

2025 Green Book

***SUMMARY OF PUBLIC EDUCATION BILLS
ENACTED DURING THE 2025 REGULAR SESSION***



West Virginia DEPARTMENT OF
EDUCATION



West Virginia Board of Education
2024-2025

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State Superintendent of Schools
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FOREWORD

As a service to maintain transparency and develop an informed public, the West Virginia Department of Education (WVDE) provides this summary of public education bills enacted during the 2025 regular session of the West Virginia Legislature. Known as the Green Book, this resource explains the legislation recently passed, and allows readers 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 serve as a reference containing updated language and laws. Together, these important publications can further knowledge and insight into legislation and education policies.

Though the summaries provided in this document are not intended to be comprehensive, they do outline pertinent information regarding the overall interpretation of the legislation. The Green Book is not to be considered an official interpretation of the State Superintendent of Schools, however, formal interpretations to specific questions may be provided upon request.

The WVDE welcomes constructive suggestions to improve this service. Understanding education legislation and policies is vital to all. If additional questions or information that is not included in this publication are needed, please contact WVDE Legal Services at (304) 558-3667.

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

W. Va. State Code Changes

Code	Bill		Code	Bill
§5-32-1 <i>et. seq.</i> (NEW)	SB456		§18-5G-4 (AMENDED)	HB2167
§5-33-1 <i>et. seq.</i> (NEW)	SB474		§18-5G-7 (AMENDED)	HB2167
§15-2D-3 (AMENDED)	HB2164		§18-5G-14a (NEW)	HB2167
§16-7-2 (AMENDED)	HB2354		§18-8-4 (AMENDED)	SB581
§16-7-4 (AMENDED)	HB2354		§18-9F-10a (NEW)	HB3166
§16B-17-9 (AMENDED)	HB2897		§18-9H-1 (NEW)	SB280
§16B-17-9a (AMENDED)	HB3080		§18-28-2 (AMENDED)	SB914
§18-2-5b (AMENDED)	SB746		§18-28-3 (AMENDED)	SB914
§18-2-9 (AMENDED)	HB2411		§18A-2-3 (AMENDED)	SB282
§18-2-7c (AMENDED)	SB283		§18A-2-5 (AMENDED)	SB275
§18-2-9b (NEW)	SB474		§18A-3-1 (AMENDED)	SB765
§18-2-25 (AMENDED)	HB2528		§18A-3-2a (AMENDED)	SB765
§18-2-46 (NEW)	SB449		§18A-3-2a (AMENDED)	HB3125
§18-2-46 (NEW)	HB2897		§18A-3-4 (AMENDED)	HB3125
§18-2-46 (NEW)	HB2003		§18A-3-13 (NEW)	HB2499
§18-2E-5 (AMENDED)	SB912		§18A-4-15a (AMENDED)	SB282
§18-3-3 (AMENDED)	HB2548		§18A-5-1 (AMENDED)	SB199
§18-5-1a (AMENDED)	HB2513		§18B-1G-1 <i>et. seq.</i> (NEW)	SB456
§18-5-4 (AMENDED)	HB2513		§18B-3C-4 (AMENDED)	HB3313
§18-5-18a (AMENDED)	SB650		§18B-14-5 (NEW)	SB474
§18-5-18b (AMENDED)	HB3209		§18B-14-6 (NEW)	SB474
§18-5-22e (AMENDED)	SB652		§18B-14-12 (NEW)	SB280
§18-5-52 (NEW)	HB2164		§21-6-3 (AMENDED)	SB427
§18-5-53 (NEW)	HB2164		§21-6-4 (REPEALED)	SB427
§18-5-54 (NEW)	HB2164		§21-6-5 (AMENDED)	SB427
§18-5-29 (NEW)	SB154		§21-6-8a (REPEALED)	SB427
§18-5-29 (NEW)	SB474		§21-6-10 (AMENDED)	SB427
§18-5-50 (NEW)	SB474		§49-12-1 <i>et. seq.</i> (NEW)	HB2129
§18-5D-3A (NEW)	HB2354		§61-7-11a (AMENDED)	SB199
§18-5G-3 (AMENDED)	HB2167		§61-7-11a (AMENDED)	HB2164

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 rennumbers 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.

Legend for this page:

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

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Senate Bill 154 Prohibiting sexual orientation instruction in public schools

Effective Date: Passed April 12, 2025; Effective July 11, 2025

Code Reference: W. Va. Code §18-5-29 (NEW)

WVDE Contact: PK-Adult Instruction & Career Engagement
District & School Accountability

Bill Summary: This Act prohibits instruction related to sexual orientation and gender identity in public schools except as follows:

- 1) A teacher responding to student questions during a class regarding sexual orientation or gender identity as it relates to any topic of instruction;
- 2) Referring to the sexual orientation or gender identity of any historic person, group, or public figure when contextually necessary to any topic of instruction;
- 3) Referring to sexual orientation and gender identity, if necessary to address a disciplinary matter; and,
- 4) Referring to sexual orientation and gender identity as part of the curriculum established in a dual enrollment or advanced placement course.

The Act also specifies that school employees are prohibited from giving false or misleading information to a parent, custodian, or guardian regarding a student's identity or intention to transition to a gender that is different than a student's biological sex. Additionally, school employees are required to report if a student requests to be addressed by a name or pronoun that is different from the student's school record to an administrator who is required to contact the student's parent, custodian, or guardian.

The Act also includes definitions, enforcement mechanisms for school employees in violation of the Act, and an avenue for parents, custodians, and guardians impacted by a violation to file a complaint with the West Virginia Board of Education (WVBE).

Finally, the Act requires the WVBE, in consultation with the Higher Education Policy Commission, to promulgate a rule for implementation.

Enrolled Bill: **ENROLLED Committee Substitute for Committee Substitute for Senate Bill 154**
By Senators Grady, Tarr, Thorne, Helton, Rucker, Willis, Roberts, Deeds, Hart, and Woodrum

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §18-5-29, relating to prohibiting instruction related to sexual orientation

and gender identity; setting forth definitions; creating exceptions to prohibition against instruction; prohibiting a public school and the county board employees assigned to the school from knowingly giving false or misleading information to the parent, custodian, or guardian of a student regarding the student's gender identity or intention to transition to a gender that is different than the student's biological sex; requiring a public school employee to report a student's request for an accommodation that is intended to affirm the student's gender identity from a person employed by the public school to an administrator employed by the county board and assigned to the school; requiring the administrator to report the student's request to the student's parent, custodian, or guardian; providing that a complaint may be filed in pursuant to state board rule for violations of these provisions, providing that school personnel found in violation of this section may be subjected to discipline or dismissal pursuant statute; providing that the state board, in consultation with the Higher Education Policy Commission, shall promulgate rules to implement section; allowing the Attorney General to enforce compliance; and providing that the provisions of this act are severable.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-29. Prohibiting instruction related to sexual orientation and gender identity and providing false information regarding student's gender identity or intention to transition; requiring certain student requests to be reported to parent.

(a) For the purposes of this section:

(1) "Biological sex" means the sex listed on a student's official birth certificate or certificate issued upon adoption if the certificate was issued at or near the time of the student's birth

(2) "Custodian" means a person who has some allocation of physical custody of the child or who has provided to the school written permission of a parent to have access to the notices and information contemplated by this section.

(3) "Gender identity" means a category of social identity and refers to an individual's identification as male, female, or occasionally, some category other than male or female;

(4) "Guardian" means a person other than a parent or custodian who, pursuant to a court order, acts in loco parentis for the child;

(5) "Parent" means a parent who has some allocation of physical custody of the child or who has some share of joint decision-making authority for the child;

(6) "Sexual orientation" means an individual's actual or perceived orientation as heterosexual, homosexual, or bisexual; and

(7) "Transition to a gender" means the process in which a person goes from identifying with and living as a gender that corresponds to the person's biological sex to identifying with and living as a gender different from the person's biological sex and may involve social, legal, or physical changes.

(b) A public school may not provide instruction related to sexual orientation or gender identity: *Provided*, That the provisions of this subsection do not prohibit:

(1) A teacher responding to student questions during class regarding sexual orientation or gender identity as it relates to any topic of instruction;

(2) Referring to the sexual orientation or gender identity of any historic person, group, or public figure when such information provides necessary context in relation to any topic of instruction;

(3) Referring to sexual orientation and gender identity if necessary to address a disciplinary matter, such as an instance of bullying; or

(4) Referring to sexual orientation and gender identity as part of curriculum established in a dual enrollment or advanced placement course.

(c) A public school and the county board employees assigned to the school may not knowingly give false or misleading information to the parent, custodian, or guardian of a student regarding the student's gender identity or intention to transition to a gender that is different than the student's biological sex.

(d) If a student enrolled in a public school requests from a person employed by the public school an accommodation that is intended to affirm a change in the student's gender identity that is different from a student's biological sex, including a request that the student be addressed using a name or pronoun that is different than the name or pronoun assigned to the student in the public school's registration forms or records for the purpose of affirming a change in the student's gender identity that is different than the student's biological sex, the public school employee shall report the student's request to an administrator employed by the

county board and assigned to the school, and the administrator shall report the student's request to the student's parent, custodian, or guardian.

(e) A parent, custodian, or guardian who is impacted, or whose child is impacted, by a violation of this section may file a complaint pursuant to West Virginia Board of Education Policy 7211 (§126-188-1).

(f) School personnel found in violation of this section may be subject to discipline or dismissal pursuant to §18A-2-8 of this code.

(g) The West Virginia Board of Education, in consultation with the Higher Education Policy Commission, shall promulgate rules pursuant to §29A-3B-1 et seq. of this code to implement this section.

(h) The Attorney General may bring an action to enforce compliance with this section.

(i) If a provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the section that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Senate Bill 199

Relating to elementary behavior intervention and safety

Effective Date: Passed April 3, 2025; Effective July 2, 2025

Code Reference: W. Va. Code §18A-5-1 (AMENDED)

WVDE Contact: PK-Adult Instruction & Career Engagement
District & School Accountability
Federal Programs & Support

Bill Summary: This Act amends the law pertaining to the authority of teachers and school personnel in managing student behavior. Specifically, the Act includes structured protocols for excluding students who exhibit violent, threatening, or disruptive behavior, particularly in elementary and pre-K settings. Functional behavioral assessments and the development of behavioral plans for excluded students, with a focus on evidence-based interventions, are required. The Act also mandates county boards of education to establish or partner with behavioral health agencies and alternative learning centers to provide support and transition plans for students. Additionally, school personnel training in alternatives to discipline by school social workers, behavior specialists, board-certified behavior analysts, school psychologists, and other qualified employees with expertise in the behavioral area is encouraged. Finally, the Act requires the WVBE to adopt a disciplinary policy that includes approving waivers based on demonstrated progress if a county or school has a behavioral interventionist.

Enrolled Bill: **ENROLLED Committee Substitute for Senate Bill 199**
By Senators Grady, Thorne, and Willis

AN ACT to amend and reenact §18A-5-1 of the Code of West Virginia, 1931, as amended, relating to addressing student behavior issues; modifying provisions pertaining to student disorderly conduct, interference with an orderly educational process, obstruction of the teaching or learning process of others, threat, abuse, intimidation, attempted intimidation, willful disobedience of a school employee, or abusive or profane language directed at a school employee; adding partnering with a licensed behavioral health agency as any option for county boards to use to correct student behaviors; requiring students in alternative learning centers, in alternative placements, or with a licensed behavioral health agency to meet regularly with a school social worker, behavior specialist, board certified behavior analyst, school psychologist, or other qualified employee with expertise in the behavioral area to address certain behavioral and

mental health concerns and to assist in developing a transition plan back to the classroom and with that transition; clarifying that nothing herein may be construed to conflict with certain federal laws; requiring that county board discipline action policies provide that school social workers, behavior specialists, board certified behavior analysts, school psychologists, and other qualified employees with expertise in the behavioral area provide the training of school personnel in alternatives to discipline practices; defining terms; specifying protocol for when a grade kindergarten through six teacher, or a pre-K teacher at a publicly funded pre-K facility, in an elementary setting determines that the behavior of the student is violent, threatening, or intimidating toward staff or peers, or creates an unsafe learning environment or impedes on the other students' ability to learn in a safe environment; specifying protocol for when a county board does not have access to a behavioral intervention program; requiring State Board of Education rule which adopts a statewide disciplinary policy; and allowing school counselors, school social workers, or school psychologists to provide behavioral support.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. AUTHORITY; RIGHTS; RESPONSIBILITY.

§18A-5-1. Authority of teachers and other school personnel; exclusion of students having infectious diseases; suspension or expulsion of disorderly students; corporal punishment abolished.

(a) The teacher shall stand in the place of the parent(s), guardian(s), or custodian(s) in exercising authority over the school and has control of all students enrolled in the school from the time they reach the school until they have returned to their respective homes, except where transportation of students is provided, the driver in charge of the school bus or other mode of transportation shall exercise such authority and control over the students while they are in transit to and from the school.

(b) Subject to the rules of the state ~~Board of Education~~ board, the teacher shall exclude from the school any student known to have, or who is suspected of having, any infectious disease, or any student who has been exposed to any infectious disease and shall immediately notify the proper health officer or medical inspector of the exclusion. Any student so excluded may not be readmitted to the school until he or she has complied with all the requirements of the rules governing those cases or has presented a certificate of health signed by the medical inspector or other proper health officer.

(c) This subsection is subject to the requirements of subsections (j) through (p) of this section. The teacher may exclude from his or her classroom or school bus any student who is guilty of disorderly conduct; who in any manner interferes with an orderly educational process; who behaves in a manner that obstructs the teaching or learning process of others in the classroom; who threatens, abuses, or otherwise intimidates or attempts to intimidate a school employee or a student; who willfully disobeys a school employee; or who uses abusive or profane language directed at a school employee. Any student excluded shall be placed under the control of the principal of the school or a designee. The excluded student may be admitted to the classroom or school bus only after a school counselor, school social worker, school psychologist, or behavior interventionist develops a behavioral plan for re-entry to the classroom for the student and when the principal, or a designee, provides written certification to the teacher that the student may be readmitted and specifies the specific type of disciplinary action, if any, that was taken. If the principal finds that disciplinary action is warranted, he or she shall provide written and, if possible, telephonic notice of the action to the parent(s), guardian(s), or custodian(s). When a student is excluded from a classroom or a school bus two times in one semester, and after exhausting all reasonable methods of classroom discipline provided in the school discipline plan, the student may be readmitted to the classroom or the school bus only after the principal, teacher, school counselor, or school social worker, and, if possible, the parent(s), guardian(s), or custodian(s) of the student have held a conference to discuss the student's disruptive behavior patterns, a school social worker, behavior specialist, board certified behavior analyst, school psychologist, or other qualified employee with expertise in the behavioral area establishes and implements a behavioral plan, and the teacher and the principal agree on a course of discipline for the student and inform the parent(s), guardian(s), or custodian(s) of the course of action. Thereafter, if the student's disruptive behavior persists, upon the teacher's request, the principal may, to the extent feasible, transfer the student to another setting. The Legislature finds that isolating students or placing them in alternative learning centers or licensed behavioral health agencies may be the best setting for chronically disruptive students. The county board shall create more alternative learning centers, ~~or~~ expand its capacity for alternative placements, or partner with a licensed behavioral health agency, subject to funding, to correct these students' behaviors so they can return to a regular classroom without engaging in further disruptive behavior. Students in alternative learning centers, in alternative placements, or with a licensed behavioral health agency shall meet regularly with a school social worker, behavior specialist,

board certified behavior analyst, school psychologist, or other qualified employee with expertise in the behavioral area to address the behavioral and mental health concerns associated with the referral to the alternative learning center and to assist in developing a transition plan back to the classroom and assist with that transition.

~~(d) When a grade six through 12 teacher, excluding an elementary school teacher, determines that the behavior of the student is disorderly conduct, is interfering with an orderly educational process, or obstructs the teaching or learning process of others in the classroom:~~

~~(1) The student may be excluded from that teacher's classroom and if excluded may not re-enter that teacher's classroom for at least the remainder of the instructional day;~~

~~(2) If the student is excluded pursuant to subdivision (1) of this subsection;~~

~~(A) The principal shall communicate with the teacher within 24 hours of the student being excluded from the teacher's classroom about the exclusion;~~

~~(B) The teacher has 24 hours to create an electronic record and place the report of this action into the West Virginia Education Information System (WVEIS), without any repercussion to the teacher; and~~

~~(C) If the student is removed from a classroom a total of three times in one month for one or more of the behaviors set forth in this subsection, the student shall receive as determined by the principal an in-school suspension, an out-of-school suspension, or may be considered for placement in an alternative learning center if one is available within the school district~~

(d) Notwithstanding anything in this section to the contrary, nothing herein may be construed to conflict with or be applied to conflict with the provisions of the Individuals with Disabilities Education Act, 20 U.S.C. §1400, et seq. or Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794.

(e) The Legislature finds that suspension from school is not appropriate solely for a student's failure to attend class. Therefore, a student may not be suspended from school solely for not attending class. Other methods of discipline may be used for the student which may include, but are not limited to, detention, extra class time, or alternative class settings.

(f) Corporal punishment of any student by a school employee is prohibited.

(g) Each county board is solely responsible for the administration of proper discipline in the public schools of the county and shall adopt policies consistent with the provisions of this section to govern disciplinary actions. These policies shall encourage the use of alternatives to discipline practices, provide for the training of school personnel by school

social workers, behavior specialists, board certified behavior analysts, school psychologists, and other qualified employees with expertise in the behavioral area in alternatives to discipline practices, and provide for encouraging the involvement of parent(s), guardian(s), or custodian(s) in the maintenance of school discipline. To promote a teaching and learning environment free from substantial classroom disturbances, each county board shall ensure that each school implements a tier system policy, with teacher input, to provide a framework for student behaviors and punishments. The policy shall be clear and concise with specific guidelines and examples. The principal shall support the teacher in the discipline of the students if proper cause and documentation is provided following the schoolwide discipline policy. The teacher may not be reprimanded if their actions are legal and within the structure of the county board's policy for student behavior and punishment. The county board policies shall also include an appeal procedure whereby a teacher may appeal to the county superintendent if a school principal refuses to allow the exclusion of a student from the classroom or if a teacher believes the school principal has prematurely ended the exclusion of a student from the classroom. The county boards shall provide for the immediate incorporation and implementation in schools of a preventive discipline program which may include the responsible student program and a student involvement program, which may include the peer mediation program, devised by the ~~West Virginia Board of Education~~ state board. Each county board may modify those programs to meet the particular needs of the county. The county boards shall provide in-service training for teachers and principals relating to assertive discipline procedures and conflict resolution. The county boards also may establish cooperatives with private entities to provide middle educational programs or behavior intervention programs, which may include programs focusing on developing individual coping skills, conflict resolution, anger control, self-esteem issues, stress management and decision making for students, and any other program related to preventive discipline.

(h) For the purpose of this section:

"Principal" means the principal, assistant principal, vice principal, or the administrative head of the school, or a professional personnel designee of the principal or the administrative head of the school.

"School counselor" has the same meaning as provided for in §18-5-18b.

"School social worker" has the same meaning as "social worker" as provided for in §18-1-1.

"School psychologist" has the same meaning as "licensed school psychologist" as provided for in §30-21-2.

(1) "Student" includes any child, youth, or adult who is enrolled in any instructional program or activity conducted under board authorization and within the facilities of, or in connection with, any program under public school direction: *Provided*, That, in the case of adults, the student-teacher relationship shall terminate when the student leaves the school or other place of instruction or activity;

(2) "Teacher" means all professional educators as defined in §18A-1-1 of this code and includes the driver of a school bus or other mode of transportation.

~~(3) "Principal" means the principal, assistant principal, vice principal, or the administrative head of the school, or a professional personnel designee of the principal or the administrative head of the school.~~

(i) Teachers shall exercise other authority and perform other duties prescribed for them by law or by the rules of the state board not inconsistent with the provisions of this chapter and Chapter 18 of this code.

(j) When a grade kindergarten through six teacher in an elementary setting, or pre-K teacher at a publicly funded pre-K facility determines that the behavior of the student is violent, threatening, or intimidating toward staff or peers, or creates an unsafe learning environment or impedes on other students' ability to learn in a safe environment, the student shall be referred to the school counselor, school social worker, school psychologist, or behavior interventionist who shall conduct a functional behavioral assessment to assess underlying causes of the student's behavior. The school counselor, school social worker, school psychologist, or behavior interventionist shall prioritize and use evidence-based interventions and supports to establish a behavioral plan for the student. The behavioral plan shall be followed for a period of two weeks. After that, a re-evaluation of the student's behavior shall be conducted and if adequate progress is being made, the behavioral plan shall continue. If the evaluation does not show adequate progress, the principal, teacher, and school counselor, school social worker, school psychologist, or behavior interventionist shall determine whether the plan needs to be changed. If the plan is amended and, after another period of two weeks, the student still has not shown adequate progress then the student shall be placed in a behavioral intervention program or with a licensed behavioral health agency the county has established, has partnered with another county board to establish, or has gained access to for its students through an agreement with another county board for the

purpose of addressing such behaviors.

(k) "Violent, threatening, or intimidating" behavior by the student is defined as a behavior that seriously and materially interferes with a teacher's ability to communicate effectively with the students in a class, with the ability of the student's classmates to learn, or with the operation of school or a school-sponsored activity. Violent, threatening, or intimidating behaviors are further defined as those actions causing or intending to cause physical harm to the teacher, principal, school service personnel, or the students in the classroom setting.

