in the Department of Education.

## ***SB814: Supplemental appropriation to State Board of Education, fund 0313***

This supplemental appropriation provides \$70,357,538 to the Hope Scholarship Program.

## ***SB841: Supplemental appropriation to State Board of Education, fund 3951***

This supplemental appropriation provides \$16,977,752 to the Hope Scholarship Program.

## ***SB871: Supplemental appropriation to State Board of Education, fund 3517***

This supplemental appropriation provides \$12,664,710 to the Hope Scholarship Program.



Michele L. Blatt  
West Virginia Superintendent of Schools