(l) If the county board has not established, partnered with another county board to establish, or gained access through an agreement with another county board to a behavioral intervention program:

(1) The student shall be removed from the classroom immediately after the incident and removed from the presence of other students for the remainder of the school day;

(2) The parents shall be notified and shall pick the student up from school preferably immediately, but by the end of the day at the latest, upon which the student shall be considered suspended from school;

(3) If a student has to ride the bus home, that student shall ride the bus under the supervision of a principal, vice principal, or an individual designated by the principal to ensure the safety of the student, the bus driver, and other students on the bus;

(4) The student shall continue to be suspended for the next one to three school days while alternative learning accommodations are made;

(5) The student may be evaluated under Child Find and may be referred for a functional behavior analysis pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §1400, et seq.: Provided, That the student shall be referred to the student assistance team (SAT), 504 team, or IEP team at that school – whichever is most appropriate for that student – for an immediate intervention, or manifestation if the student has an IEP;

(6) The student shall receive his or her education through the alternative learning accommodations and may not return to school until a risk assessment is done;

(7) After the risk assessment, the student's return to school shall be on a provisional basis for a period of five to 10 days. If another incident as described in this subsection occurs within that time frame, or repeated instances occur following the time frame, the student shall be subject to the provisions of §18A-5-1a for purposes of expulsion: Provided, That the expulsion shall not continue through two continuous semesters: Provided further, That the

teacher may come to the expulsion hearing in instances where a student shows violent, threatening, or intimidating behavior;

(8) If the virtual school option is the agreed upon method of alternative education, then the student can begin the program at such time the decision is made; and

(9) Whether a student's behavior falls under the requirements of this subsection and whether the student is to be placed in an alternative learning environment for the remainder of the semester or school year pursuant to subdivision (6) of this subsection shall be at the discretion of the student's classroom teacher and principal or vice principal. If the principal or vice principal disagree with the actions of the teacher, the principal or vice principal may provide written documentation on their disagreement, the teacher may provide written documentation on their disagreement, and both the principal/vice principal or the teacher may appeal to the county superintendent.

(m) When a grade six through 12 teacher, excluding an elementary school teacher, determines that the behavior of the student is disorderly conduct, is interfering with an orderly educational process, or obstructs the teaching or learning process of others in the classroom:

(1) The student may be excluded from that teacher's classroom and, if excluded, may not re-enter that teacher's classroom for at least the remainder of the instructional day; and

(2) If the student is excluded pursuant to subdivision (1) of this subsection:

(A) The principal shall communicate with the teacher within 24 hours of the student being excluded from the teacher's classroom about the exclusion;

(B) The teacher has 24 hours to create an electronic record and place the report of this action into the West Virginia Education Information System without any repercussion to the teacher; and

(C) If the student is removed from a classroom a total of three times in one month for one or more of the behaviors set forth in this subsection, the student shall receive, as determined by the principal, an in-school suspension, an out-of-school suspension, or may be considered for placement in an alternative learning center or with a licensed behavioral health agency if one is available within the school district.

(n) For purposes of subsection (m) of this section, "disorderly or obstructive" behavior by the student is defined as a behavior that seriously and materially interferes with a teacher's ability to communicate effectively with the students in a class, with the ability of the student's classmates to learn, or with the operation of school or a school-sponsored activity.

(o) The State Board of Education shall promulgate a rule pursuant to §29A-3B-1 et seq.

which adopts a statewide disciplinary policy: *Provided*, That if a county or school in this state has a behavioral interventionist, they may apply for a waiver from the statewide disciplinary policy upon a showing of continued positive educational progress from the existing county or school disciplinary policy currently in effect. "Positive educational progress" is defined as data that demonstrates a decrease in violent, threatening, intimidating, disorderly, and obstructive behavior. Such positive educational progress shall also demonstrate that students are maintaining the necessary educational benchmarks otherwise provided for in this code.

(p) For purposes of this section, school counselors, school social workers, school psychologists, or behavior interventionists may provide behavioral support to ensure the effectiveness of this section.

Senate Bill 275**Removing requirement school cooks or custodians have high school diploma or equivalent**

Effective Date: Passed April 12, 2025; Effective April 12, 2025

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

WVDE Contact: School Operations
PK-Adult Instruction & Career Engagement

Bill Summary: This Act removes the requirement that cooks and custodians employed as school service personnel are required to have a high school diploma or equivalent.

Enrolled Bill: **ENROLLED Committee Substitute for Senate Bill 275**
By Senators Oliverio, Thorne, Rose, and Deeds

AN ACT to amend and reenact §18A-2-5 of the Code of West Virginia, 1931, as amended, relating to removing the requirement for cooks and custodians to have a high school diploma or equivalent as a condition of employment by a county board of education.

ARTICLE 2. SCHOOL PERSONNEL.**§18A-2-5. Employment of service personnel; limitation.**

The board may employ such service personnel, including substitutes, as is deemed necessary for meeting the needs of the county school system: *Provided*, That the board may not employ a number of such personnel whose minimum monthly salary under §18A-4-8a of this code is specified as pay grade "H", which number exceeds the number employed by the board on March 1, 1988.

Effective July 1, 1988, a county board shall not employ for the first time any person who has not obtained a high school diploma or general educational development certificate (GED) or who is not enrolled in an approved adult education course by the date of employment in preparation for obtaining a GED: *Provided*, That such employment is contingent upon continued enrollment or successful completion of the GED program: *Provided, further however*, That this paragraph shall not apply to school bus drivers and who are 21 years of age or older: *Provided further, That this paragraph shall not apply to cooks or custodians.*

Before entering upon their duties service personnel shall execute with the board a written contract which shall be in the following form:

"COUNTY BOARD OF EDUCATION

SERVICE PERSONNEL CONTRACT OF EMPLOYMENT

THIS (Probationary or Continuing) CONTRACT OF EMPLOYMENT, made and entered into this _____ day of _____, 19 20 _____, by and between THE BOARD OF EDUCATION OF THE COUNTY OF _____, a corporation, hereinafter called the 'Board,' and (Name and Social Security Number of Employee), of (Mailing Address), hereinafter called the 'Employee.'

WITNESSETH, that whereas, at a lawful meeting of the Board of Education of the County of _____ held at the offices of said Board, in the City of _____, _____ County, West Virginia, on the _____ day of _____, 19 20____, the Employee was duly hired and appointed for employment as a (Job Classification) at (Place of Assignment) for the school year commencing _____ for the employment term and at the salary and upon the terms hereinafter set out.

NOW, THEREFORE, pursuant to said employment, Board and Employee mutually agree as follows:

(1) The Employee is employed by the Board as a (Job Classification) at (Place of Assignment) for the school year or remaining part thereof commencing _____, 19 20____. The period of employment is _____ days at an annual salary of \$_____ at the rate of \$_____ per month.

(2) The Board hereby certifies that the Employee's employment has been duly approved by the Board and will be a matter of the Board's minute records.

(3) The services to be performed by the Employee shall be such services as are prescribed for the job classification set out above in paragraph (1) and as defined in §18A-4-8 of this code.

(4) The Employee may be dismissed at any time for immorality, incompetency, cruelty, insubordination, intemperance or willful neglect of duty pursuant to §18A-2-8 of this code.

(5) The Superintendent of the _____ County Board of Education, subject to the approval of the Board, may transfer and assign the Employee in the manner provided by §18A-7-2 of this code.

(6) This contract shall at all times be subject to any and all existing laws, or such laws as may hereafter be lawfully enacted, and such laws shall be a part of this contract.

(7) This contract may be terminated or modified at any time by the mutual consent of the Board and the Employee.

(8) This contract shall be automatically terminated if the Employee is convicted under §61-8D-3 or §61-8D-5 of this code or comparable statute in any other state, of any criminal

offense that requires the Employee to register as a sex offender, or of any criminal offense which has as an element delivery or distribution of a controlled substance: *Provided*, That if the conviction resulting in automatic revocation pursuant to this section is overturned by any Court of this state or the United States, the Employee's contract shall be reinstated unless otherwise prohibited by law.

(9) This contract shall be signed and returned to the Board at its address of _____ within 30 days after being received by the Employee.

(10) By signing this contract the Employee accepts employment upon the terms herein set out.

WITNESS the following signatures as of the day, month and year first above written:

_____, (President, _____ County Board of Education) _____,
(Secretary, _____ County Board of Education) _____, (Employee)"

The use of this form may not be interpreted to authorize boards to discontinue any employee's contract status with the board or rescind any rights, privileges, or benefits held under contract or otherwise by any employee prior to the effective date of this section.

Each contract of employment shall be designated as a probationary or continuing contract. The employment of service personnel shall be made a matter of minute record. The employee shall return the contract of employment to the county board of education within 30 days after receipt or otherwise he or she shall forfeit his or her right to employment.

Under such regulation and policy as may be established by the county board, service personnel selected and trained for teacher-aide classifications, such as monitor aide, clerical aide, classroom aide, and general aide, shall work under the direction of the principal and teachers to whom assigned.

Senate Bill 280

Displaying official US motto in public schools

Effective Date: Passed April 12, 2025; Effective 90 days from passage

Code Reference: W. Va. Code §18-9H-1 (NEW)

WVDE Contact: Legal Services
School Facilities

Bill Summary: This Act require a public elementary or secondary school to display in a conspicuous location of a common area in the main school building, a durable poster or framed copy of the United States motto, "In God We Trust" that is a minimum of 8.5 x 11 inches and contains the United States flag centered under the national motto. The Act prohibits the poster or framed copy from depicting any other words, images or information. Public schools are prohibited from expending public money to comply with this requirement, but may accept and use private donations.

Enrolled Bill: **ENROLLED Senate Bill 280**
By Senators Azinger, Taylor, Thorne, Rose, Hart, Bartlett, Deeds, and Martin

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §18-9H-1; and to amend the code by adding a new article, designated §18B-14-12, relating to requiring public elementary and secondary schools and state institutions of higher education to display in a conspicuous location within a common area of the main building or similar location in another building a durable poster or framed copy of the United States motto, "In God We Trust"; imposing requirements for the durable poster or framed copy; making the requirements subject to donation; and applying requirement to public charter schools.

Be it enacted by the Legislature of West Virginia:

CHAPTER 18. EDUCATION.

ARTICLE 9H. DISPLAY OF NATIONAL MOTTO.

§18-9H-1. Display of the National Motto in public schools.

(a) A public elementary or secondary school shall display in a conspicuous location within a common area of the main building of the school that is accessible to the public, and may also display in a similar location in common areas of in other buildings of the school, a durable poster or framed copy of the United States national motto, "In God We Trust": *Provided*, That the poster or framed copy of the national motto described in this section

is a minimum of 8.5 by 11 inches, and shall contain a representation of the United States flag centered under the national motto and may not depict any other words, images, or other information.

(b) A public elementary or secondary school may accept and use private donations for the purposes of meeting the provisions of subsection (a) of this section. No public funds may be used for this purpose.

(c) Notwithstanding any other provision of code to the contrary, this section applies to public charter schools authorized pursuant to §18-5G-1 et seq.

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 14. MISCELLANEOUS.

§18B-14-12. Display of the National Motto in institutions of higher education.

(a) A state institution of higher education, as defined by §18B-1-2 of this code, shall display in a conspicuous location within a common area of the main building of the institution of higher education that is accessible to the public, and may also display in a similar location in common areas of other buildings of the institution of higher education, a durable poster or framed copy of the United States national motto, "In God We Trust": *Provided*, That the poster or framed copy of the national motto described in this section is a minimum of 8.5 by 11 inches, and shall contain a representation of the United States flag centered under the national motto and may not depict any other words, images, or other information.

(b) An institution of higher education may accept and use private donations for the purposes of meeting the provisions of subsection (a) of this section. No public funds may be used for this purpose.

Senate Bill 282

Modifying provisions for employment of retired teachers as substitutes in areas of critical need and shortage

Effective Date: Passed April 4, 2025; Effective April 4, 2025

Code Reference: W. Va. Code §18A-2-3 (AMENDED)
§18A-4-15a (AMENDED)

WVDE Contact: Legal Services
Certification
Transportation

Bill Summary: This Act amends the current statutes relating to the employment of retired substitute teachers and bus operators in area of critical need and shortage. Specifically, the Act changes the requirement that the position be continually posted to a requirement that the position only be posted at the beginning of the year and mid-year.

The Act also includes exceptions to the job posting requirement as follows:

- 1) When filling a teaching or bus operator position for a teacher or bus operator on a leave of absence; or,
- 2) When a position is filled with a regularly employed teacher or bus operator who is fully certified or permitted for the position but is not available at the time he or she accepts the position.

The Act also extended the sunset provisions to June 30, 2030.

Comment: **Senate Bill No. 712** includes the following definition applicable to both the Teachers' Retirement System and the Teachers' Defined Contribution Retirement System; therefore, retirees employed as substitutes in areas of critical need must be separated from service for a minimum of 60 days.

Bona fide separation from service upon retirement means that a retirant has completely terminated any employment relationship with the employer or any participating employer in the system for a period of at least 60 consecutive days from the effective date of retirement and without a prearranged agreement to return to employment with a participating public employer. For purposes of this definition, an employment relationship includes employment in any capacity, whether on a permanent full-time, permanent part-time, temporary full-time, temporary part-time, per diem or leased employee basis.

Enrolled Bill: **ENROLLED Committee Substitute for Senate Bill 282**
By Senator Grady

AN ACT to amend and reenact §18A-2-3 and §18A-4-15a of the Code of West Virginia, 1931, as amended, relating to statutory provisions that pertain to allowing a person receiving retirement benefits under the Teachers Retirement System to accept employment as a critical needs substitute teacher or bus operator for an unlimited number of days each fiscal year if certain conditions are satisfied; creating exceptions to posting related requirements applicable when a retired teacher is employed as a critical needs substitute; changing the statutory expiration date; creating exceptions to posting related requirements applicable when a retired bus operator is employed as a critical needs substitute; and changing the statutory expiration date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. SCHOOL PERSONNEL.

§18A-2-3. Employment of substitute teachers; and employment of retired teachers as substitutes in areas of critical need and shortage.

(a) The county superintendent, subject to approval of the county board, may employ and assign substitute teachers to any of the following duties:

(1) Fill the temporary absence of any teacher or an unexpired school term made vacant by resignation, death, suspension, or dismissal;

(2) Fill a teaching position of a regular teacher on leave of absence; and

(3) Perform the instructional services of any teacher who is authorized by law to be absent from class without loss of pay, providing the absence is approved by the board of education in accordance with the law.

The substitute shall be a duly certified teacher.

(b) Notwithstanding any other provision of this code to the contrary, a substitute teacher who has been assigned as a classroom teacher in the same classroom continuously for more than one half of a grading period and whose assignment remains in effect two weeks prior to the end of the grading period, shall remain in the assignment until the grading period has ended, unless the principal of the school certifies that the regularly employed teacher has communicated with and assisted the substitute with the preparation of lesson plans and monitoring student progress or has been approved to return to work by his or her physician. For the purposes of this section, teacher and substitute teacher, in the singular or plural, mean professional educator as defined in §18A-1-1 of this code.

(c) Persons who are hired as long-term substitute teachers shall be provided information by the county board relating to an IEP plan and 504 plan, detailing their uses and

what those long-term substitute teachers should do to implement these plans upon their hiring.

(d) (1) The Legislature hereby finds and declares that due to a shortage of qualified substitute teachers, a compelling state interest exists in expanding the use of retired teachers to provide service as substitute teachers in areas of critical need and shortage. The Legislature further finds that diverse circumstances exist among the counties for the expanded use of retired teachers as substitutes.

(2) For the purposes of this subsection:

(A) "Area of critical need and shortage for substitute teachers" means an area of certification and training in which the number of available substitute teachers in the county who hold certification and training in that area and who are not retired is insufficient to meet the projected need for substitute teachers; and

(B) "Teacher or substitute teacher" includes speech pathologists, school nurses, and school counselors.

(3) A person receiving retirement benefits under §18-7A-1 *et seq.* of this code or who is entitled to retirement benefits during the fiscal year in which that person retired may accept employment as a critical needs substitute teacher for an unlimited number of days each fiscal year without affecting the monthly retirement benefit to which the retirant is otherwise entitled if the following conditions are satisfied:

(A) The county board adopts a policy recommended by the superintendent to address areas of critical need and shortage for substitute teachers;

(B) The policy sets forth the areas of critical need and shortage for substitute teachers in the county in accordance with the definition of area of critical need and shortage for substitute teachers set forth in subdivision (2) of this subsection;

(C) The policy provides for the employment of retired teachers as critical needs substitute teachers during the school year on an expanded basis in areas of critical need and shortage for substitute teachers as provided in this subsection;

(D) The policy provides that a retired teacher may be employed as a substitute teacher in an area of critical need and shortage for substitute teachers on an expanded basis as provided in this subsection only when no other teacher who holds certification and training in the area and who is not retired is available and accepts the substitute assignment;

(E) The policy is effective for one school year only and is subject to annual renewal by the county board;

(F) The state board approves the policy and the use of retired teachers as substitute teachers on an expanded basis in areas of critical need and shortage for substitute teachers as provided in this subsection; and

(G) Prior to employment of a retired teacher as a critical needs substitute teacher beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board, the superintendent of the affected county submits to the state board in a form approved by the Consolidated Public Retirement Board and the state board, an affidavit signed by the superintendent stating the name of the county, the fact that the county has adopted a policy to employ retired teachers as substitutes to address areas of critical need and shortage, the name or names of the person or persons to be employed as a critical needs substitute pursuant to the policy, the critical need and shortage area position filled by each person, the date that the person gave notice to the county board of the person's intent to retire, and the effective date of the person's retirement. Upon verification of compliance with this section and the eligibility of the critical needs substitute teacher for employment beyond the post-retirement limit, the state board shall submit the affidavit to the Consolidated Public Retirement Board.

(4) Any person who retires and begins work as a critical needs substitute teacher within the same fiscal year in which that person retired shall lose those retirement benefits attributed to the annuity reserve, effective from the first day of employment as a retiree critical needs substitute teacher in that fiscal year and ending with the month following the date the retiree ceases to perform service as a critical needs substitute teacher.

(5) Retired teachers employed to perform expanded substitute service pursuant to this subsection are considered day-to-day, temporary, part-time employees. The substitutes are not eligible for additional pension or other benefits paid to regularly employed employees and may not accrue seniority.

(6) A retired teacher is eligible to be employed as a critical needs substitute teacher to fill a vacant position without any loss of retirement benefits attributed to the annuity reserve only if the retired teacher's retirement became effective before the first day of July preceding at least the fiscal year during which he or she is employed as a critical needs substitute teacher.

(7) When a retired teacher is employed as a critical needs substitute to fill a vacant position, the county board shall continue to post the vacant position until it is filled with a regularly employed teacher who is fully certified or permitted for the position: Provided, That:

(A) The posting is only required to occur once at the beginning of the year and once mid-year;

(B) This subdivision does not apply when filling a teaching position of a regular teacher on leave of absence; and

(C) This subdivision does not apply when a position is filled with a regularly employed teacher who is fully certified or permitted for the position but the teacher is not available at the time he or she accepts the position.

(8) When a retired teacher is employed as a critical needs substitute to fill a vacant position, the position vacancy shall be posted electronically and easily accessible to prospective employees as determined by the state board: Provided, That:

(A) The posting is only required to occur once at the beginning of the year and once mid-year;

(B) This subdivision does not apply when filling a teaching position of a regular teacher on leave of absence; and

(C) This subdivision does not apply when a position is filled with a regularly employed teacher who is fully certified or permitted for the position but the teacher is not available at the time he or she accepts the position.

(9) Until this subsection is expired pursuant to subdivision (10) of this subsection, the state board shall report to the Joint Committee on Government and Finance, prior to February 1 of each year, information indicating the effectiveness of the provisions of this subsection on reducing the critical need and shortage of substitute teachers including, but not limited to, the number of retired teachers, by critical need and shortage area position filled and by county, employed beyond the post-retirement employment limit established by the Consolidated Public Retirement Board, the date that each person gave notice to the county board of the person's intent to retire, and the effective date of the person's retirement. A copy of the report shall also be provided to the Legislative Oversight Commission on Education Accountability.

(10) The provisions of this subsection shall expire on ~~June 30, 2025~~ June 30, 2030.

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.

§18A-4-15a. Employment of retired bus operators as substitutes in areas of critical need and shortage.

(a) The Legislature hereby finds and declares that due to a shortage of qualified substitute bus operators a compelling state interest exists in expanding the use of retired bus

operators to provide service as substitute bus operators in an area of critical need and shortage.

(b) The Legislature further finds and declares that this shortage is significant and overarching, and in order to comply with §18-5-13(f)(1) of this code, this need supersedes any preclusion of modification of rights codified in §18-7A-28e of this code.

(1) For the purposes of this subsection: “Area of critical need and shortage for substitute bus operators” means that the number of available qualified substitute bus operators in the county who are not retired and are available and willing to accept substitute bus operator assignments is insufficient to meet the projected need for qualified substitute bus operators.

(2) A person receiving retirement benefits under §18-7A-1 *et seq.* of this code, or who is entitled to retirement benefits during the fiscal year in which that person retired, may accept employment as a critical need substitute bus operator for an unlimited number of days each fiscal year without affecting the monthly retirement benefit to which the retirant is otherwise entitled, subject to satisfaction of the following conditions:

(A) The county board adopts a policy recommended by the superintendent to address a critical need and shortage for substitute bus operators;

(B) The superintendent of the county board submits the policy to the State Board of Education for approval in the first year of its utilization. After initial approval by the State Board of Education, the county board must annually renew the policy at the local level and provide confirmation to the State Board of Education of its intent to utilize the policy in the subsequent year;

(C) The policy sets forth the critical need and shortage for substitute bus operators in the county in accordance with the definition of area of critical need and shortage for substitute bus operators as provided in subdivision (1) of this subsection;

(D) The policy provides for the employment of retired bus operators as critical need substitute bus operators during the school year on an expanded basis in areas of critical need and shortage for substitute bus operators as provided in this subsection;

(E) The policy provides that a retired bus operator may be employed as a substitute bus operator in an area of critical need and shortage for substitute bus operators on an expanded basis as provided in this subsection only when no other qualified bus operator who is not retired is available and accepts the substitute assignment; and

(F) Prior to employment of a retired bus operator as a critical need substitute bus operator beyond the post-retirement employment limitations established by the Consolidated

Public Retirement Board, the superintendent of the affected county submits to the state board in a form approved by the Consolidated Public Retirement Board and the state board, an affidavit signed by the superintendent stating the name of the county, the fact that the county has adopted a policy to employ retired bus operators as substitutes to address its critical need and shortage, the name or names of the person or persons to be employed as a critical need substitute pursuant to the policy, the date that the person gave notice to the county board of the person's intent to retire, and the effective date of the person's retirement. Upon verification of compliance with this section and the eligibility of the critical need substitute bus operator for employment beyond the post-retirement limit, the state board shall submit the affidavit to the Consolidated Public Retirement Board.

(3) Any person who retires and begins work as a critical need substitute bus operator within the same fiscal year in which that person retired shall lose those retirement benefits attributed to the annuity reserve, effective from the first day of employment as a retiree critical need substitute bus operator in that fiscal year and ending with the month following the date the retiree ceases to perform service as a critical need substitute bus operator.

(4) Retired bus operators employed to perform expanded substitute service pursuant to this subsection are considered day-to-day, temporary, part-time employees. The substitutes are not eligible for additional pension or other benefits paid to regularly employed employees and may not accrue seniority.

(5) A retired bus operator is eligible to be employed as a critical need substitute bus operator to fill a vacant position without any loss of retirement benefits attributed to the annuity reserve only if the retired bus operator's retirement became effective before the first day of July preceding at least the fiscal year during which he or she is employed as a critical need substitute bus operator.

(6) When a retired bus operator is employed as a critical need substitute to fill a vacant position, the county board shall continue to post the vacant position until it is filled with a regularly employed bus operator who is fully qualified for the position-: Provided, That:

(A) The posting is only required to occur once at the beginning of the year and once mid-year;

(B) This subdivision does not apply when filling a bus operator position of a regular bus operator on leave of absence; and

(C) This subdivision does not apply when a position is filled with a certified bus operator but the bus operator is not available at the time the bus operator accepts the position.

(7) When a retired bus operator is employed as a critical need substitute to fill a vacant position, the position vacancy shall be posted electronically and easily accessible to prospective employees as determined by the state board-: Provided, That:

(A) The posting is only required to occur once at the beginning of the year and once mid-year;

(B) This subdivision does not apply when filling a bus operator position of a regular bus operator on leave of absence; and

(C) This subdivision does not apply when a position is filled with a certified bus operator but the bus operator is not available at the time the bus operator accepts the position.

(8) The provisions of this subsection shall expire on ~~June 30, 2028~~ June 30, 2030.

Senate Bill 283 Expanding grade levels of personal finance course requirements needed for graduation

Effective Date: Passed March 26 2025; Effective June 24, 2025

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

WVDE Contact: PK-Adult Instruction & Career Engagement

Bill Summary: This Act expands the grade levels that students may take the personal finance course required for high school graduation to include students in 8th, 9th, and 10th grades. Additionally, the Act applies retroactively so that students who have already successfully completed the course in 8th, 9th, or 10th grade can count the course to satisfy the graduation requirement.

Enrolled Bill: **ENROLLED Committee Substitute for Senate Bill 283**
By Senator Grady

AN ACT to amend and reenact §18-2-7c of the Code of West Virginia, 1931, as amended, relating to expanding the grade levels that the course of study in personal finance can be completed in for the purpose of counting toward satisfying the personal finance course requirement for high school graduation; and providing that the expansion of the grade levels applies retroactively.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-7c. Program in personal finance.

(a) The Legislature finds and declares that persons with an understanding of personal finance are better prepared to manage their money and that providing a personal finance program in secondary schools in West Virginia will prepare students to handle their finances.

(b) To provide students a basic understanding of personal finance, the state board shall develop a program of instruction on personal finance which may be integrated into the curriculum of an appropriate existing course or courses for students in secondary schools.

(c) Beginning with the class of students entering 9th grade in the 2024-2025 school year and thereafter, each high school student shall complete one-half credit course of study in personal finance during their 8th, 9th, 10th, 11th, or 12th grade year as a requirement for high school graduation. The expansion of the grade levels to the 8th, 9th and 10th grade during the 2025 regular session of the Legislature applies retroactively so that a student who has taken the finance course during the 8th, 9th or 10th grade year prior to the effective date of the expansion satisfies the personal finance course graduation requirement of this subsection.

The State Board of Education shall develop and issue implementation guidance to local school boards and other education agencies as to curriculum, content matter standards, eligible teacher certification(s), and graduation requirements the course may fulfill before July 1, 2024.

(d) Every student shall complete a course in personal finance prior to high school graduation.

Senate Bill 427

Permitting certain teenagers to work without obtaining work permit

Effective Date: Passed April 12, 2025; Effective July 11, 2025

Code Reference: W. Va. Code §21-6-3 (AMENDED)
§21-6-4 (REPEALED)
§21-6-5 (AMENDED)
§21-6-8a (REPEALED)
§21-6-10 (AMENDED)

WVDE Contact: PK-Adult Instruction & Career Engagement
District & School Accountability
Federal Programs

Bill Summary: This Act eliminates the requirement that children 14 or 15 years old receive a work permit issued by the county superintendent before being employed or permitted to work and provides a process for age certifications to be issued by the West Virginia Division of Labor. The Act also establishes criminal penalties for anyone convicted of illegally issuing an age certificate.

Enrolled Bill: **ENROLLED Committee Substitute for Senate Bill 427**
By Senators Phillips and Deeds

AN ACT to amend and reenact §21-6-3, §21-6-5, and §21-6-10 of the Code of West Virginia, 1931, as amended; and to repeal §21-6-4 and §21-6-8a, relating to eliminating requirement that 14- and 15-year-olds obtain a work permit as condition of employment; requiring employers to obtain parental or other consent and age certificate prior to employing 14- or 15-year-olds; authorizing State Commissioner of Labor to issue age certificates for children aged 14 and over; setting requirements for age certificate contents; and providing penalties for a person that illegally issues an age certificate.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. CHILD LABOR.

§21-6-3. Issuance of work permit Parental consent for employment of children under 16.

A child 14 or 15 years of age may be employed or permitted to work in any gainful occupation, except as provided in §21-6-2 of this code, when the person, firm, or corporation by whom the child is employed or permitted to work, obtains and keeps on file and accessible to officers charged with the enforcement of this article, ~~a work permit issued by the Superintendent of Schools of the county in which the child resides, by some person authorized by him or her in writing, or by a person authorized to issue education credentials to that child~~

~~upon completion of the secondary education program pursuant to §18-8-12 of this code. Whenever a work permit has been issued, or wherever an age certificate has been issued under the provisions of §21-6-5 of this code, it shall be conclusive as to the age of the child on whose behalf the work permit or age certificate was issued.~~

~~(b) The Superintendent of Schools, person authorized by him or her in writing, or other person authorized to issue a work permit pursuant to subsection (a) of this section shall issue the work permit only upon review of the following documents:~~

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

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

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

~~(4) A certificate signed by the principal of the school attended showing that the child is attending school: *Provided*, That the requirement for review of this certificate does not apply in the case of a homeschooled student exempt from compulsory school attendance pursuant to §18-8-1(c) of this code; and~~

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

~~(c) No person authorized to issue a work permit pursuant to subsection (a) of this section may require a physical examination to be included in the application for a work permit.~~

~~(d) No person authorized to issue a work permit pursuant to subsection (a) of this section is required to certify that the minor personally appeared before him or her prior to the issuance, modification, or rejection of a work permit.~~

§21-6-4. Contents of work permit; forms; filing; records; revocation.

[Repealed.]

§21-6-5. Age certificate for employers; contents of certificate; forms; records; filing; inquiry as to age; revocation of certificate; supervision by State Superintendent of Schools.

~~(a) A child 14 or 15 years of age may be employed or permitted to work in any gainful occupation, except as provided in §21-6-2 of this code, when the person, firm, or corporation by whom the child is employed or permitted to work, obtains and keeps on file and accessible to officers charged with the enforcement of this article, an age certificate issued by the State Commissioner of Labor or a person authorized by him or her in writing. Upon request of any employer who is desirous of employing a child who represents his or her age to be 16 years or over, the officer or other person charged with the issuance of work permits shall require of the~~

~~child the proof of age specified in §21-6-3 of this code, and, upon review thereof, if it be found that the child is actually 16 years of age or over, commissioner or a person authorized by him or her in writing shall issue to the employer a certificate showing the age and date and place of birth of the child~~ an age certificate in accordance with the provisions of this article.

(b) The commissioner, or a person authorized by him or her in writing to issue an age certificate under this article, shall issue the certificate only upon obtaining proof of age of the child in the form of a birth certificate, or attested transcript thereof, issued by the registrar of vital statistics or other officer charged with the duty of recording births. The age certificate shall set forth the full name and the date and place of birth of the child, with the name and address of his or her parents or parent, or guardian or custodian. It shall certify that the child has submitted for review proof of age, school attendance, prospective employment, brief description of job supplied by the employer, parental or other consent for children under 16 years of age as required by §21-6-3 of this code, and applicable work hours for children under 16 years of age as provided for in §21-6-7 of this code, with such work hours to be printed on the age certificate.

(c) The commissioner shall prepare printed forms for age certificates and make them available by posting on the Division of Labor's website or other method determined pursuant to rule. A record of all age certificates issued shall be kept in the office of the commissioner.

(d) The age certificate, when filed in the office of the employer, must be accepted by an officer charged with the enforcement of this article as evidence of the age of the child in whose name it was issued.

~~(b)~~ (e) Any officer charged with the enforcement of this article may inquire into the true age of a child apparently under the age of 16 years who is employed or permitted to work in any gainful occupation and for whom no work permit or age certificate is on file; and if the age of the child is found to be actually under 16 years, the employment of the child shall be considered a violation of the provisions of this article.

~~(c)~~ (f) The State commissioner of Labor may at any time revoke any age certificate if in his or her judgment it was improperly issued, and for this purpose he or she is authorized to investigate the true age of any child employed as in the case of work permits, to hear evidence, and to require the production of relevant books and documents. If an age certificate is revoked, the issuing officer shall be notified of the action.

~~(d) The issuance of work permits and of age certificates shall be under the supervision of the State Superintendent of Schools.~~

§21-6-8a. Blanket work permits.

[Repealed.]

§21-6-10. Offenses; penalties.

(a) Any person who violates a provision of this article, or any parent, guardian, or custodian of a child; who permits the child to work in violation of the provisions of this article, or any ~~school official or other person who illegally issues a work permit~~ an age certificate, or any person who furnishes false evidence in reference to the age, birthplace, job description, consent, or educational qualifications of a child under this article, shall be guilty of a misdemeanor and, upon conviction thereof, shall for the first offense be fined not less than \$50 nor more than \$200. A person convicted of a second or subsequent offense shall be fined not less than \$200 nor more than \$1,000 or confined in the county or regional jail for not more than six months, or both fined and confined.

(b) ~~For the second or subsequent offense, a person convicted of violating a provision of this article shall be fined not less than \$200 nor more than \$1,000 or confined in the county or regional jail for not more than six months, or both fined and confined.~~

Senate Bill 449**Permitting compressed air and rimfire shooting teams in public schools**

Effective Date: Passed April 11, 2025; Effective July 10, 2025

Code Reference: W. Va. Code **§18-2-46 (NEW)**
 §61-7-11a (AMENDED)

WVDE Contact: District and School Accountability
Transportation

Bill Summary: This Act authorizes the possession of air rifles and rimfire rifles on school grounds, buses, or other venues rented or leased by the WVDE, WVSSAC, a county school board, or local public school to participate in a school-sponsored shooting team event or practice. The air rifles, rimfire rifles, and ammunition are required to be locked in a location where students do not have access during the school day and stored in a locked case in a specific location on school buses.

The Act also excludes air rifles and rimfire rifles from the criminal statute prohibiting the possession of deadly weapons on the premises of educational facilities when they are possessed for the purpose of participating in a school-sponsored shooting team event or practice.

Enrolled Bill: **ENROLLED Committee Substitute for Senate Bill 449**
By Senators Tarr, Grady, Bartlett, Hamilton, Phillips, Woodrum,
Rose, Hart, Taylor, Morris, and Willis

AN ACT to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended; and to amend the code by adding a new section, designated §18-2-46, relating to permitting air rifles and rimfire rifles on school buses solely during transportation to or from a school-sponsored shooting team event, on the grounds of any primary or secondary educational facility of any type for shooting team purposes, and at a school-sponsored shooting team function that is taking place in a specific area that is owned, rented, or leased by West Virginia Department of Education, the West Virginia Secondary School Activities Commission, a county school board, or local public school; requiring that during the school day or at any time other than school-sponsored team events or practices, the air rifles and rimfire rifles and ammunition be locked up in a location where students do not have access; and requiring air rifles and rimfire rifles and

ammunition stored on school buses to be placed in a locked case and located in a specific location that is determined by the state transportation director or the county transportation director.

Be it enacted by the Legislature of West Virginia:

CHAPTER 18. EDUCATION.

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-46. Air rifles and rimfire rifles permitted for school teams.

(a) Legislative intent. — The popularity of air rifle and rimfire rifle teams are expanding in the state and across the country. Current code is unclear as to the legality of these rifles to be permitted on school grounds. For that reason, definitions are needed, and enactment should be carried out to ensure the support and continuation of such clubs.

(b) Definitions. — The following definitions apply to this section:

(1) "Air rifle" or "compressed air rifle" means a rifle, gun, or other firearm that uses compressed air or gas to propel projectiles, such as pellets, rather than relying on the explosive force of gunpowder like traditional firearms.

(2) "Rimfire rifle" means a firearm that uses rimfire ammunition, which is a type of metallic cartridge with a primer in the rim of the casing, wherein the firing pin strikes the rim, igniting the primer and propelling the bullet down the barrel.

(c) Enactment. — Air rifles and rimfire rifles are permitted on school buses solely during transportation to or from a school-sponsored shooting team event; on the grounds of any primary or secondary educational facility of any type for shooting team purposes; and at a school-sponsored shooting team function that is taking place in a specific area that is owned, rented, or leased by the West Virginia Department of Education, the West Virginia Secondary School Activities Commission, a county school board, or local public school: Provided, That during the school day or at any time other than school-sponsored team events or practices, the air rifles and rimfire rifles and ammunition shall be locked in a location where students do not have access: Provided further, That air rifles and rimfire rifles and ammunition stored on school buses shall be placed in a locked case and located in a specific location that is determined by state transportation director or the county transportation director.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 7. DANGEROUS WEAPONS.

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

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

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

(A) On a school bus as defined in §17A-1-1 of this code;

(B) In or on the grounds of any primary or secondary educational facility of any type: *Provided*, That it shall not be unlawful to possess a firearm or other deadly weapon in or on the grounds of any private primary or secondary school, if such institution has adopted a written policy allowing for possession of firearms or other deadly weapons in the facility or on the grounds of the facility; or

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

(2) This subsection does not apply to:

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

(B) Any probation officer appointed pursuant to §62-12-5 of this code or state juvenile probation officer appointed pursuant to §49-4-719 of this code, in the performance of his or her duties;

(C) Any home confinement supervisor employed by a county commission pursuant to §61-11B-7a of this code in the performance of his or her duties;

(D) A state parole officer appointed pursuant to §15A-7-5 of this code, while in performance of his or her official duties;

(E) A retired law-enforcement officer who meets all the requirements to carry a firearm as a qualified retired law-enforcement officer under the Law-Enforcement Officer Safety Act of

2004, as amended, pursuant to 18 U.S.C. § 926C(c), carries that firearm in a concealed manner, and has on his or her person official identification in accordance with that act;

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

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

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

(I) Air rifles and rimfire rifles possessed for the purpose of shooting teams to the extent permitted pursuant to §18-2-46;

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

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

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

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

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

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

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

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

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

(d) In addition to the methods of disposition provided by §49-5-1 *et seq.* of this code, a court which adjudicates a person who is 14 years of age or older as delinquent for a violation of §61-7-11a(b) of this code, may order the Division of Motor Vehicles to suspend a driver's license or instruction permit issued to the person for a period of time as the court considers appropriate, not to extend beyond the person's 19th birthday. If the person has not been issued a driver's license or instruction permit by this state, a court may order the Division of Motor Vehicles to deny the person's application for a license or permit for a period of time as the court considers appropriate, not to extend beyond the person's 19th birthday. A suspension ordered by the court pursuant to this subsection is effective upon the date of entry of the order. Where the court orders the suspension of a driver's license or instruction permit pursuant to this subsection, the court shall confiscate any driver's license or instruction permit in the adjudicated person's possession and forward it to the Division of Motor Vehicles.

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

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

(3) If, upon examination of the transcript of the judgment of conviction, the commissioner determines that the person was convicted as described in §61-7-11a(e)(1) of this code, the commissioner shall make and enter an order revoking the person's license or privilege to operate a motor vehicle in this state for a period of one year or, in the event the

person is a student enrolled in a secondary school, for a period of one year or until the person's 20th birthday, whichever is the greater period. The order shall contain the reasons for the revocation and the revocation period. The order of suspension shall advise the person that because of the receipt of the court's transcript, a presumption exists that the person named in the order of suspension is the same person named in the transcript. The commissioner may grant an administrative hearing which substantially complies with the requirements of the provisions of §17C-5A-2 of this code upon a preliminary showing that a possibility exists that the person named in the notice of conviction is not the same person whose license is being suspended. The request for hearing shall be made within 10 days after receipt of a copy of the order of suspension. The sole purpose of this hearing is for the person requesting the hearing to present evidence that he or she is not the person named in the notice. If the commissioner grants an administrative hearing, the commissioner shall stay the license suspension pending the commissioner's order resulting from the hearing.

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

(f)(1) It is unlawful for a parent, guardian, or custodian of a person less than 18 years of age who knows that the person is in violation of §61-7-11a(b) of this code or has reasonable cause to believe that the person's violation of §61-7-11a(b) of this code is imminent to fail to immediately report his or her knowledge or belief to the appropriate school or law-enforcement officials.

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

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

(2) This subsection does not apply to:

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

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

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

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

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

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

Senate Bill 456

Defining “men” and “women”

Effective Date:

Passed March 11, 2025; Effective June 9, 2025

Code Reference:

W. Va. Code §5-32-1 *et. seq.* (NEW)

WVDE Contact:

Legal Services
District & School Accountability
School Facilities

Bill Summary:

This Act codifies definitions, including definitions for male and female based on biological characteristics observed at birth. The Act also seeks to preserve single-sex spaces such as restrooms, shelters, and correctional facilities. As it relates to public schools, the Act requires designated multiple occupancy restrooms or changing rooms for the exclusive use of females or males, while requiring reasonable accommodations such as single-occupancy options for those unwilling to use sex-designated spaces. School-sponsored overnight trips must limit shared sleeping quarters to participants of the same sex. However, a student may share sleeping quarters with a member of the opposite sex if they are a member of the student’s immediate family.

The Act recognizes that the Fourth Circuit Court of Appeals has ruled in *Grimm V. Gloucester School Board* that it is a violation of Title IX and the Equal Protection Clause of the U.S. Constitution to deny a transgender student right to use the restroom of his choice and to force him to use a separate restroom. Inasmuch as West Virginia is jurisdiction of the Fourt Circuit, the Grimm ruling is binding in West Virginia unless overruled.

The Act does not prohibit an individual from entering a multiple occupancy restroom or changing room designated for the opposite sex when he or she enters the area for one of the following reasons:

- 1) For authorized custodial, maintenance, or inspection purposes;
- 2) To render medical assistance;
- 3) To render assistance by law enforcement; and,
- 4) To provide services or render aid during a natural disaster, a declared emergency, or when necessary to prevent a serious threat to order or safety.

Finally, the Act requires certain entities, including public schools and public school districts, that directly collect certain vital statistics to identify each natural person as either male or female as the terms are defined in this Act.

Enrolled Bill:

ENROLLED Committee Substitute for Senate Bill 456

By Senators Smith (Mr. President) and Woelfel (By Request of the Executive)

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §5-32-1, §5-32-2, §5-32-3, §5-32-4, §5-32-5, §5-32-6, §5-32-7, §5-32-8, and §5-32-9, relating to sex definitions and single-sex spaces; providing purposes and general application; providing findings; creating definitions; establishing a standard of review; clarifying that the article does not authorize certain examinations of minor children; providing that determination of the biological sex of a minor is determined at the minor's time of birth; providing for certain standards applicable to domestic violence shelters, public schools, institutions of higher education, and correctional institutions; clarifying certain sex-based data collection; and providing for severability.

Be it enacted by the Legislature of West Virginia:

ARTICLE 32. SEX DEFINITIONS AND PRESERVATION OF SINGLE-SEX SPACES.

§5-32-1. Purpose and general application.

(a) The purpose of this article is to:

(1) Reaffirm the longstanding meaning of sex, male, and female in state law

(2) Preserve women's restrooms, multiple occupancy restrooms or changing rooms, and sleeping quarters for women in facilities where women have been traditionally afforded privacy and safety from acts of abuse, harassment, sexual assault, and violence committed by men.

(3) Bring clarity, certainty, and uniformity to the laws of the state regarding sex discrimination, privacy, equality of the sexes, and benefits or services specifically provided to men and women.

(b) This article shall apply wherever the state or an instrumentality of the state classifies people on the basis of sex or otherwise defines people as being female or male, women or men, girls or boys.

(c) This article shall not be enforced in any manner inconsistent with or in violation of the ruling in *Grimm v. Gloucester School Board*, 972 F.3d. 586 (4th Cir. 2020). If a decision by the Supreme Court of the United States or by the United States Court of Appeals for the Fourth Circuit overrule or otherwise render the *Grimm* decision ineffective, then the limitations on enforcement imposed by this subsection shall be considered repealed.

§5-32-2. Findings.

(a) Males and females are legally equal, but they are not biologically the same.

(b) Males and females possess unique and immutable biological differences that manifest prior to birth and increase as they age and experience puberty.

(c) These unique and immutable biological differences mean that females and males are not similarly situated in all circumstances and are not interchangeable.

(d) Inconsistencies in court rulings and policy initiatives regarding sex discrimination and common sex-based words have endangered women's rights and resources and have put the existence of private, single-sex spaces in jeopardy, thereby necessitating clarification of certain terms used in this code.

(e) The hard-earned legal equality between men and women is enshrined in the Fourteenth Amendment to the U.S. Constitution, federal laws including Title IX of the Education Amendments of 1972, and Article III, Section 10 of the West Virginia Constitution.

(f) In describing equality for women under the Fourteenth Amendment, the U.S. Supreme Court has explained that laws and governmental policies may account for the "enduring" physical differences between the sexes as set forth in *United States v. Virginia*, 518 U.S. 515, 533 (1996).

(g) These physical differences include differences in reproductive anatomy, the basis for separate-sex facilities designed to protect the safety and personal privacy of women and girls. Personal privacy is a natural instinct rooted in biological realities, including the facts that males alone have the biological capability to impregnate women and that males are, on average, physically larger and stronger than women. The state should protect spaces where women have been traditionally afforded privacy and safety from acts of abuse, harassment, sexual assault, and violence committed by men, just as the state should protect women and girls' natural desire to avoid exposing their bodies to males with whom they have limited, if any, relationships.

§5-32-3. Definitions of terms used in the code and Code of State Rules.

As used in this code and/or any administrative rules, regulations, or public policies adopted by the state or its instrumentalities:

(1) A "woman" is an adult human of the female sex, and a "man" is an adult human of the male sex.

(2) A "girl" is a human female who is a legal minor, and a "boy" is a human male who is a legal minor: *Provided*, That the use of the term "girl" or "boy" in reference to the participation of a high school-aged individual in a school or extracurricular program in accordance with the

laws of the state shall not be understood to exclude the participation of a student who is legally an adult.

(3) A "mother" is a female parent of a child or children.

(4) A "father" is a male parent of a child or children.

(5) A "female", when this term is used in reference to a natural person, is an individual who naturally has, had, will have through the course of normal development, or would have but for a developmental anomaly, genetic anomaly, or accident, the reproductive system that at some point produces, transports, and utilizes ova for fertilization.

(6) A "male", when this term is used in reference to a natural person, is an individual who naturally has, had, will have through the course of normal development, or would have but for a developmental anomaly, genetic anomaly, or accident, the reproductive system that at some point produces, transports, and utilizes sperm for fertilization.

(7) "Sex", when this term is used to classify or describe a natural person, means the state of being either male or female as observed or clinically verified at birth. There are only two sexes, and every individual is either male or female: *Provided*, That individuals with congenital and medically verifiable "DSD conditions" (sometimes referred to as "differences in sex development", "disorders in sex development", or "intersex conditions") are not members of a third sex and must be accommodated consistent with state and federal law.

(8) "Domestic violence shelter" means a residential service offered by a licensed domestic violence program on a temporary basis, to persons who are victims of domestic violence, dating violence, sexual assault, stalking or human trafficking, and their children, as established by §48-26-214 of this code, and that receives funding from the West Virginia Department of Human Services.

(9) "Public school" means any school under the general supervision of the West Virginia Board of Education pursuant to Article XII, Section 2 of the Constitution of West Virginia.

(10) "State institution of higher education" means any university, college, or community and technical college under the jurisdiction of a governing board as defined in §18B-1-2 of this code.

(11) "Multiple occupancy restroom or changing room" means an area designed or designated to be used by more than one individual at the same time and in which one or more individuals may be in various stages of undress in the presence of other individuals. Such term includes, but shall not be limited to, the following:

(A) Restrooms;

(B) Locker rooms; and

(C) Shower rooms.

(12) "Changing area" means an area designed or designated to be used by one or more individuals at the same time and in which one or more individuals may be in various stages of undress. Such term includes, but shall not be limited to, restrooms.

(13) "Sleeping quarters" means a room with more than one bed and in which more than one individual is housed overnight.

§5-32-4. Sex-based protections permitted and standard of review.

Notwithstanding any other provision of law to the contrary, no state or local governmental agency may prohibit distinctions between the sexes with respect to domestic violence shelters, or other accommodation where biology, safety, or privacy are implicated and that result in separate accommodations that are substantially related to the important government interest of protecting the health, safety, and privacy of individuals in such circumstances: *Provided*, That nothing in this article shall be construed as authorizing an examination of a minor for purposes of determining the minor's biological sex. The biological sex of a minor is determined by reference to the minor's biological sex recorded at the minor's time of birth.

§5-32-5. Safety and privacy in domestic violence shelters.

(a) To ensure the privacy and safety of women in domestic violence shelters, each such shelter shall:

(1) Designate sleeping quarters and multiple occupancy restrooms or changing rooms:

(A) For the exclusive use of females; or

(B) For the exclusive use of males; and

(2) Provide a reasonable accommodation to an individual who is unwilling or unable to use sleeping quarters or a multiple occupancy restroom or changing room designated for such individual's sex.

(A) A reasonable accommodation under this paragraph may include, but shall not necessarily be limited to, allowing such individual to access a single-occupancy sleeping area, restroom, or changing area.

(B) A reasonable accommodation under this paragraph shall not include allowing such individual to access a single-occupancy sleeping area or sleeping quarters, restroom, or changing area that is designated for use by members of the opposite sex while members of

the opposite sex of the individual are present or may be present in the single-occupancy sleeping area or sleeping quarters, restroom, or changing area.

(b) This section shall not be construed or applied to prohibit an individual from entering a multiple occupancy restroom or changing room or sleeping quarters designated for the opposite sex when he or she enters such area for one of the following reasons:

(1) For authorized custodial, maintenance, or inspection purposes;

(2) To render medical assistance;

(3) To render assistance by law enforcement;

(4) To provide services or render aid during a natural disaster, a declared emergency, or when necessary to prevent a serious threat to good order or safety; or

(5) For young children, to accompany an adult caretaker.

(c) Nothing in this section shall be construed to prohibit a domestic violence shelter from adopting policies necessary to accommodate persons protected under the Americans with Disabilities Act of 1990, 42 U.S.C. §12101 et seq., as amended.

§5-32-6. Safety and privacy in restrooms of public schools and state institutions of higher education.

(a) To ensure the privacy and safety of students, each public school system in this state and each state institution of higher education shall:

(1) Designate multiple occupancy restrooms or changing rooms:

(A) For the exclusive use of females;

(B) For the exclusive use of males; and

(2) Provide a reasonable accommodation to an individual who is unwilling or unable to use a multiple occupancy restroom or changing area designated for such individual's sex.

(A) A reasonable accommodation under this paragraph may include, but shall not necessarily be limited to, allowing such individual to access a single-occupancy restroom or changing area.

(B) A reasonable accommodation under this paragraph shall not include allowing such individual to access a restroom or changing area that is designated for use by members of the opposite sex while members of the opposite sex of the individual are present or may be present in the restroom or changing area.

(b) A public school that sponsors or supervises an overnight trip involving public school students or state institution of higher education that sponsors or supervises an overnight trip involving students shall ensure that any student attending the overnight trip either:

(1) Shares sleeping quarters with a member or, if necessary, multiple members, of the same sex; or

(2) Is provided single-occupancy sleeping quarters.

Notwithstanding the foregoing, a public school student attending an overnight trip may share sleeping quarters with a member of the opposite sex if the member of the opposite sex is a member of such student's immediate family. Additionally, a state institution of higher education student may share sleeping quarters with a member of the opposite sex if the state institution of higher education student and the person of opposite sex both agree to shared sleeping quarters in advance of the sponsored or supervised overnight trip.

(c) This section shall not be construed or applied to prohibit an individual from entering a multiple occupancy restroom or changing room designated for the opposite sex when he or she enters such area for one of the following reasons:

(1) For authorized custodial, maintenance, or inspection purposes;

(2) To render medical assistance;

(3) To render assistance by law enforcement;

(4) To provide services or render aid during a natural disaster, a declared emergency, or when necessary to prevent a serious threat to good order or safety; or

(5) For young children, to accompany an adult caretaker.

(d) Nothing in this section shall be construed to prohibit a public system or a state institution of higher education from adopting policies necessary to accommodate persons protected under the Americans with Disabilities Act of 1990, 42 U.S.C. §12101 *et seq.*, as amended, or the West Virginia Human Rights Act, West Virginia Code §16B-17-1 *et seq.*

§5-32-7. Safety and privacy in correctional institutions.

(a) To ensure the privacy and safety of women in the custody of the Commissioner of the Division of Corrections and Rehabilitation, each institution managed by the Commissioner of Corrections and Rehabilitation shall designate sleeping quarters, multiple occupancy restrooms, and shower facilities:

(1) For the exclusive use of females; or

(2) For the exclusive use of males.

(b) This section shall not be construed or applied to prohibit an individual who is not an inmate from entering sleeping quarters, multiple occupancy restrooms, or shower facilities designated for the opposite sex when he or she enters such area for one of the following reasons:

- (1) For authorized custodial, maintenance, or inspection purposes;
- (2) To render medical assistance;
- (3) To render assistance by law enforcement;
- (4) To provide services or render aid during a natural disaster, a declared emergency, or when necessary to prevent a serious threat to good order or safety; or
- (5) For the operational needs of the institution.

(c) Nothing in this section shall be construed to prohibit the Division of Corrections and Rehabilitation from adopting policies necessary to comply with the Prison Rape Elimination Act of 2003, 42 U.S.C §15602, as amended, to accommodate persons protected under the Americans with Disabilities Act of 1990, 42 U.S.C. §12101 *et seq.*, as amended, or to comply with any other applicable state or federal law.

§5-32-8. Promoting accuracy in sex-based data collection.

(a) Males and females possess unique and immutable biological differences that can manifest in unique risks, harms, or sex-based discrimination, including crime victimhood, access to pregnancy and nursing-related resources, and substance abuse.

(b) To understand and address sex-based differences particularly, data must be accurately collected on the basis of sex. Failure to do so risks improper identification and alleviation of trends and harms affecting citizens of the state.

(c) Any public school, public school district, state institution of higher education, state agency, or subdivision of the state that directly collects vital statistics related to sex or the categories of male and female for the purpose of complying with anti-discrimination laws or for the purpose of gathering accurate public health, crime, economic, or other data shall identify each natural person who is part of the collected data set as either male or female as defined in this article.

(d) Compliance with this section shall not require the collection of data related to sex unless otherwise required by law, nor shall it prevent the collection of additional data points other than sex.

§5-32-9. Severability.

If any provision of this article or the application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this article are severable and their application to any person or circumstance shall not be affected thereby.

Senate Bill 474

Ending diversity, equity, and inclusion programs

Effective Date:

Passed April 12, 2025; Effective July 11, 2025

Code Reference:

W. Va. Code §5-33-1 *et. seq.* (NEW)
 §18B-1G-1 *et. seq.* (NEW)
 §18-2-9b (NEW)
 §18-5-29 (NEW)
 §18-5-50 (NEW)
 §18B-14-5 (NEW)
 §18B-14-6 (NEW)

WVDE Contact:

Superintendent's Office
Legal Services
Human Resources
PK-Adult Instruction and Career Engagement

Bill Summary:

This Act eliminates diversity, equity, and inclusion (DEI) programs in various entities of the State of West Virginia, including public school districts. Specifically, the bill prohibits the following:

- 1) Having an office or division whose purpose is promoting DEI;
- 2) Assigning or contracting employees to promote DEI;
- 3) Compelling, inducing, soliciting, or requiring any person to provide a DEI statement;
- 4) Providing preferential treatment to any applicant or employee on the basis of DEI; and,
- 5) Requiring employees to attend DEI training.

Public School districts, public charter schools, the WVBE and the WVDE are prohibited from instructing or requiring instruction on the following concepts:

- 1) One race, ethnic group, or sex is morally or intellectually superior to another for any inherent or innate reason;
- 2) An individual, by virtue of the individual's race, ethnicity, or sex, is racist, sexist, or oppressive, whether consciously or unconsciously for any inherent or innate reason;
- 3) An individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race, ethnicity, or sex;
- 4) An individual's moral character is strongly influenced by the individual's race, ethnicity, or sex;
- 5) An individual, by virtue of the individual's race, ethnicity, or sex, bears responsibility for actions committed by other members of the same race, ethnic group, or sex;
- 6) An individual should feel discomfort, guilt, anguish, or any other form of psychological distress because of the individual's race, ethnicity, or sex; or,

7) Academic achievement, meritocracy, or traits such as a hard work ethic are racist or sexist or were created by members of a particular race, ethnic group, or sex to oppress members of another race, ethnic group, or sex.

The Act specifies that the following is not prohibited:

- 1) Discussion of DEI concepts in theory as part of an academic course, if discussion of alternative theories is also included in the course;
- 2) Discussion, examination, and debate that race, ethnicity, or sex has impacted historical or current events, including the causes of those current or historical events;
- 3) The right to free speech, protected by the First Amendment of the United States Constitution and the West Virginia Constitution, outside the context of employment with a school district or public charter school; or
- 4) An office or position operating with the sole and exclusive mission under legal compliance of Title IX, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Civil Rights Act, the West Virginia Human Rights Act, or any other applicable federal law, state law, or court order.

The Act also provides a process for employees, students, or the parents or guardians of a student to file a complaint with the school principal for alleged violations. If the principal makes an adverse ruling or does not issue a ruling within 10 business days, the complainant may file an appeal to the county superintendent or an employee of the public charter school. If the county superintendent makes an adverse ruling or does not issue a ruling within 10 days, the complainant may file an appeal with the State Superintendent. Additionally, the State Superintendent is required to make forms available for students, parents/guardians, and employees to file complaints and appeals regarding alleged violations.

The Act includes the following reporting requirements:

School Principals: required to report the number of complaints filed during the previous school year, the nature of each complaint, and the resolution of each complaint to the county superintendent annually by August 1.

County Superintendents: required to report the number of complaints filed in the county the previous school year, the nature of each complaint, and the resolution of each complaint to the State Superintendent annually by September 1.

State Superintendent: required to report the number of complaints filed during the previous school year statewide and by county, the nature of each complaint, and the resolution of each complaint to LOCEA annually by October 1.

The Act also defines “sex” as being either male or female as observed or clinically verified at birth. It prohibits county board of education and public charter school employees from being required to use a student’s preferred pronoun when referring to the student if the student’s preferred pronoun is not consistent with the student’s sex; being held civilly liable for using a pronoun that is consistent with the student’s sex but not the student’s preferred pronoun; being subjected to adverse employment action for not using a student’s preferred pronoun if the preference is not consistent with the student’s sex.

The Act provides protections from civil liability for county boards of education and public charter schools and specifies that the Act may not be construed to abrogate individual rights and causes of action under the West Virginia Human Rights Act.

Enrolled Bill:

ENROLLED Committee Substitute for Committee Substitute for Senate Bill 474

By Senator Smith (Mr. President) (By Request of the Executive)

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding two new articles, designated §5-33-1, §5-33-2, §5-33-3, §18B-1G-1, §18B-1G-2, §18B-1G-3, §18B-1G-4, and §18B-1G-5; and to amend the code by adding five new sections, designated §18-2-9b, §18-5-29, §18-5-50, §18B-14-5, and §18B-14-6, relating to the elimination of diversity, equity, and inclusion programs, trainings, activities, offices, and officers from the executive branch, primary and secondary schools, and institutions of higher education of the state; setting forth legislative findings; defining terms; providing for a complaint and appeals process for parents and guardians of students aggrieved under the bill; requiring reporting from school principals, county superintendents, and the state superintendent; providing county board and public charter school employees with immunity from civil liability; allowing for county boards to operate legal compliance offices; requiring institutions of higher education to report on its efforts to eliminate diversity, equity, and inclusion programs and offices; and requiring state institutions of higher education to reallocate any unexpended funds that would have been expended on diversity, equity, and inclusion projects.

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,
OFFICES, PROGRAMS, ETC.**

ARTICLE 33. Equal Treatment By Executive Branch Act of 2025.

§5-33-1. Legislative findings.

The purpose of this article is to ensure that the various departments, divisions, agencies, and boards of the State of West Virginia are treating individuals as equals under the law with respect to recruitment, hiring, promotion, and training.

§5-33-2. Definitions.

As used in this article:

(1) "Diversity, equity, and inclusion" means any action, attempt, or effort to:

(A) Influence hiring or employment practices with respect to race, color, sex, ethnicity, or national origin, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal anti-discrimination laws;

(B) Promote or provide special benefits to individuals on the basis of race, color, ethnicity, or national origin;

(C) Promote policies or procedures designed or implemented in reference to race, color, ethnicity, or national origin, other than to ensure compliance with an applicable court order or state or federal law; or

(D) Conduct trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, or national origin, other than trainings, programs, or activities developed for the sole purpose of ensuring compliance with an applicable court order or state or federal law;

(2) "Ethnic group" means a category of population that is set apart and bound together by common ties of race, language, nationality, or culture;

(3) "Race" means any one of the groups that humans are often divided into based on physical traits regarded as common among people of shared ancestry; and

(4) "Sex", when this term is used to classify or describe a natural person, means the state of being either male or female as observed or clinically verified at birth. There are only two sexes, and every individual is either male or female: *Provided*, That individuals with congenital and medically verifiable "DSD conditions" (sometimes referred to as "differences in sex development", "disorders in sex development", or "intersex conditions") are not members of a third sex and must be accommodated consistent with state and federal law.

§5-33-3. Prohibition.

(a) No department, division, agency, or board of this state may:

(1) Establish or maintain an office or division or other unit by any name whose purpose, in whole or in part, is the promotion of diversity, equity, and inclusion;

(2) Hire or assign an employee or contract with a third party to promote diversity, equity, and inclusion;

(3) Compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement;

(4) Give preference on the basis of diversity, equity, and inclusion to an applicant for employment, an employee, or a participant in any function of the office or department; or

(5) Requiring as a condition of employment that an employee participate in diversity, equity, and inclusion training.

(b) Nothing in this article may be construed to abrogate individuals' rights and causes of action under the West Virginia Human Rights Act.

CHAPTER 18. EDUCATION.

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-9b. Equal Treatment in Primary and Secondary Education Act of 2025.

(a) As used in this section:

(1) "Ethnic group" means a category of population that is set apart and bound together by common ties of race, language, nationality, or culture;

(2) "Race" means any one of the groups that humans are often divided into based on physical traits regarded as common among people of shared ancestry; and

(3) "Sex", when this term is used to classify or describe a natural person, means the state of being either male or female as observed or clinically verified at birth. There are only two sexes, and every individual is either male or female: *Provided*, That individuals with congenital and medically verifiable "DSD conditions" (sometimes referred to as "differences in sex development", "disorders in sex development", or "intersex conditions") are not members of a third sex and must be accommodated consistent with state and federal law.

(b) A school district, a public charter school, the West Virginia Board of Education, the West Virginia Department of Education, or any employee of the aforementioned entities may not provide instruction in, require instruction in, make part of a course, or require a statement or affirmation by any employee of the following concepts:

(1) One race, ethnic group, or sex is morally or intellectually superior to another race, ethnic group, or sex for any inherent or innate reason;

(2) An individual, by virtue of the individual's race, ethnicity, or sex, is racist, sexist, or oppressive, whether consciously or unconsciously for any inherent or innate reason;

(3) An individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race, ethnicity, or sex;

(4) An individual's moral character is strongly influenced by the individual's race, ethnicity, or sex;

(5) An individual, by virtue of the individual's race, ethnicity, or sex, bears responsibility for actions committed by other members of the same race, ethnic group, or sex;

(6) An individual should feel discomfort, guilt, anguish, or any other form of psychological distress because of the individual's race, ethnicity, or sex; and

(7) Academic achievement, meritocracy, or traits such as a hard work ethic are racist or sexist or were created by members of a particular race, ethnic group, or sex to oppress members of another race, ethnic group, or sex.

(c) Nothing in subsection (b) of this section prohibits:

(1) The discussion of those concepts in theory as part of an academic course if discussion of alternative theories is also included in the course;

(2) The discussion, examination and debate that race, ethnicity, or sex has impacted historical or current events, including the causes of those current or historical events;

(3) The right to freedom of speech protected by the First Amendment of the United States Constitution and the West Virginia Constitution outside the context of employment with any school district or public charter school; and

(4) An office or position operating with the sole and exclusive mission of ensuring legal compliance under Title IX of the federal Education Amendments Act of 1972, 20 U.S.C. §1681 *et seq.*, as amended, the federal Age Discrimination in Employment Act of 1972, 20 U.S.C. §1681 *et seq.*, as amended, the federal Americans with Disabilities Act of 1990, 42 U.S.C. §12101 *et seq.*, as amended, the federal Civil Rights Act of 1964, Pub. L. No. 88-352, as amended, the West Virginia Human Rights Act, West Virginia Code §5-11-1 *et seq.*, or any other applicable federal or state law or court order.

(d) Any student, parent, or guardian of a student, or employee aggrieved by an alleged violation of this section may file a complaint with the school principal.

(e) Any complainant, upon an adverse ruling or no ruling within 10 business days by the school principal, may file an appeal to the county superintendent except that in the case of a student enrolled in or an employee of a public charter school, the complainant may file an appeal to the authorizer.

(f) Any complainant, upon an adverse ruling or no ruling within 10 business days by the county superintendent or public charter school authorizer, may file an appeal to the State Superintendent. The state superintendent shall make forms available for students, parents or guardians of a student, and employees to file complaints and appeals pursuant to this subsection.

(g) Each school principal shall report the number of complaints filed with him or her the previous school year, the nature of each complaint, and the resolution of each complaint to the county superintendent annually by August 1.

(h) The county superintendent shall report the number of complaints filed in his or her county the previous school year, the nature of each complaint, and the resolution of each complaint to the State Superintendent annually by September 1.

(i) The State Superintendent, or his or her designee, shall report to the Legislative Oversight Commission on Education Accountability the number of complaints filed during the previous school year statewide and by county, the nature of each complaint, and the resolution of each complaint annually by October 1.

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-29. Preferred gender pronouns.

(a) For the purposes of this section: "Sex", when this term is used to classify or describe a natural person, means the state of being either male or female as observed or clinically verified at birth. There are only two sexes, and every individual is either male or female: *Provided*, That individuals with congenital and medically verifiable "DSD conditions" (sometimes referred to as "differences in sex development", "disorders in sex development", or "intersex conditions") are not members of a third sex and must be accommodated consistent with state and federal law.

(b) County board and public charter school employees shall not be:

(1) Required to use a student's preferred pronoun when referring to the student if the preferred pronoun is not consistent with the student's sex;

(2) Civilly liable for using a pronoun that is consistent with the sex of the student to whom the teacher or employee is referring, even if the pronoun is not the student's preferred pronoun; and

(3) Subject to an adverse employment action for not using a student's preferred pronoun if the student's preferred pronoun is inconsistent with the student's sex.

(c) A county board or public charter school is not civilly liable if a county board or public charter school employee refers to a student using a pronoun that is consistent with the sex of the student to whom the employee is referring, even if the pronoun is not the student's preferred pronoun.

(d) No county board or public charter school may establish a policy or take any action that is contrary to this section.

(e) Nothing in this article may be construed to abrogate individuals' rights and causes of action under the West Virginia Human Rights Act.

§18-5-50. Legal compliance offices.

Nothing in this article shall preclude a county school board from operating an office or position operating with the sole and exclusive mission of ensuring legal compliance under Title IX of the federal Education Amendments Act of 1972, 20 U.S.C. §1681 *et seq.*, as amended, the federal Age Discrimination in Employment Act of 1972, 20 U.S.C. §1681 *et seq.*, as amended, the federal Americans with Disabilities Act of 1990, 42 U.S.C. §12101 *et seq.*, as amended, the federal Civil Rights Act of 1964, Pub. L. No. 88-352, as amended, the West Virginia Human Rights Act, West Virginia Code §5-11-1 *et seq.*, or any other applicable federal or state law or court order.

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 1G. Diversity, Equity, and Inclusion Offices and Officers Prohibited.

§18B-1G-1. Definitions.

As used in this section:

(1) "Diversity, equity, and inclusion" means any action, attempt, or effort to:

(A) Influence hiring or employment practices with respect to race, color, sex, ethnicity, or national origin, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal anti-discrimination laws;

(B) Promote or provide special benefits to individuals on the basis of race, color, ethnicity, or national origin;

(C) Promote policies or procedures designed or implemented in reference to race, color, ethnicity, or national origin, other than to ensure compliance with an applicable court order or state or federal law; or

(D) Conduct trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, or national origin, other than trainings, programs, or activities developed for the sole purpose of ensuring compliance with an applicable court order or state or federal law.

(2) "Diversity, equity, and inclusion office" means an office, division, or other unity of an institution of higher education tasked with diversity, equity, or inclusion actions, attempts, or efforts;

(3) "Diversity, equity, and inclusion officer" means any officer, employee, or agent of an institution of higher education tasked with diversity, equity, or inclusion actions, attempts, or efforts;

(4) "Ethnic group" means a category of population that is set apart and bound together by common ties of race, language, nationality, or culture;

(5) "Race" means any one of the groups that humans are often divided into based on physical traits regarded as common among people of shared ancestry; and

(6) "Sex", when this term is used to classify or describe a natural person, means the state of being either male or female as observed or clinically verified at birth. There are only two sexes, and every individual is either male or female: *Provided*, That individuals with congenital and medically verifiable "DSD conditions" (sometimes referred to as "differences in sex development", "disorders in sex development", or "intersex conditions") are not members of a third sex and must be accommodated consistent with state and federal law.

§18B-1G-2. Restrictions.

(a) A state institution of higher education and each governing board of a state institution of higher education shall ensure that each unit of the institution does not:

(1) Establish, sustain, support, staff, or maintain a diversity, equity, and inclusion officer or office;

(2) Hire or assign an employee of the institution or contract with a third party to perform the duties of a diversity, equity, and inclusion office;

(3) Compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement;

(4) Give preference on the basis of diversity, equity, and inclusion to an applicant for employment, an employee, or a participant in any function of the institution; or

(5) Require as a condition of enrolling at the institution or performing any institution function any person to participate in diversity, equity, and inclusion training.

(b) A state institution of higher education and each governing board of a state institution of higher education shall ensure that each unit of the institution shall adopt policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of subsection (a) of this section.

(c) Subsection (a) of this section shall not be construed to cover or affect a state institution of higher education's support of any of the following:

(1) Academic course instruction;

(2) Research or creative works by the state institution of higher education's students, faculty, or other research personnel, and the dissemination of such research or creative works;

(3) Activities of registered student organizations;

(4) Arrangements for guest speakers and performers with short-term engagements;

(5) Mental or physical health services provided by licensed professionals;

(6) Services or support provided to individuals with learning, physical or neurological developmental disabilities;

(7) Policies, programing, training, practices, activities, or procedures designed to prevent sexual harassment or to meet accreditation standards;

(8) Data collection;

(9) Sex-based educational opportunities such as science, technology, engineering, and mathematics (STEM) opportunities for women;

(10) Donor-designated scholarships;

(11) Single-sex athletic programs, events, or teams;

(12) Single-sex spaces including restrooms, changing rooms, locker rooms, showers, sleeping quarters, and dorms;

(13) Compliance with the state institution of higher education's obligations under Title IX of the federal Education Amendments Act of 1972, 20 U.S.C. §1681 *et seq.*, as amended, the federal Age Discrimination in Employment Act of 1972, 20 U.S.C. §1681 *et seq.*, as amended, the federal Americans with Disabilities Act of 1990, 42 U.S.C. §12101 *et seq.*, as amended, the federal

Civil Rights Act of 1964, Pub. L. No. 88-352, as amended, the West Virginia Human Rights Act, West Virginia Code §5-11-1 et seq., or any other applicable federal or state law or court order.

§18B-1G-3. Exceptions.

(a) "Diversity, equity, and inclusion office" does not include any of the following:

(1) An office or position operating with the sole and exclusive mission of ensuring legal compliance under Title IX of the federal Education Amendments Act of 1972, 20 U.S.C. §1681 et seq., as amended, the federal Age Discrimination in Employment Act of 1972, 20 U.S.C. §1681 et seq., as amended, the federal Americans with Disabilities Act of 1990, 42 U.S.C. §12101 et seq., as amended, the federal Civil Rights Act of 1964, Pub. L. No. 88-352, as amended, the West Virginia Human Rights Act, West Virginia Code §5-11-1 et seq., or any other applicable federal or state law or court order;

(2) An academic department within a state institution of higher education that exists primarily for the purpose of offering courses for degree credit and that does not establish a policy or procedures to which other departments of the public institutions of higher education are subject;

(3) A registered student organization;

(4) An office or position engaged in providing services or support to individuals with learning, physical or neurological developmental disabilities; or

(5) A unit which may provide resources to certain individuals as long as the resources are equally available to all employees or students regardless of race, color, or ethnicity.

(b) "Diversity, equity, and inclusion officer" does not include any of the following:

(1) Any employee whose sole job duties are to ensure compliance with the state institution of higher education's obligations under Title IX of the federal Education Amendments Act of 1972, 20 U.S.C. §1681 et seq., as amended, the federal Age Discrimination in Employment Act of 1972, 20 U.S.C. §1681 et seq., as amended, the federal Americans with Disabilities Act of 1990, 42 U.S.C. §12101 et seq., as amended, the federal Civil Rights Act of 1964, Pub. L. No. 88-352, as amended, the West Virginia Human Rights Act, West Virginia Code §5-11-1 et seq., or any other applicable federal or state law or court order;

(2) Any faculty member while engaged in teaching, research, or the production of creative works, the dissemination of the faculty member's research or creative works, or advising a registered student organization; or

(3) A guest speaker or performer with a short-term engagement.

(c) Nothing in this article may be construed to limit or prohibit an institution of higher education or an employee of an institution of higher education from, for purposes of applying for a grant or complying with the terms of accreditation by an accrediting agency, submitting to the grantor or accrediting agency a statement that:

Highlights the institution's work in supporting:

(A) First-generation college students;

(B) Low-income students; or

(C) Underserved student populations.

§18B-1G-4. Reporting.

(a) A state institution of higher education shall file and certify with the Joint Committee on Education a report of the steps taken by the academic institution of higher education and its staff, administration, and faculty to comply with this article.

(b) The state institution of higher education shall publish the report described in subsection (a) of this section on the institution of higher education's webpage.

(c) The state institution of higher education shall file the report described in subsection (a) of this section by July 1, 2025, and on July 1 of each year thereafter, or the state institution of higher education shall not be permitted to expend any moneys appropriated by the Legislature for the next fiscal year.

§18B-1G-5. Spending.

A state institution of higher education shall reallocate any and all unexpended moneys appropriated by the Legislature in fiscal year 2025-2026 that would have been expended on prohibited diversity, equity, and inclusion offices and officers on or after the effective date of this article to merit scholarships for lower-income and middle-income students, first generation college students, or to reduce tuition and mandatory fees for resident students.

ARTICLE 14. MISCELLANEOUS.

§18B-14-5. Equal Treatment in Higher Education Act of 2025.

(a) As used in this section:

(1) "Diversity, equity, and inclusion" means any action, attempt, or effort to:

(A) Influence hiring or employment practices with respect to race, color, sex, ethnicity, or national origin, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal anti-discrimination laws;

(B) Promote or provide special benefits to individuals on the basis of race, color, ethnicity, or national origin;

(C) Promote policies or procedures designed or implemented in reference to race, color, ethnicity, or national origin, other than to ensure compliance with an applicable court order or state or federal law; or

(D) Conduct trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, or national origin, other than trainings, programs, or activities developed for the sole purpose of ensuring compliance with an applicable court order or state or federal law;

(2) "Ethnic group" means a category of population that is set apart and bound together by common ties of race, language, nationality, or culture;

(3) "Race" means any one of the groups that humans are often divided into based on physical traits regarded as common among people of shared ancestry; and

(5) "Sex", when this term is used to classify or describe a natural person, means the state of being either male or female as observed or clinically verified at birth. There are only two sexes, and every individual is either male or female: *Provided*, That individuals with congenital and medically verifiable "DSD conditions" (sometimes referred to as "differences in sex development", "disorders in sex development", or "intersex conditions") are not members of a third sex and must be accommodated consistent with state and federal law.

(b) State institutions of higher education in this state have an obligation to prohibit, among other things, discrimination on the basis of race or ethnic group in the administration of their education programs, activities, or with respect to admission or employment.

(c) State institutions of higher education have an obligation to protect the right to free speech and expression protected by the First Amendment of the United States Constitution, the West Virginia Constitution, and the provisions of §18B-20-1 et seq. As part of that commitment, state institutions of higher education must be committed to the principle that debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the university community to be offensive, unwise, immoral, or misguided and that it is for the individual members of the university community, not for the university as an institution, to make those judgements for themselves.

(d) Except as provided in subsection (e) of this section, a state institution of higher education or any employee of a state institution of higher education may not require a student or employee to take instruction in, or include in the curriculum of any required course, or require a statement or affirmation by any student or employee that the following concepts are factual and accurate or must be held as a belief of the student or employee:

(1) One race, ethnic group, or sex is morally, or intellectually superior to another race, ethnic group, or sex for any inherent or innate reason;

(2) An individual, by virtue of the individual's race, ethnicity, or sex, is racist, sexist, or oppressive, whether consciously or unconsciously for any inherent or innate reason;

(3) An individual should be discriminated against because of the individual's race, ethnicity, or sex;

(4) An individual's moral character is strongly influenced by the individual's race, ethnicity, or sex;

(5) An individual, by virtue of the individual's race, ethnicity, or sex, bears responsibility for actions committed by other members of the same race, ethnic group, or sex;

(6) An individual has an obligation to feel discomfort, guilt, anguish, or any other form of psychological distress because of the individual's race, ethnicity, or sex; and

(7) Academic achievement, meritocracy, or traits such as a hard work ethic are racist or sexist or were created by members of a particular race, ethnic group, or sex to oppress members of another race, ethnic group, or sex.

(e) Nothing in subsection (d) of this section prohibits:

(1) The discussion of those concepts in theory as part of an academic course if discussion of alternative theories is also included in the course;

(2) The discussion, examination, and debate that race, ethnicity, or sex has impacted historical or current events, including the causes of those current or historical events; and

(3) The right to freedom of speech protected by the First Amendment of the United States Constitution and the West Virginia Constitution.

(f) Each campus shall report to the Higher Education Policy Commission or the Council for Community and Technical College Education, as applicable, a description of any violations of this section. The description shall include the nature of each incident, as well as what disciplinary action, if any, was taken against members of the campus community determined to be responsible for those specific incidents of violation and shall be reported without revealing personally identifiable information annually, by August 1. The commission and council shall then report to the Legislative Oversight Commission on Education Accountability any violations reported to them pursuant to this subsection.

§18B-14-6. Nondiscrimination.

(a) It is the policy of the state that the administrations of state institutions of higher education, and their administrative units, be officially neutral with regard to widely contested

opinions in the state regarding unconscious or implicit bias, cultural appropriation, identity group allyship, micro aggressions, group marginalization, systemic oppression, social justice, intersectionality, neo-pronouns, racial privilege, critical race theory, and any related formulation of these concepts.

(b) "Diversity, Equity, and Inclusion Training" means:

(1) Training toward any diversity, equity, and inclusion activity which seeks to:

(A) Manipulate or otherwise influence the composition of the faculty or student body with reference to race, color, sex, ethnicity, or national origin, apart from ensuring colorblind and sex-neutral admissions and hiring in accordance with state and federal anti-discrimination laws;

(B) Engage in, or promote or promulgate for, differential attention to, treatment of, or provision of special benefits to, individuals or groups on the basis of race, color, ethnicity, or national origin except where permitted by law; or

(C) Promote as the official position of the institution or component thereof, or of the administration, or develop or engage in training, programming, or activities promoting, a widely contested opinion in contravention of the neutral educational policy of this state as described in subsection (a) of this section; or

(2) Training from an administrative official or administrative unit of an institution that involves one or more of the following interrelated concepts:

(A) The nation, the state, American or state culture, society in general is based on or significantly influence by present-day institutional structures or relations of power, privilege, subordination, or oppression that operate on the basis of race, sex, color, ethnicity, national origin, or any intersection of these classes;

(B) Special benefits should be conferred on the basis of race, color, ethnicity, or national origin; or

(C) Unconscious or implicit bias, cultural appropriation, identity group allyship, microaggressions, micro-invalidating, group marginalization, systemic oppression, structural racism, structural inequity, racial privilege, social justice, intersectionality, neo-pronouns, inclusive language, or related formulation of these concepts.

(c) No diversity statement shall ever be required or solicited as part of an admissions process, employment application process, hiring process, contract renewal process, or promotion process; or as a condition of participation in any administrative or decision-making function of any public institution of higher education.

(d) No public institution of higher education shall give preferential consideration to an applicant, student, staff member, or faculty member due to any opinion expressed or action taken in support of another individual or a group of individuals on the basis of race, color, ethnicity, or national origin.

Senate Bill 581

Relating to school attendance and student participation in 4-H activities

Effective Date: Passed April 12, 2025; Effective July 11, 2025

Code Reference: W. Va. Code §18-8-4 (AMENDED)

WVDE Contact: District and School Accountability
PK-Adult Instruction and Career Engagement
Federal Programs and Support
Legal Services

Bill Summary: This Act includes up to five college visits and participation in a WVDE-recognized and sanctioned student organization to enhance student enrichment and success in the definition of “excused absence”.

The Act includes, but is not limited to, students participating in SkillsUSA, Future Business Leaders of America (FBLA), Health Occupations Students of America (HOSA), the Common Ground Partnership, 4-H, or Future Farmers of America (FFA).

A school principal is required to count a student participating in these activities as present in the same manner as a student participating in an educational field trip if documentation of the student’s participation is provided by an agent of the organization. The student must make up any missed schoolwork and may not be adversely affected by their participation. However, the Act prohibits principals from counting a student present when participating in these activities if the student is suspended, expelled, or assigned to an alternative school or program that would have precluded the student from participating in an educational field trip.

Finally, the Act specifies that these provisions shall not interfere with the Every Student Succeeds Act (ESSA).

Enrolled Bill: **ENROLLED Committee Substitute for Senate Bill 581**
By Senators Oliverio, Garcia, Grady, Martin, Woodrum, Morris, Clements, Thorne, Deeds, Hamilton, and Hart

AN ACT to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended, relating to expanding the definition of an excused absence; including up to five college visits in the definition of excused absence; including a student in any West Virginia Department of Education-recognized and -sanctioned student organization to enhance student enrichment and success, including but not limited to SkillsUSA, Future Business Leaders

of America, Health Occupations Students of America, the Common Ground Partnership, or 4-H or FFA-sanctioned activity or program in the definition of excused absence; providing that the student be credited as present in the same manner as a student participating in an educational field trip; providing that the student not be counted as absent; addressing makeup of missed schoolwork and the student's class grades; addressing student sanctioned program participation during any period of time the student has been suspended, expelled, or assigned to an alternative school or program; providing that an agent of a sanctioned organization shall provide documentation as proof of a student's participation in a sanctioned activity or program; providing that the total amount of certain excused absences may not exceed more than 10 per school year; and providing that nothing in this section shall interfere with the Every Student Succeeds Act.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.

§18-8-4. Duties of attendance director and assistant directors; complaints, warrants, and hearings.

(a) For the purposes of this article, the following definitions apply:

(1) "Excused absence" means:

(A) A medical or dental appointment with written excuse from physician or dentist;

(B) Personal illness or injury of the student accompanied by a timely written excuse from the student's parent, guardian, or custodian: *Provided*, That the total absences under this section combined with absences permitted under paragraph (C) of this subdivision do not exceed more than 10 per school year unless supported by a physician's note: *Provided, however*, That a medically documented chronic health condition or disability that adversely impacts in-person attendance approved by a county school board or the principal is not subject to this limitation, and that absences of students with disabilities shall be in accordance with the Individuals with Disabilities Education Improvement Act of 2004 and the federal and state regulations adopted in compliance therewith;

(C) Personal illness or injury of the student's parent, guardian, custodian, or family member: *Provided*, That the excuse must provide a reasonable explanation for why the student's absence was necessary and caused by the illness or injury in the family, and the total absences under this section in combination with paragraph (B) of this subdivision may not exceed more than 10 excuses per school year;

- (D) Death in the family;
- (E) School-approved or county-approved curricular or extra-curricular activities;
- (F) A judicial obligation or court appearance involving the student; ~~and~~
- (G) A military requirement for students enlisted or enlisting in the military;
- (H) Up to five college visits; and

(I) A student in any West Virginia Department of Education recognized and sanctioned student organization to enhance student enrichment and success, including but not limited to SkillsUSA, Future Business Leaders of America (FBLA), Health Occupations Students of America (HOSA), the Common Ground Partnership, or 4-H or FFA sanctioned activity or program, subject to the following:

(i) A student who participates in an activity or program sanctioned in paragraph (I) shall be credited as present by the school in which the student is enrolled in the same manner as a student participating in an educational field trip. A school principal, or the principal's designee, shall not count a student absent for participating in an activity or program sanctioned in paragraph (I).

(ii) An agent of a sanctioned organization set forth in in paragraph (I) shall provide documentation as proof of a student's participation in an activity or program sanctioned in paragraph (I).

(iii) A student shall make up any schoolwork missed while the student was participating in an activity or program sanctioned by paragraph (I) and shall not have the student's class grades adversely affected for lack of attendance or participation due to the student's participation in an activity or program sanctioned in paragraph (I).

(iv) A school principal, or the principal's designee, shall not credit a student who participates in an activity or program sanctioned in paragraph (I) as present if the student's participation in the activity or program sanctioned in paragraph (I) occurs during any period of time for which the student has been suspended, expelled, or assigned to an alternative school or alternative program under this chapter and the student's suspension, expulsion, or assignment to an alternative school or alternative program would preclude the student from participating in an educational field trip.

(J) The total amount of excused absences under sections E, H and I of this section may not exceed more than 10 per school year.

(K) Nothing in this section shall interfere with the Every Student Succeeds Act (ESSA), 2015), which does not differentiate between excused and unexcused absences.

(2) "Meaningful contact" means two-way communication by the school administrator or other school designee and the student's parent, guardian, or custodian to discuss the student's attendance record in an effort to prevent subsequent truancy or other legal proceedings relating to compulsory school attendance, and to minimize additional absences. Methods of meaningful contact include, but are not limited to, phone calls, video conferencing, home visits, and the use of digital platforms.

(3) "System of Support Plan" ("SOS Plan") refers to a plan to be developed by the State Board of Education designed to encourage students to attend school. It shall, at a minimum, require county attendance directors, principals, or other school designees to make periodic contact with the parent, guardian, or custodian of a student subject to compulsory school attendance to ascertain the reason or reasons for the student's absence or absences and what measures the school may employ to assist the student in attending school and not incurring additional absences. It shall also impart upon the student's parents, guardians, and custodians the importance of the student's attendance and the seriousness of failing to do so.

(4) "Unexcused absence" means any absence not specifically included in the definition of "excused absence".

(b) The county attendance director and his or her assistants shall diligently promote regular school attendance. The director and assistants shall:

(1) Ascertain the reasons for unexcused absences from school of students of compulsory school age; and students who remain enrolled beyond the compulsory school age;

(2) Ensure the implementation of the SOS Plan as developed by the state board, including encouraging the attendance of students and imparting upon the parents, guardians, and custodians the importance of attendance and the seriousness of failing to do so.

(c) All documentation relating to absences shall be provided to the school no later than three instructional days after the first day the student returns to school. In the event documentation is not provided to the school within three instructional days after the first day the student returns to school, the absences are unexcused.

(d) In the case of three total unexcused absences of a student during a school year, the attendance director, his or her assistant, or the principal shall make meaningful contact with the parent, guardian, or custodian of the student to ascertain the reasons for the unexcused absences and what measures the school may employ to assist the student in attending and not incurring any additional unexcused absences.

(e) In the case of five total unexcused absences, the attendance director, his or her assistant or the principal shall again make meaningful contact with the parent, guardian, or custodian of the student to ascertain the reasons for the unexcused absences and what measures the school may employ to assist the student in attending school and not incurring any additional unexcused absences.

(f) In the case of 10 total unexcused absences of a student during a school year, the attendance director or assistant may make a complaint against the parent, guardian, or custodian before a magistrate of the county. If it appears from the complaint that there is probable cause to believe that an offense has been committed and that the accused has committed it, a summons or a warrant for the arrest of the accused shall issue to any officer authorized by law to serve the summons or to arrest persons charged with offenses against the state. More than one parent, guardian, or custodian may be charged in a complaint. Initial service of a summons or warrant issued pursuant to the provisions of this section shall be attempted within 10 calendar days of receipt of the summons or warrant and subsequent attempts at service shall continue until the summons or warrant is executed or until the end of the school term during which the complaint is made, whichever is later.

(g) The magistrate court clerk, or the clerk of the circuit court performing the duties of the magistrate court as authorized in §50-1-8 of this code, shall assign the case to a magistrate within 10 days of execution of the summons or warrant. The hearing shall be held within 20 days of the assignment to the magistrate, subject to lawful continuance. The magistrate shall provide to the accused at least 10 days' advance notice of the date, time, and place of the hearing.

(h) When any doubt exists as to the age of a student absent from school, the attendance director and his or her assistants may require a properly attested birth certificate or an affidavit from the parent, guardian, or custodian of the student stating the age of the student. In the performance of his or her duties, the county attendance director and his or her assistants have authority to take without warrant any student absent from school in violation of the provisions of this article and to place the student in the school in which he or she is or should be enrolled.

(i) The county attendance director and his or her assistants shall devote as much time as is required to the duties of attendance director in accordance with this section during the instructional term and at any other times as the duties of an attendance director are required. All attendance directors and assistants hired for more than 200 days may be assigned other

duties determined by the superintendent during the period in excess of 200 days. The county attendance director is responsible under direction of the county superintendent for efficiently administering school attendance in the county.

(j) In addition to those duties directly relating to the administration of attendance, the county attendance director and his or her assistant directors also shall perform the following duties:

(1) Assist in directing the taking of the school census to see that it is taken at the time and in the manner provided by law;

(2) Confer with principals and teachers on the comparison of the school census and enrollment for the detection of possible nonenrollees;

(3) Cooperate with existing state and federal agencies charged with enforcing child labor laws;

(4) Promote attendance in the county by compiling data for schools and by furnishing suggestions and recommendations for publication through school bulletins and the press, or in any manner directed by the county superintendent;

(5) Participate in school teachers' conferences with parents and students;

(6) Assist in any other ways directed by the county superintendent for improving school attendance;

(7) Make home visits of students who have excessive unexcused absences, as provided in subsection (a) of this section, or if requested by the chief administrator, principal, or assistant principal; and

(8) Serve as the liaison for homeless children and youth.

Senate Bill 650

Relating to full-time interventionists

Effective Date: Passed April 9, 2025; Effective April 9, 2025

Code Reference: W. Va. Code §18-5-18a (AMENDED)

WVDE Contact: Certification
District and School Accountability
PK-Adult Instruction and Career Engagement

Bill Summary: This Act provides that a full-time interventionist may be assigned to two classrooms instead of an early childhood classroom teacher, aide, or paraprofessional to satisfy the maximum teacher-pupil ratio in second and third grade classrooms. It also specifies that if a full-time interventionist is not available, a part-time interventionist may be utilized to meet the ratio, provided they are assigned to only one classroom.

Enrolled Bill: **ENROLLED Senate Bill 650**
By Senators Grady and Woelfel

AN ACT to amend and reenact §18-5-18a of the Code of West Virginia, 1931, as amended, relating to providing that a full-time interventionist hired and assigned to up to two classrooms satisfies the early childhood assistant teacher, aide, or paraprofessional related requirements for kindergarten through third grades for both classrooms; excluding kindergarten and first grade from authority to cover two classrooms with one full-time interventionist; providing that any early childhood assistant teacher, aide, paraprofessional, or interventionist assigned to a kindergarten or first grade classroom must be full-time in order to satisfy certain requirements; and clarifying that a part-time interventionist only satisfies those requirements for one classroom.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-18a. Maximum teacher-pupil ratio.

(a) County boards of education shall provide sufficient personnel, equipment, and facilities as will ensure that each classroom, or classrooms having two or more grades that include one or more of the kindergarten through sixth grades shall not have more pupils for each teacher as follows, unless the state superintendent has excepted a specific classroom upon application therefor by a county board as provided in this section:

(1) For kindergarten, not more than 20 pupils for each teacher and one early childhood classroom assistant teacher or aide in classrooms with more than 10 pupils;

(2) For first, second, and third grades, not more than 25 pupils for each teacher and one early childhood classroom assistant teacher, aide or paraprofessional in classrooms with more than 12 pupils: *Provided*, That the early childhood classroom assistant teacher/aide/paraprofessional requirement for classrooms with more than 12 pupils shall be effective beginning the 2023-2024 school year, for first grade classrooms; shall be effective beginning the 2024-2025 school year, for second grade classrooms; and shall be effective beginning the 2025-2026 school year, for third grade classrooms: *Provided however*, That if all grade level classrooms are already being served by an early childhood classroom assistant teacher/aide/paraprofessional by the school year required, the county board has the discretion to add the assistant teachers/ aides/paraprofessionals in first, second and third grade classrooms of the greatest need beginning July 1, 2023 and completing full implementation by July 1, 2026; and

(3) For grades four, five, and six, not more than 25 pupils for each teacher.

(b) County boards may satisfy the requirements of subsection (a) of this section by employing a full-time interventionist instead of an early childhood assistant teacher, aide or paraprofessional, subject to the following:

(1) A full-time interventionist hired pursuant to this subsection and assigned to up to two classrooms satisfies the requirements of subsection (a) of this section for both classrooms: Provided, That this subdivision does not apply to kindergarten and first grade classrooms and notwithstanding subdivision (2) of this subsection or any other provision of code to the contrary, any early childhood assistant teacher, aide, paraprofessional, or interventionist assigned to a kindergarten or first grade classroom only satisfies the requirements of subsection (a) of this section if the assignment to that classroom is full-time.

~~(4)~~ (2) If no full-time interventionist is available, a county board may satisfy the requirements of subsection (a) of this section by employing a part-time interventionist. The part-time interventionist may only be assigned to one classroom for the purposes of satisfying the requirements of subsection (a) of this section; and

~~(2)~~ (3) County boards are not required to employ an interventionist even if there are an insufficient number of early childhood assistant teachers, aides and paraprofessionals available to fill all the positions required by subsection (a) of this section.

(c) County school boards may not maintain a greater number of classrooms having two or more grades that include one or more of the grade levels referred to in this section than were in existence in said county as of January 1, 1983.

(d) The state superintendent is authorized, consistent with sound educational policy, to:

(1) Permit on a statewide basis, in grades four through six, more than 25 pupils per teacher in a classroom for the purposes of instruction in physical education; and

(2) Permit more than 20 pupils per teacher in a specific kindergarten classroom and 25 pupils per teacher in a specific classroom in grades four through six during a school year in the event of extraordinary circumstances as determined by the state superintendent after application by a county board of education.

(e) The state board shall establish guidelines for the exceptions authorized in this section, but in no event shall the superintendent except classrooms having more than three pupils above the pupil-teacher ratio as set forth in this section.

(f) The requirement for approval of an exception to exceed the 20 pupils per kindergarten teacher per session limit or the 25 pupils per teacher limit in grades four through six is waived in schools where the schoolwide pupil-teacher ratio is 25 or less in grades four through six: *Provided*, That a teacher shall not have more than three pupils above the teacher/pupil ratio as set forth in this section. Any kindergarten teacher who has more than 20 pupils per session and any classroom teacher of grades four through six who has more than 25 pupils, shall be paid additional compensation based on the affected classroom teacher's average daily salary divided by 20 for kindergarten teachers, or 25 for teachers of grades four through six, for every day times the number of additional pupils enrolled up to the maximum pupils permitted in the teacher's classroom. All such additional compensation shall be paid from county funds exclusively.

Notwithstanding any other provision of this section to the contrary, commencing with the school year beginning on July 1, 1996, a teacher in grades one, two, or three, or classrooms having two or more such grade levels, shall not have any pupils above the teacher/pupil ratio as set forth in this section.

(g) No provision of this section is intended to limit the number of pupils per teacher in a classroom for the purpose of instruction in choral, band, or orchestra music.

(h) Each school principal shall assign students equitably among the classroom teachers, taking into consideration reasonable differences due to subject areas and/or grade levels.

(i) The state board shall collect from each county board of education information on class size and the number of pupils per teacher for all classes in grades seven through 12. The

state board shall report such information to the Legislative Oversight Commission on Education Accountability before January 1, of each year.

Senate Bill 652

Expanding cardiac arrest provisions to be applicable to elementary schools

Effective Date: Passed April 11, 2025; Effective July 10, 2025

Code Reference: W. Va. Code §18-5-22e (AMENDED)

WVDE Contact: Federal Programs and Support
PK-Adult Instruction and Career Engagement
District and School Accountability

Bill Summary: This Act requires all schools under the jurisdiction of a county board of education to develop a venue-specific cardiac emergency response plan that addresses the appropriate use of school personnel to respond to incidents involving an individual experiencing sudden cardiac arrest or a similar life-threatening emergency while on school grounds outside of athletic events.

The Act also requires that coaches and any other personnel supervising a youth sports league team that plays or practices on school grounds receive a copy of the response plan, be aware of the automated defibrillator location on school grounds, and practice the skills learned at required training.

Finally, the Act defines “youth sports league team” as any team that is a member an entity that organizes and establishes rules for competitive youth sports activities other than the WVSSAC or any other entity that organizes and establishes rules for competitive youth sports activities exclusively for teams that are created by and represent schools.

Enrolled Bill: **ENROLLED Committee Substitute for Committee Substitute for Senate Bill 652**
By Senators Grady, Woelfel, and Deeds

AN ACT to amend and reenact §18-5-22e of the Code of West Virginia, 1931, as amended, relating to expanding provisions pertaining to cardiac arrest to be applicable to elementary schools; requiring cardiac response plans to be venue specific and practiced annually; requiring schools to develop a cardiac emergency response plan that addresses the appropriate use of school personnel to respond to incidents involving an individual experiencing sudden cardiac arrest or similar life-threatening emergency while on school grounds outside of athletic events; and imposing certain cardiac arrest-related requirements on coaches and any other personnel supervising a youth sports league team that plays or practices on school grounds.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-22e. Cardiac response plans.

(a) For the purposes of this section, the following terms are defined:

"Automated external defibrillator" means a lightweight, portable device that delivers an electric shock through the chest to the heart.

"Cardiac emergency response plan" or "the plan" means a written document that establishes the specific steps to reduce death from cardiac arrest.

"School" means any elementary or secondary school ~~with an athletic department or organized athletic program~~ under the jurisdiction of a county board of education.

"Sudden cardiac arrest" means when the heart malfunctions and stops beating unexpectedly.

"Youth sports league team" means any team that is a member of an entity that organizes and establishes rules for competitive youth sports activities other than the West Virginia Secondary School Activities Commission or any other entity that organizes and establishes rules for competitive youth sports activities exclusively for teams that are created by and represent schools.

(b) A school shall develop a cardiac emergency response plan that provides for the following:

(1) A school with an athletic department or organized athletic program shall develop a cardiac emergency response plan that addresses the appropriate use of school personnel to respond to incidents involving an individual experiencing sudden cardiac arrest or a similar life-threatening emergency while attending or participating in an athletic practice or event while on school grounds and that is venue specific and practiced annually; ~~and~~

(2) A school shall develop a cardiac emergency response plan that addresses the appropriate use of school personnel to respond to incidents involving an individual experiencing sudden cardiac arrest or a similar life-threatening emergency while on school grounds outside of athletic events; and

~~(2)~~ (3) School staff trained in first-aid, CPR, and automated external defibrillator use that follow evidence-based guidelines including, but not limited to, licensed coaches, school nurses, and athletic trainers.

(c) Prior to the start of each athletic season, a school subject to this section shall hold an informational meeting for students, parents, guardians, or other persons having care or

charge of a student, regarding the warning signs of sudden cardiac arrest for children of all ages.

(d) No student may participate in an athletic activity until the student has submitted to a designated school official, a form signed by the student and the parent, guardian, or other person having care or charge of the student, stating that the student and the parent, guardian, or other person having care or charge of the student have received and reviewed a copy of the cardiac emergency response plan developed by the school and posted on its webpage. A completed form shall be submitted each school year in which the student participates in an athletic activity.

(e) No individual may coach an athletic activity unless the individual has completed, on an annual basis, the sudden cardiac arrest training course approved by the Department of Education.

(f) A student shall not be allowed to participate in an athletic activity if either of the following is the case:

(1) The student is known to have exhibited syncope or fainting at any time prior to or following an athletic activity and has not been evaluated and cleared for return after exhibiting syncope or fainting; or

(2) The student experiences syncope or fainting while participating in, or immediately following, an athletic activity.

(g) If a student is not allowed to participate in or is removed from participation in an athletic activity under subsection (f) of this section, the student shall not be allowed to return to participation until the student is evaluated and cleared for return in writing by any of the following:

(1) A physician authorized under §30-3-1 *et seq.* and §30-14-1 *et seq.* of this code;

(2) A certified nurse practitioner, or certified nurse specialist; or

(3) A physician assistant licensed under §30-3E-1 *et seq.* and §30-14A-1 *et seq.* of this code.

(h) School officials shall work directly with local emergency service providers to integrate the plan into the community's EMS responder protocols, which shall include, at a minimum, the following:

(1) Establishing a cardiac emergency response team;

(2) Activating the team in response to a sudden cardiac arrest;

(3) Implementing automated external defibrillator placement and routine maintenance within the school;

(4) Disseminating the plan throughout the school campus;

(5) Maintaining ongoing staff training in CPR/AED use;

(6) Plan for practicing skills learned;

(7) Integrating local EMS with the plan;

(8) Ongoing and annual review and evaluation of the plan; and

(9) Appropriate automated external defibrillator placement.

(i) The State Board of Education may promulgate a legislative rule pursuant §29A-3B-1 *et seq.* of this code to ensure compliance with this section by county school boards.

(j) A county board of education may accept gifts, grants, and donations, including in-kind donations designated for the purchase of an automatic external defibrillator that meets the standards established by the United States Food and Drug Administration and for the costs incurred to inspect and maintain such device and train staff in the use of such device.

(k) Coaches and any other personnel supervising a youth sports league team that plays or practices on school grounds shall:

(1) Receive a copy of the cardiac emergency response plan;

(2) Locate and be aware of the automated external defibrillator placement on the school grounds;

(3) Maintain ongoing staff training in CPR/AED use; and

(4) Practice the skills learned.

Senate Bill 746**Allowing State Board of Education to delegate its Medicaid provider status to public charter schools**

Effective Date: Passed April 10, 2025; Effective July 9, 2025

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

WVDE Contact: Federal Programs and Support
School Finance

Bill Summary: Currently, the State Board is authorized to delegate its Medicaid provider status to county boards of education. This Act provides that the same delegation may be awarded to educational services cooperatives, public charter schools, or any combination of the entities, if beneficial.

The Act adds two representatives of an educational services cooperative to the State Board's Health Services Advisory Committee. The committee is also required to advise the Secretary of Human Services and the State Superintendent on improving the ability of educational services cooperatives, county boards, public charter schools, and the Department of Human Services to provide Medicaid-eligible children with all the school-based Medicaid services for which they are eligible and ensure the entities seek reimbursement for eligible Medicaid services.

Enrolled Bill: **ENROLLED Committee Substitute for Senate Bill 746**
By Senator Rucker

AN ACT to amend and reenact §18-2-5b of the Code of West Virginia, 1931, as amended, relating to allowing the State Board of Education to delegate its Medicaid provider status to public charter schools; updating obsolete references to regional education service agencies; requiring that the State Board of Education include public charter school information in its annual Medicaid-related report to the Legislature; and requiring the Health Services Advisory Committee to advise the Secretary of the Department of Human Services and the State Superintendent of Schools on ways to improve the ability of public charter schools to provide Medicaid-eligible children with all the school-based Medicaid services for which they are eligible and to ensure that the public charter schools bill for and receive all the Medicaid reimbursement to which they are entitled.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE BOARD OF EDUCATION.**§18-2-5b. Medicaid-eligible children; school health services advisory committee.**

(a) The state board shall:

(1) Become a Medicaid provider and seek out Medicaid-eligible students for the purpose of providing Medicaid and related services to students eligible under the Medicaid program; and to

(2) Maximize federal reimbursement for all services available under the Omnibus Budget Reconciliation Act of 1989 as it relates to Medicaid expansion and any future expansions in the Medicaid program for Medicaid and related services for which state dollars are or will be expended.

(b) The state board may delegate this provider status and subsequent reimbursement to ~~regional education service agencies~~ educational services cooperatives, county boards, ~~or both public charter schools, or any combination of these entities.~~ ~~Provided, That~~ A county board or public charter school is not required to seek reimbursement if it determines there is not a net benefit after consideration of costs and time involved with seeking the reimbursement for eligible services and that the billing process detracts from the educational program.

(c) Annually, no later than January 1, the state board shall report the following on a ~~county by county~~ county-by-county basis and on each public charter school to the Legislature:

- (1) The number and age of children eligible for Medicaid;
- (2) The number and age of children with Medicaid coverage;
- (3) The types of Medicaid-eligible services provided;
- (4) The frequency of services provided;
- (5) The Medicaid dollars reimbursed; and
- (6) ~~The~~ Any problems encountered in the implementation of this system.

(d) The state board shall appoint and convene a School Health Services Advisory Committee to advise the Secretary of Human Services and the state superintendent on ways to improve the ability of ~~regional education service agencies~~ educational services cooperatives, ~~local school~~ county boards, public charter schools, and Department of Human Services' employees to provide Medicaid-eligible children with all the school-based Medicaid services for which they are eligible and to ensure that the school-based Medicaid service providers bill for and receive all the Medicaid reimbursement to which they are entitled.

(e) The committee shall consist of at least the following individuals:

(1) The person within the Department of Education responsible for coordinating the provision of and billing for school-based Medicaid services in schools throughout the state, who shall provide secretarial, administrative, and technical support to the advisory committee;

(2) The person within the Department of Human Services responsible for coordinating the enrollment of Medicaid-eligible school children throughout the state;

(3) Two representatives of ~~regional education service agencies~~ educational services cooperatives who are experienced with the process of billing Medicaid for school-based health services;

(4) Two Department of Human Services' employees responsible for supervising employees;

(5) Two persons jointly appointed by the Secretary of Human Services and the State Superintendent; and

(6) One representative of the Governor's Task Force on School Health.

(f) The School Health Services Advisory Committee shall meet in the first instance at the direction of the state superintendent, select a chairperson from among its members, and meet thereafter at the direction of the chairperson. The committee shall report its findings and recommendations to the state board and Department of Human Services, which findings shall then be included in the report to the Legislature by the state board and Department of Human Services provided in subsection (c) of this section.

(g) All actual and necessary travel expenses of the members of the committee shall be reimbursed by ~~the~~ each member's employing agency. For those members not employed by a state agency, the member's actual and necessary travel expenses shall be paid by the state board. All such expenses shall be reimbursed in the same manner as the expenses of state employees are reimbursed.

Senate Bill 765

Establishing Troops-to-Teachers Program

Effective Date: Passed April 12, 2025; Effective July 11, 2025

Code Reference: W. Va. Code § 18A-3-1 (AMENDED)
§ 18A-3-2a (AMENDED)

WVDE Contact: Certification
Legal Services

Bill Summary: This Act requires the State Superintendent to establish a Troops-to-Teachers Program designed to recruit veterans of the armed forces to be employed as public school teachers. The Act specifies that the State Superintendent may issue a professional teaching license to an honorably discharged member of the armed forces who meets the following requirements:

- 1) Holds a bachelor's degree from an accredited institution of higher education that is related to the available position for which the veteran has applied;
- 2) Has passed the basic skills and subject matter tests required by the WVBE for certified teachers in the area where the license is being sought; and,
- 3) Submits to a criminal history check.

Finally, the Act provides that a veteran is exempt from any additional teacher certification requirements.

Enrolled Bill: **ENROLLED Committee Substitute for Committee Substitute for Senate Bill 765**
By Senators Willis, Thorne, Weld, Fuller, Grady, and Deeds

AN ACT to amend and reenact §18A-3-1 and §18A-3-2a of the Code of West Virginia, 1931, as amended, relating to establishing the Troops-to-Teachers Program; providing for establishment and purpose of program; and setting out conditions for issuance of professional teaching certificate.

Be it enacted by the Legislature of West Virginia:

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

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

(a) The education of professional educators in the state is under the general direction and control of the state board.

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

(1) Programs in all institutions of higher education, including student teaching, resident teacher clinical experience, and the clinical teacher of record programs, as provided in this section;

(2) Beginning teacher and leader induction programs;

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

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

(5) A Troops-to-Teachers Program, to be established by the state superintendent pursuant to §18A-3-2a of this code, to attract and recruit veterans of the armed forces to be public school teachers. Veterans will be given a veterans' preference in hiring in accordance with §6-13-1 of this code; and

~~(5)~~ (6) Continuing professional education, professional development, and in-service training programs for professional educators employed in the public schools in the state. Beginning with school year 2024-2025, and every five years after, the State Board of Education shall perform periodic reviews of professional development for teachers and education staff to ensure the following:

(A) That requirements and current training regimens are necessary and truly essential; and

(B) That a distinction is made between those professional education opportunities which are required and those just encouraged.

(i) The purpose of these reviews shall be to establish a training regimen that has the minimum amount of required training so that teachers can be better focused on the classroom.

(ii) School personnel may recommend legislative changes to this section and any other requirements mandated in this code.

(b) The state board shall adopt standards for the education of professional educators in the state and for awarding certificates valid in the public schools of this state. The standards include, but are not limited to, the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) *Clinical teacher of record programs.* —

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

(2) A "clinical teacher of record program" means an intensively supervised and mentored program for prospective teachers during their senior year that refines their professional practice skills and helps them gain the teaching experience needed to demonstrate competence as a prerequisite to certification to teach in the West Virginia public schools.

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

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

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

(C) Specifics regarding the program of instruction for the clinical teacher of record setting forth the responsibilities for supervision and mentoring by the higher education institution's educator preparation program, the school principal, and peer teachers and

mentors, and the responsibilities for the formal instruction or professional development necessary for the clinical teacher of record to perfect his or her professional practice skills. The program also may include other instructional items as considered appropriate;

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

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

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

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

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

(iv) The clinical teacher of record is provided the same liability insurance coverage as other employees; and

(v) All state aid funding due to the county for the clinical teacher of record and not required for support of the program shall be paid as a stipend to the clinical teacher of record: *Provided*, That the stipend paid to the clinical teacher of record shall be no less than 65 percent of all state aid funding due the county for the clinical teacher of record;

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

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

(1) Complies with the provisions of this section;

(2) Has a state board-approved educator preparation program; and

(3) Enters into an agreement pursuant to subsections (g) and (h) of this section.

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

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

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

(A) At least 200 clock hours of field-based training in a public school; and

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

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

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

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

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

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

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

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

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

(i) The state superintendent may issue certificates as provided in §18A-3-2a of this code to graduates of educator preparation programs and alternative educator preparation

programs approved by the state board. The certificates are issued in accordance with this section and rules adopted by the state board.

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

(A) Is a citizen of the United States, except as provided in subdivision (2) or (3) of this subsection;

(B) Is of good moral character;

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

(D) Is at least 18 years of age on or before October 1 of the year in which his or her certificate is issued.

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

(3) A certificate to teach may be granted to a noncitizen of the United States who holds a valid Permanent Resident Card, Employment Authorization Document, or work permit issued by the United States Citizenship and Immigration Services.

(j) Institutions of higher education approved for educator preparation may cooperate with each other and with one or more county boards to organize and operate centers to provide selected phases of the educator preparation program. The phases include, but are not limited to, the following:

(1) Student teaching and resident teacher clinical experience programs;

(2) Clinical teacher of record programs;

(3) Beginning teacher and leader induction programs;

(4) Instruction in methodology; and

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

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

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

(l) All institutions of higher education approved for educator preparation in the 1962-1963 school year continue to hold that distinction so long as they meet the minimum standards for educator preparation. Nothing in this section infringes upon the rights granted to any institution by charter given according to law previous to the adoption of this code.

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

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

(A) Comply with the provisions of §18-28-1 *et seq.* of this code;

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

(C) Comply with the provisions of this section;

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

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

§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 *if* 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.

Senate Bill 912

Relating to student growth assessment program

Effective Date: Passed April 12, 2025; Effective July 11, 2025

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

WVDE Contact: PK-Adult Instruction and Career Engagement
District and School Accountability

Bill Summary: This Act requires the WVBE to determine the progress of student growth in reading and math for students in 3rd through 8th grades through benchmark assessments that are given in the first 30 days of the school year, mid-year, and a summative assessment at the end of the school year. Additionally, the Act requires that the comprehensive statewide assessment adopted before the testing window of the 2025-2026 school year be utilized for at least four consecutive years.

Enrolled Bill: **ENROLLED Senate Bill 912**
By Senators Grady and Deeds

AN ACT to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, relating generally to the statewide student growth assessment program; requiring the program to be composed of benchmark assessments to be given in the first 30 days of the school year, mid-year, and a summative assessment at the end of the school year to determine student progression in reading and mathematics in grades three through eight; and removing obsolete language.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.

§18-2E-5. Process for improving education; education standards; statewide assessment program; accountability measures; Office of Education Performance Audits; school accreditation and school system approval; intervention to correct low performance.

(a) *Legislative findings, purpose, and intent.* — The Legislature makes the following findings with respect to the process for improving education and its purpose and intent in the enactment of this section:

(1) The process for improving education includes four primary elements, these being:

(A) Standards which set forth the knowledge and skills that students should know and be able to perform as the result of a thorough and efficient education that prepares them for

the twenty-first century, including measurable criteria to evaluate student performance and progress;

(B) Assessments of student performance and progress toward meeting the standards;

(C) A system of accountability for continuous improvement articulated by a rule promulgated by the state board that will build capacity in and ensure the efficiency of schools and districts to meet rigorous outcomes that assure student performance and progress toward obtaining the knowledge and skills intrinsic to a high-quality education, rather than monitoring for compliance with specific laws and regulations; and

(D) A method for building the capacity and improving the efficiency of schools and school systems to improve student performance and progress;

(2) As the constitutional body charged with the general supervision of schools as provided by general law, the state board has the authority following constructive engagement of the Legislature as provided in §18-2H-1 of this code and as delegated by the Legislature by general law to establish the standards and assess the performance and progress of students against the standards, and to exercise its supervisory responsibility to hold schools and school systems accountable and assist schools and school systems to build capacity and improve efficiency so that the standards are met, including, when necessary, seeking additional resources in consultation with the Legislature and the Governor;

(3) As the constitutional body charged with providing for a thorough and efficient system of schools, the Legislature has the authority and the responsibility to establish and be engaged constructively in the determination of the knowledge and skills that students should know and be able to do as the result of a thorough and efficient education. This determination is made by using the process for improving education to determine when school improvement is needed by evaluating the results and the efficiency of the system of schools, by ensuring accountability and by providing for the necessary capacity and its efficient use;

(4) In consideration of these findings, the purpose of this section is to establish a process for improving education that includes the four primary elements as set forth in subdivision (1) of this subsection to provide assurances that the high-quality standards are, at a minimum, being met and that a thorough and efficient system of schools is being provided for all West Virginia public school students on an equal education opportunity basis; and

(5) The intent of the Legislature in enacting this section is to establish a process through which the Legislature, the Governor, and the state board will constructively consult on any measures affecting standards, assessments, and accountability prior to their adoption,

examine the performance and progress of students, schools, and school systems and, when necessary, consider alternative measures to ensure that all students continue to receive the thorough and efficient education to which they are entitled. However, nothing in this section requires any specific level of funding by the Legislature.

(b) *Electronic county and school strategic improvement plans.* — The state board shall promulgate a rule consistent with this section and in accordance with §29A-3B-1 *et seq.* of this code establishing an electronic county strategic improvement plan for each county board and an electronic school strategic improvement plan for each public school in this state. Each respective plan shall be for a period of no more than five years and shall include the mission and goals of the school or school system to improve student, school, or school system performance and progress, as applicable. The strategic plan shall be revised annually in each area in which the school or system is below the standard on the annual performance measures. The plan shall be revised when required pursuant to this section to include each annual performance measure upon which the school or school system fails to meet the standard for performance and progress, the action to be taken to meet each measure, a separate time line and a date certain for meeting each measure, a cost estimate and, when applicable, the assistance to be provided by the department and other education agencies to improve student, school or school system performance and progress to meet the annual performance measure.

The department shall make available to all public schools through its website or the West Virginia Education Information System an electronic school strategic improvement plan boilerplate designed for use by all schools to develop an electronic school strategic improvement plan which incorporates all required aspects and satisfies all improvement plan requirements of the Every Student Succeeds Act or subsequent federal law.

(c) *High-quality education standards and efficiency standards.* — In accordance with §29A-3B-1 *et seq.* of this code, the state board shall adopt and periodically review and update high-quality education standards for student, school and school system performance and processes in the following areas:

- (1) Academic standards;
- (2) Workplace readiness skills;
- (3) Finance;
- (4) Transportation;
- (5) Special education;

- (6) Facilities;
- (7) Administrative practices;
- (8) Training of county board members and administrators;
- (9) Personnel qualifications;
- (10) Professional development and evaluation;
- (11) Student performance, progress, and attendance;
- (12) Professional personnel, including principals and central office administrators, and service personnel attendance;
- (13) School and school system performance and progress;
- (14) A code of conduct for students and employees;
- (15) Indicators of efficiency;
- (16) Digital literacy skills; and
- (17) Any other areas determined by the state board.

(d) *Comprehensive statewide student growth assessment program.* — The state board shall establish a comprehensive statewide student growth assessment program to assess student performance and progress in grades three through 12. The assessment program is subject to the following:

(1) The state board shall promulgate a rule in accordance with §29A-3B-1 *et seq.* of this code establishing the comprehensive statewide student growth assessment program which shall be composed of benchmark assessments that are given in the first 30 days of the school year and repeated at mid-year and a summative assessment at the end of the school year to determine student progression in reading and mathematics in grades three through eight;

(2) ~~Prior to the testing window of the 2017-2018 school year, the~~ The state board shall align the comprehensive statewide student assessment for all grade levels in which the test is given with the ~~college readiness~~ academic standards adopted pursuant to ~~section thirty-nine, article two of this chapter~~ subsection (c) of this section or develop other aligned tests to be required in grades three through eight and administered once during the grade span of nine through 12 to assess progress toward college and career readiness in English/language arts and math. The assessment in science shall be administered once in grade spans three through five, once in grade spans six through eight, and once in grade spans nine through 12;

(3) In accordance with §18-2-1 *et seq.* and §18-2E-1 *et seq.* of this code, the state board shall review or develop, and adopt a college and career readiness assessment to be administered in grade 11: *Provided*, That the adopted college and career readiness assessment

administered in grade 11 counts toward the statewide student assessment and must be used by a significant number of regionally accredited higher education institutions for determining college admissions.

(4) The comprehensive statewide student growth assessment shall be administered to students in accordance with the requirements of the Every Student Succeeds Act or subsequent federal law;

(5) The state board may provide, through the statewide assessment program, other optional testing or assessment instruments applicable to grade levels kindergarten through grade 12 which may be used by each school to promote student achievement. The state board annually shall publish and make available, electronically or otherwise, to school curriculum teams and teacher collaborative processes the optional testing and assessment instruments. For any online assessment, the state board shall provide online assessment preparation to ensure that students have the requisite digital literacy skills to be successful on the assessment;

(6) The state board may adopt a career readiness assessment that measures and documents foundational workplace skills and leads to a nationally recognized work readiness certificate for students that meet minimum proficiency requirements; and

(7) The comprehensive statewide student growth assessment adopted prior to the testing window of the ~~2017-2018~~ 2025-2026 school year shall continue to be used for at least a total of four consecutive years;

(8) No summative assessment approved by the state board may take more than two percent of a student's instructional time;

(9) No student may be required to complete a greater number of summative assessments than is required by the Every Student Succeeds Act except as otherwise required by this subsection; and

(10) Collection of personal data as part of the assessment process except for what is necessary for the student's instruction, academic and college and career search needs is prohibited.

(e) *State annual performance measures for school and school system accreditation.* —

The state board shall promulgate a rule in accordance with article §29A-3B-1 *et seq.* of this code that establishes a system that is based in multiple measures and meets the requirements of any federal law to assess and weigh annual performance measures to assure that schools and school systems are providing a thorough and efficient education to their

students. State accreditation shall be reviewed and approved in a balanced manner that gives fair credit to all measures affecting students and subgroups of students in the schools and school systems. The state board also may establish performance incentives for schools and school systems as part of the state accreditation system. On or before December 1, 2018, the state board shall report to the Governor and to the Legislative Oversight Commission on Education Accountability the proposed rule for establishing the measures and incentives of accreditation and the estimated cost therefore, if any. Thereafter, the state board shall provide an annual report to the Governor and to the Legislative Oversight Commission on Education Accountability on the impact and effectiveness of the accreditation system. The rule for school and school system accreditation proposed by the board may include, but is not limited to, the following measures:

(1) Student proficiency and growth in English and language arts, math, science, and other subjects determined by the board;

(2) Graduation and attendance rate;

(3) Students taking and passing AP tests;

(4) Students completing a career and technical education class;

(5) Closing achievement gaps within subgroups of a school's student population; and

(6) Students scoring at or above average attainment on SAT or ACT tests.

(f) *Indicators of efficiency.* — In accordance with §29A-3B-1 *et seq.* of this code, the state board shall adopt by rule and periodically review and update indicators of efficiency for use by the appropriate divisions within the department to ensure efficient management and use of resources in the public schools in the following areas:

(1) Curriculum delivery including, but not limited to, the use of distance learning;

(2) Transportation;

(3) Facilities;

(4) Administrative practices;

(5) Personnel; and

(6) Any other indicators as determined by the state board.

Each county board of education shall use the statewide electronic information system established by the state board for data collection and reporting to the state Department of Education.

(g) *Assessment and accountability of school and school system performance and processes.* — In accordance with §29A-3B-1 *et seq.* of this code, the state board shall establish

by rule a system of education performance measures to evaluate the quality of education and the preparation of students based on the annual measures of student, school, and school system performance and progress. The system of education performance measures shall provide information to the state board, the Legislature, and the Governor, upon which they may determine whether a thorough and efficient system of schools is being provided. The system of education performance measures shall include:

(1) The assessment of student, school, and school system performance and progress based on the annual measures established pursuant to subsection (e) of this section;

(2) The evaluation of records, reports, and other documents that provide information on the quality of education and compliance with statutes, policies, and standards; and

(3) The review of school and school system electronic strategic improvement plans.

(h) *Uses of school and school system assessment information.* — The state board shall use information from the system of education performance measures to assist it in ensuring that a thorough and efficient system of schools is being efficiently provided and to improve student, school and school system performance and progress. Information from the system of education performance measures further shall be used by the state board for these purposes, including, but not limited to, the following:

(1) Determining accountability and accreditation for schools and school system approval status as required by state board rule and any federal law or regulations; and

(2) Holding schools and school systems accountable for the efficient use of existing resources to meet or exceed the standards; and

(3) Targeting additional resources when necessary to improve performance and progress.

The state board shall make the performance measures information available to the Legislature, the Governor, the general public, and to any individual who requests the information, subject to the provisions of any act or rule restricting the release of information.

(i) *Early detection and intervention programs.* — Based on the assessment of student, school and school system performance, and progress, the state board shall establish early detection and intervention programs using the available resources of the Department of Education, or other resources as appropriate, to assist underachieving schools and school systems to improve performance before conditions become so grave as to warrant more substantive state intervention. Assistance shall include, but is not limited to, providing

additional technical assistance and programmatic, professional staff development, and providing monetary, staffing, and other resources where appropriate.

(j) The state board may employ experienced education professionals, who serve at the will and pleasure of the state board, to coordinate on site and school system improvement efforts with staff at the state Department of Education to support schools and school systems in improving education performance measures.

(k) *School accreditation.* —

(1) The state board shall establish levels of accreditation to be assigned to schools. The establishment of levels of accreditation shall be subject to the following:

(A) The levels will be designed to demonstrate school performance on multiple measures as established by the state board by legislative rule in accordance with §29A-3B-1 *et seq.* of this code and consistent with the applicable state laws, policies and standards, which include standards for performance-based accountability, high-quality education, and continuous improvement; and

(B) Will ensure compliance with federal law and applicable state laws, policies and standards at a minimum.

(2) The state board annually shall review the information from the system of education performance measures submitted for each school and shall accredit each school as designated in the rule, and consistent with the applicable state laws, policies, and standards; and

(3) Exercise other powers and actions the state board determines necessary to fulfill its duties of general supervision of the schools and school systems of West Virginia.

(l) *School system approval.* — The state board annually shall review the information submitted for each school system from the system of education performance measures and issue to each county board an approval status in compliance with federal law and established by state board rule.

(m) *Non-approval for extraordinary circumstances.*

(1) The state board shall establish and adopt additional standards to identify school systems in which the program may be non-approved and the state board may issue non-approval status whenever extraordinary circumstances exist as defined by the state board.

(2) When extraordinary circumstances exist, but do not rise to the level of immediate intervention as described in subsection (n) of this section, the state board may declare a state of emergency in the school system and shall direct designees to provide recommendations within 60 days of appointment for correcting the extraordinary circumstances. When the state

board approves the recommendations, they shall be communicated to the county board. If progress in correcting the extraordinary circumstances, as determined by the state board, is not made within six months from the time the county board receives the recommendations, the state board shall intervene in the operation of the school system to cause improvements to be made that will provide assurances that a thorough and efficient system of schools will be provided. This intervention may include, but is not limited to, the following:

(A) Limiting the authority of the county board in areas that compromise the delivery of a thorough and efficient education to its students as designated by the state board by rule, which may include delegating decision-making authority regarding these matters to the state superintendent who may:

(B) Declare that the office of the county superintendent is vacant;

(C) Declare that the positions of personnel who serve at the will and pleasure of the county superintendent as provided in §18A-2-1 of this code, are vacant, subject to application and reemployment;

(D) Fill the declared vacancies during the period of intervention; and

(E) Take any direct action necessary to correct the extraordinary circumstance.

(n) Notwithstanding any other provision of this section, the state board may intervene immediately in the operation of the county school system with all the powers, duties and responsibilities contained in subsection (m) of this section, if the state board finds any of the following:

(1) A county board fails to act on a statutory obligation which would interrupt the day-to-day operations of the school system;

(2) That the conditions precedent to intervention exist as provided in this section; and that delaying intervention for any period of time would not be in the best interests of the students of the county school system; or

(3) That the conditions precedent to intervention exist as provided in this section and that the state board had previously intervened in the operation of the same school system and had concluded that intervention within the preceding five years.

(o) *Capacity.* — The process for improving education includes a process for targeting resources strategically to improve the teaching and learning process. Development of electronic school and school system strategic improvement plans, pursuant to subsection (b) of this section, is intended, in part, to provide mechanisms to target resources strategically to the teaching and learning process to improve student, school, and school system performance.

When deficiencies are detected through the assessment and accountability processes, the revision and approval of school and school system electronic strategic improvement plans shall ensure that schools and school systems are efficiently using existing resources to correct the deficiencies. When the state board determines that schools and school systems do not have the capacity to correct deficiencies, the state board shall take one or more of the following actions:

(1) Work with the county board to develop or secure the resources necessary to increase the capacity of schools and school systems to meet the standards and, when necessary, seek additional resources in consultation with the Legislature and the Governor;

(2) Recommend to the appropriate body including, but not limited to, the Legislature, county boards, schools and communities methods for targeting resources strategically to eliminate deficiencies identified in the assessment and accountability processes. When making determinations on recommendations, the state board shall include, but is not limited to, the following methods:

The state board, or its designee, the West Virginia Department of Education, and county school systems, shall work collaboratively in:

(1) Examining reports and electronic strategic improvement plans regarding the performance and progress of students, schools, and school systems relative to the standards and identifying the areas in which improvement is needed;

(2) Determining the areas of weakness and of ineffectiveness that appear to have contributed to the substandard performance and progress of students or the deficiencies of the school or school system;

(3) Determining the areas of strength that appear to have contributed to exceptional student, school, and school system performance and progress and promoting their emulation throughout the system;

(4) Requesting technical assistance from the School Building Authority in assessing or designing comprehensive educational facilities plans;

(5) Recommending priority funding from the School Building Authority based on identified needs;

(6) Recommending special staff development programs from county boards based on identified needs;

(7) Submitting requests to the Legislature for appropriations to meet the identified needs for improving education;

(8) Directing educational expertise and support services strategically toward alleviating deficiencies;

(9) Ensuring that the need for facilities in counties with increased enrollment are appropriately reflected and recommended for funding;

(10) Ensuring that the appropriate person or entity is held accountable for eliminating deficiencies; and

(11) Ensuring that the needed capacity is available from the state and local level to assist the school or school system in achieving the standards and alleviating the deficiencies.

(p) *Building leadership capacity.* — To help build the governance and leadership capacity of a county board during an intervention in the operation of its school system, and to help assure sustained success following return of control to the county board, the county board shall establish goals and action plans, subject to approval of the state superintendent, to improve performance sufficiently to end the intervention within a period of not more than five years. The state superintendent shall maintain oversight and provide assistance and feedback to the county board on development and implementation of the goals and action plans. At a minimum, the goals and action plans shall include:

(1) An analysis of the training and development activities needed by the county board and leadership of the school system for effective governance and school improvement;

(2) Support for the training and development activities identified which may include those made available through the state superintendent, West Virginia School Board Association, and other sources identified in the goals and action plans; and

(3) Active involvement by the county board in the improvement process, working in tandem with the county superintendent to gather, analyze and interpret data, write time-specific goals to correct deficiencies, prepare and implement action plans and allocate or request from the Department of Education the resources, including board development training and coaching, necessary to achieve approved goals and action plans and sustain system and school improvement.

At least once each year during the period of intervention, the state board shall appoint a designee to assess the readiness of the county board to accept the return of control of the system or school from the state board and sustain the improvements, and shall make a report and recommendations to the state board supported by documented evidence of the progress made on the goals and action plans. The state board may return any portion of control of the operations of the school system or end the intervention in its entirety by a majority vote. If the

state board determines at the fifth annual assessment that the county board is still not ready to accept return of control by the state board and sustain the improvements, the state board shall hold a public hearing in the affected county at which the attendance by all members of the county board is requested so that the reasons for continued intervention and the concerns of the citizens of the county may be heard. The state board may continue the intervention only after it holds the public hearing and may require revision of the goals and action plans. The state board must thereafter hold a public hearing after each annual assessment beyond the fifth year. If a school system is in intervention status on the effective date of this provision, the total years of intervention shall be calculated from the date of initial intervention. Following the termination of an intervention in the operation of a school system and return of full control by the state board, the support for governance education and development shall continue as needed for up to three years. If at any time within this three years, the state board determines that intervention in the operation of the school system is again necessary, the state board shall again hold a public hearing in the affected county so that the reasons for the intervention and the concerns of the citizens of the county may be heard prior to intervening.

Senate Bill 914**Relating to testing and attendance requirements for private, parochial, and church schools**

Effective Date: Passed April 12, 2025; Effective April 12, 2025

Code Reference: W. Va. Code §18-28-2 (AMENDED)
§18-28-3 (AMENDED)

WVDE Contact: PK-Adult Instruction and Career Engagement
Student Enrichment

Bill Summary: This Act changes the minimum instructional time for private, parochial, and church schools from 180 days, consisting of an average of five hours per day, to 900 hours per school year. The Act also removes the requirement that private, parochial, and church schools initiate a remedial program to foster achievement if the school's composite standardized test result falls below forty percent. Upon request, the Act requires that each child's testing or assessment results be provided to the student's parents, legal guardians, or the WVDE.

Enrolled Bill: **ENROLLED Committee Substitute for Senate Bill 914**
By Senators Roberts, Rucker, Taylor, and Willis

AN ACT to amend and reenact §18-28-2 and §18-28-3 of the Code of West Virginia, 1931, as amended, relating to certain non-public schools; replacing the minimum 180-day instructional term and average of five hours of instruction per day requirements with a minimum instructional term requirement of 900 hours per school year; adding requirement that upon request, the school composite results be made available to the parents or legal guardians of a prospective enrollee in the school; preserving the requirement that, upon request of the West Virginia Department of Education, the school's composite results be furnished to the State Superintendent of Schools; and removing ramifications of a school's composite test results falling below the 40th percentile.

Be it enacted by the Legislature of West Virginia:

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 ~~one hundred eighty days~~ 900 hours per school year; with an average of five hours of instruction per day;

(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.

§18-28-3. Standardized testing requirements.

(a) Each private, parochial, or church school or school of a religious order or other nonpublic school electing to operate under this statute in lieu of the approval requirements set forth as part of §18-8-1(b) of this code shall administer during each school year a nationally normed standardized achievement test which test shall be selected by the chief administrative officer of each school. The test shall be administered to students at the same grade levels and in the same subject areas as required in the public schools of the state for administration of the statewide summative assessment. The selected test shall be published or normed within the last 10 years and shall be administered under standardized conditions as set forth by the published instructions of the selected test. The student participation rate on the standardized achievement test must be the same as that required in the public schools for a school's composite score to be considered valid.

(b) Notwithstanding subsection (a) of this section, any private, parochial, church school, school of a religious order, or other nonpublic school that exclusively teaches special education students or children with learning disabilities shall academically assess students by one or more of the following methods: (1) A standardized group achievement test; (2) a

standardized individual achievement test; (3) a written narrative of an evaluation of a portfolio of samples of a child's work; (4) an alternative academic assessment of the child's proficiency as mutually agreed by the county superintendent, parent(s) or legal guardian(s) and the school. The assessment shall be made of students at the same grade levels and in the same subject areas as required in the public schools of the state for administration of the statewide summative assessment,

(c) Nothing in this section prohibits a private parochial, church school, school of a religious order, or other nonpublic school from administering standardized achievement tests in additional subject areas or at additional grade levels as they may choose at their sole discretion.

(d) Each child's testing or assessment results and the school composite results shall be made available to the child's parents or legal guardians. Upon request, the school composite results also shall be made available to the parents or legal guardians of a prospective enrollee in the school. ~~Upon request of a duly authorized representative of the West Virginia Department of Education, the school's composite results shall be furnished by the school or by a parents organization composed of the parents or guardians of children enrolled in said school to the State Superintendent of Schools. Upon request of a duly authorized representative of the West Virginia Department of Education, the school's composite results shall be furnished to the State Superintendent of Schools.~~

(e) Each school to which this article applies shall:

(1) Establish curriculum objectives, the attainment of which will enable students to develop the potential for becoming literate citizens.

(2) Provide an instructional program that will make possible the acquisition of competencies necessary to become a literate citizen.

~~(f) If the school's composite test results for any single year fall below the fortieth percentile on the selected standardized achievement test or a comparable level established by the state board for assessment methods authorized pursuant to subsection (b) of this section, the school shall initiate a remedial program to foster achievement above that level. If after two consecutive calendar years school composite test results are not above the fortieth percentile or comparable level, attendance at the school no longer satisfies the compulsory school attendance requirement of §18-8-1(k) of this code, until the percentile standards herein set forth are met.~~

House Bill 2003

Prohibiting Cell phones in class

Effective: Passed April 10, 2025; Effective July 9, 2025

Code Reference: W. Va. Code § 18-2-46 (NEW)

WVDE Contact: District and School Accountability

Summary: This Act requires county boards of education to adopt policies limiting student access to personal electronic devices during instructional time, with exemptions for medical needs, IEP/504 plans, or work-based learning programs.

County boards of education policies must include, but are not limited to, storage procedures, consequences for violations, and communication protocols for parents/guardians. Violations must be recorded in the West Virginia Education Information System (WVEIS).

Local School Improvement Councils (LSICs) are required to annually review policy effectiveness and discipline data.

Enrolled Bill: **ENROLLED Committee Substitute for Committee Substitute for House Bill 2003**
By Delegate Hanshaw (Mr. Speaker) (By Request of the Executive)

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §18-2-46, relating to the limitation of cell phones in classrooms; providing for a purpose and application; creating definitions; creating a prohibition of personal electronic devices during instructional time; setting forth minimum requirements for county board of education policies; and providing for severability.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-46. Limitation on cell phones in classrooms; rule-making.

(a) Purpose. – Personal electronic devices contribute to a negative classroom environment with increased concerns relating to distractions, academic misconduct, bullying and/or harassment and other inappropriate behaviors. Concerns regarding the mental health of students with unfettered access to personal electronic devices are well-documented and are believed to prohibit the age-appropriate development of relationships, study skills, and other necessary skills to be successful.

(b) Application. – County boards of education shall develop a policy that includes, but is not limited to, the requirements established in this policy for implementation at the beginning of the 2025-2026 school year.

(c) Definitions. –

(1) "Personal Electronic Device" means any portable device capable of wireless communication or computing including, but not limited to, cellular phones, tablets, laptops, smartwatches, and portable gaming systems not provided by a county board of education.

(2) "Instructional Day" means the period of time from the start of the first instructional period to the end of the last instructional period, including transition times between classes.

(3) "Classroom Setting" means an environment where instruction or activities related to the school curriculum are occurring including, but not limited to, general classrooms, gymnasiums, common areas, or any other area where instruction may occur.

(d) Prohibition of Personal Electronic Devices During Instructional Time. – As personal electronic devices are a privilege and are not contributable to the appropriate development and growth of students, all personal electronic devices shall not be accessible to students for use in a classroom setting during instructional time, with the exception of exemptions set forth in this policy.

(e) Minimum Requirements for County Board of Education Policies. – County boards of education are required to adopt a policy that includes, but is not limited to, the following:

(1) Whether personal electronic devices will or will not be permitted on school property.

(2) If a county board decides that personal electronic devices will be permitted on school property, its policy must include a procedure for storing the devices that specifies where and how the devices will be stored during the instructional day.

(3) If a county board decides that personal electronic devices will be permitted on school property, students may be required to store the devices in containers or pouches provided by the county board.

(4) County boards of education policies shall include the following exemptions:

(A) Students with an approved documented need, as required by a medical doctor or licensed healthcare professional or as a requirement of an Individualized Education Plan (IEP) or 504 plan, the student's health care provider's medical orders, or other written accommodation plan, may have access to personal electronic devices if the device relates to the student's specific need. An exemption related to a student's IEP, 504 plan, medical order, or

other written accommodation shall include a timeline of the required exemption and specify what electronic device(s) shall be included in the exemption.

(B) County boards of education may include permission of specific personal electronic devices as related to the requirements of a county board of education approved work-based learning program. The approval shall include the specific course and purpose for which an electronic device may be used.

(5) County boards of education policies shall include consequences for students determined to have violated the policy including, but not limited to, the following:

(A) Penalties for a first offense, a second offense, and subsequent offenses;

(B) Confiscation of a student's personal electronic device(s) for violation of the policy and/or require the student's parent/guardian to retrieve the device(s); and,

(C) Prohibiting an individual student from possessing any device if previous misuse has been documented. However, if a student is prohibited from possessing electronic devices on school property, a conference shall be offered to the parent/guardian to discuss the reasoning for the prohibition.

(6) County board of education policies shall require schools to document all violations of the policy in the West Virginia Education Information System (WVEIS).

(7) County boards of education shall make reasonable efforts to ensure that information related to acceptable use of personal electronic devices is disseminated to students and their parents/guardians including posting signs on school property and publishing the information in student handbooks, newsletters, social media, and county or school websites.

(8) The Local School Improvement Council (LSIC) of each school shall annually discuss the progress of implementing the county board's personal electronic device policy. The LSIC shall, at a minimum, review the relevant discipline data and make recommendations designed to promote student compliance with the policy.

(9) County boards shall require each school to develop and publish protocols regarding how parents/guardians may communicate with their children in a manner that does not distract the student in the learning environment. This may include, but is not limited to, establishing specific times when personal electronic devices are permissible, utilizing office staff to disseminate information from the parent/guardian, or any other applicable strategy designed to minimize disruption during instructional time.

(f) Severability. – If any provision of this policy or the application thereof to any person or circumstance is held invalid, such federal legislation or invalidity shall not affect other provisions or applications of this policy.

House Bill 2129

Creating the Parents Bill of Rights

Effective Date: Passed April 3, 2025; Effective July 2, 2025

Code Reference: W. Va. Code §49-12-1 (NEW)
§49-12-2 (NEW)
§49-12-3 (NEW)
§49-12-4 (NEW)
§49-12-5 (NEW)

WVDE Contact: Data Management & Information Systems

Bill Summary: This Act creates the Parents' Bill of Rights. It relates to education by declaring that parents have the right to:

- 1) Direct the education of their child
- 2) Apply to enroll their child in a public school or any alternative school option; and,
- 3) Access and review all school records relating to their child;

The Act also includes that it does not prohibit a court of competent jurisdiction, law enforcement officer, or employees of a government agency that is responsible for child welfare from acting in their official capacity within the reasonable and prudent scope of their authority, or prohibit a court from issuing a lawful order.

Enrolled Bill: **ENROLLED Committee Substitute for House Bill 2129**
By Delegates Butler, Kump, Pinson, Kimble, Funkhouser, Ridenour, Horst, Heckert, and Dillon

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §49-12-1, §49-12-2, §49-12-3, §49-12-4, and §49-12-5 all relating to the Parents' Bill of Rights; creating a short title; providing legislative findings; creating definitions; creating a standard of review; clarifying parental rights; creating a defense; providing for certain injunctive relief; providing applicability; and providing certain limitations.

Be it enacted by the Legislature of West Virginia:

ARTICLE 12. PARENTS' BILL OF RIGHTS.

§49-12-1. Short title.

This article shall be known and may be cited as the "Parents' Bill of Rights".

§49-12-2. Legislative findings and definition.

(a) The Legislature finds that it is a fundamental right of parents to direct the upbringing, education, care, and medical care of their minor children. The Legislature further finds that important information relating to a minor child should not be withheld, either inadvertently or purposefully, from his or her parent, including information relating to the minor child's health, well-being, and education, while the minor child is in the custody of the school district.

(b) For purposes of this article, the term "parent" means a person who has legal custody of a minor child as a natural or adoptive parent or a legal guardian.

§49-12-3. Infringement of parental rights.

The state, any of its political subdivisions, any other governmental entity, or any other state institution may not infringe on the fundamental rights of a parent to direct the upbringing, education, health care, and mental health of his or her minor child without demonstrating that such action is reasonable and necessary to achieve a compelling state interest and that such action is narrowly tailored and is not otherwise served by a less restrictive means.

§49-12-4. Parental rights.

(a) All parental rights are reserved to the parent of a minor child in this state without obstruction or interference from the state, any of its political subdivisions, any other governmental entity, or any other state institution, including, but not limited to, all of the following rights of a parent of a minor child in this state:

(1) The right to direct the education and care of his or her minor child.

(2) The right to direct the upbringing and the moral or religious training of his or her minor child.

(3) The right to apply to enroll his or her minor child in a public school or, as an alternative to public education, a private school, including a religious school, a home education program, or other available options, as authorized by law.

(4) The right to access and review all school records relating to his or her minor child.

(5) The right to make health care decisions for his or her minor child, unless otherwise prohibited by law.

(b) The right to parental rights guaranteed by this article shall not be denied or abridged on account of disability.

(c) A parent may raise this article as a defense before any court or administrative tribunal. In addition, any person aggrieved by the provisions of this article may bring an action

for injunctive relief against a person who engages in conduct that constitutes a violation of this article in the circuit court of any county in which any part of the conduct occurs. The circuit court may grant any appropriate injunctive relief to prevent or abate the conduct, including a temporary restraining order, preliminary injunction, or permanent injunction.

§49-12-5. Applicability; limitations.

(a) This article applies to state and local laws, rules, or ordinances, and the implementation of that law, rule, or ordinance, whether statutory or otherwise. Statutory law adopted after the date of the enactment of this article is subject to this article unless such law explicitly excludes such application by reference to this article.

(b) This article does not:

(1) Authorize a parent of a minor child in this state to engage in conduct that is unlawful or to abuse or neglect his or her minor child in violation of general law.

(2) Condone, authorize, approve, or apply to a parental action or decision that would end life.

(3) Prohibit a court of competent jurisdiction, law enforcement officer, or employees of a government agency that is responsible for child welfare from acting in his or her official capacity within the reasonable and prudent scope of his or her authority; or

(4) Prohibit a court of competent jurisdiction from issuing an order that is otherwise permitted by law.

House Bill 2164

To allow for public and private schools in West Virginia to employ security personnel

Effective Date: Passed April 12, 2025; Effective July 11, 2025

Code Reference: W. Va. Code §15-2D-3 (AMENDED)
§61-7-11a (AMENDED)
§18-5-52 (NEW)
§18-5-53 (NEW)
§18-5-54 (NEW)

WVDE Contact: Legal Services

Bill Summary: This Act authorizes county boards of education to employ school safety officers defined as “an individual who is employed by a local school board, public charter school, private school, or religious school for the singular purpose of maintaining order and discipline, preventing crime, investigating policy violations, and reasonable detaining any individual committing an offense that constitutes a breach of peace on school property, buses, or at school-sponsored events, and who is responsible solely for ensuring the safety, security and welfare of all students, faculty, staff, and visitors in the assigned school.” Public school districts that employ school safety officers are required to maintain adequate insurance for liability, property loss, and personal injury.

“Breach of Peace” is a felony offense defined as follows:

- 1) An action or potential crime involving physical injury or a threat of physical injury to another person, or destruction of property or property located on school premises; or,
- 2) A committed act where the officer believes that a person is likely to cause harm to themselves or others.

Additionally, the Act requires school safety officers to be certified by the director of the West Virginia Division of Protective Services as meeting pre-employment and in-service training standards. School Safety Offices are required to complete annual training with the local county sheriff’s office.

County boards of education are permitted to authorize their school safety officers to carry firearms if they meet the following requirements:

- 1) Pass a background check;
- 2) Confirmation of the officer’s prior law-enforcement service meets the 10-year requirement;

- 3) Confirmation that the officer was in good standing when they retired or resigned as a law enforcement officer; and,
- 4) Confirmation that the officer is certified as capable of discharging the duties of a school safety officer.

County boards of education are also authorized to contract with an independent contractor to serve as a school safety guardian officer or with a private security firm to provide school safety officer services. These officers shall be certified by the county sheriff and be a former state trooper, deputy sheriff, state fire marshal, natural resource police officer, municipal police officer, or federal law enforcement officer. At a minimum, they must be a United States citizen with a high school diploma or equivalent and meet all the requirements to carry a concealed weapon. Additionally, they are required to complete the Law Enforcement Professional Training Standards Program; a fitness for duty examination; a firearm and less-than-lethal use of force course; training in crisis de-escalation techniques, disaster, and emergency response; and, any other requirements established by the employing county board. An independent contractor is not eligible to be a guardian if they are not current in all obligations to the State of West Virginia, including taxes.

An employee of a private security firm and/or an independent contractor is prohibited from serving as a school safety officer under the Act if:

- 1) There is credible evidence of illegal drug use in the preceding five years;
- 2) They have committed a disqualifying criminal offense including, but not limited to, domestic violence; driving under the influence; child abuse; unlawful manufacture, delivery, or possession with intent to deliver any controlled substance; and, any other misdemeanor or felony conviction deemed exclusionary by the employing county board; or,
- 3) They are not retired from their employment in law enforcement.

School safety officers do not have arrest powers but may reasonably detain a person committing a breach of peace act to determine if an offense was committed and surrender the person to a certified law enforcement officer or release them. If the detainee is a student under 21 years old, a parent or guardian must be present.

The Act also provides that air or rimfire rifles possessed on school property to participate in a school shooting team practice or event are not deadly weapons prohibited from possession on school premises under criminal law.

Finally, school safety officers employed under this act are not entitled to state employment benefits.

Enrolled Bill:

ENROLLED Committee Substitute for Committee Substitute for House Bill 2164

By Delegates Statler, Ellington, Pinson, Hornby, Pritt, D. Cannon, Heckert, Holstein, and Funkhouser

AN ACT to amend and reenact §15-2D-3 and §61-7-11a of the Code of West Virginia, 1931, as amended; and by adding thereto three new sections, designated §18-5-52, §18-5-53, and §18-5-54, relating to creating school safety officers; requiring the director of the Division of Protective Services to establish standards for school safety officers and issue a certificate; providing definitions; authorizing local school boards, public charter schools, and private or religious schools to employ school safety officers; providing standards for a school safety officer to carry a firearm on school grounds; requiring a background check; specifying the detention powers of a school safety officer and limitations on detention powers; requiring data sharing with the Division of Protective Services; specifying payment for equipment; requiring insurance for schools employing a school safety officer; clarifying that the prohibitions on carry a firearm in a school zone do not apply to certified school safety officers; providing that all school safety officers are subject to the Law Enforcement Officers Safety Act ("LEOSA"); clarifying the liability and responsibility of school safety officers; providing for annual training in conjunction with the local county sheriffs' department; allowing county boards of education to contract with an independent contractor, known as a West Virginia guardian, who is a former state trooper, former deputy sheriff, former state fire marshal, former Department of Natural Resources police officer, former municipal police officer, or former federal law-enforcement officer to provide public safety and/or security on school grounds to protect life and property; specifying the authority of independent contractors participating in the program and an apparel requirement; requiring the West Virginia guardian to apply for a permit from the county sheriff of the county in which the guardian will provide services; mandating the county sheriff to require an applicant to provide proof of meeting certain requirements; allowing county board to impose additional requirements; requiring permit application fee to be deposited into a guardian program fund; stating that meeting all of certain requirements does not guarantee a contract will be extended to the applicant; specifying instances in which an

independent contractor is precluded from participation as a West Virginia guardian; providing certain liability insurance requirements; exempting West Virginia guardian contract from certain purchasing requirements; clarifying that county board participation is voluntary and subject to the availability of county funds; providing for exclusions from state benefit programs; and clarifying that an off duty law-enforcement officer is not prohibited from carrying a firearm on certain school grounds; allowing county boards, public charter schools, or private or religious schools to contract with a private security guard firm to provide school safety officer services; specifying the authority of the private security guard firm or its employees participating a school safety officer; mandating the county board, public charter school, or private or religious school to require an applicant to provide proof of meeting certain requirements; allowing county board, public charter school, or private or religious school impose additional requirements; specifying instances in which a private security guard or it employees is precluded from participation as a school safety officer; providing certain liability insurance requirements; exempting contract from certain purchasing requirements; providing for exclusions from state benefit programs; clarifying that an employee of a private security guard firm acting as a school safety officer is not prohibited from carrying a firearm on certain school grounds; and permitting air rifles and rimfire rifles on certain school grounds for the purposes of shooting teams to the extent permitted by law.

Be it enacted by the Legislature of West Virginia:

CHAPTER 15. PUBLIC SAFETY.

ARTICLE 2D. DIVISION OF PROTECTIVE SERVICES.

§15-2D-3. Duties and powers of the director and officers.

(a) The director is responsible for the control and supervision of the division. The director and any officer of the division may carry designated weapons and have the same powers of arrest and law enforcement in Kanawha County as members of the West Virginia State Police as set forth in §15-2-12(b) and §15-2-12(d) of this code. The director and any officer of the division shall also have such powers throughout the State of West Virginia in investigating and performing law-enforcement duties for offenses committed on the Capitol Complex or related to the division's security and protection duties at the Capitol Complex and throughout the state relating to offenses and activities occurring on any property owned, leased, or operated by the State of West Virginia when undertaken at the request of the agency

occupying the property: *Provided*, That nothing in this article shall be construed as to obligate the director or the division to provide, or be responsible for providing, security at state facilities outside the Capitol Complex.

(b)(1) The director shall establish a School Safety Unit within the Division of Protective Services. Officers shall be assigned to the School Safety Unit at the discretion of the director. The officers assigned to the School Safety Unit shall primarily be charged to make school safety inspections and to make recommendations to appropriate county school superintendents, principals, or other school administrators, regarding school safety. The officers assigned to the School Safety Unit shall also be authorized to respond to and investigate all school safety matters, in consultation with county boards of education: *Provided*, That any officer of the School Safety Unit shall have statewide jurisdiction and powers of general law enforcement and arrest for violations of law committed in their presence.

(2) The director, in consultation with the Law Enforcement Professional Standards Subcommittee of the Governor's Committee on Crime, Delinquency and Correction, shall establish minimum recommendations for training for employment, job-entry, and in-service training curricula, and provide written certification, for school safety officers as described in §18-5-52, which training and certification shall be administered and provided in the manner approved by the director. Such training standards may include:

- (A) Relevant state and federal laws;
- (B) School and personal liability issues;
- (C) Security awareness in the school environment;
- (D) Mediation and conflict resolution, including de-escalation techniques such as a physical alternative to restraint;
- (E) Disaster and emergency response;
- (F) Working with students with disabilities, autism spectrum disorders, mental health needs, substance use disorders, and past traumatic experiences; and
- (G) Student behavioral dynamics, including child and adolescent development and brain research. The Division of Protective Services School Safety Unit may establish an advisory committee consisting of local school board, public charter school, and private or religious school representatives and school security personnel to assist in the development of the standards and certification requirements in this subdivision.

(3) For purposes of this section, "school safety officer" means an individual who is employed by a local school board, public charter school, or private or religious school for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of the policies of the school board, public charter school, or private or religious school, and reasonably detaining any individual committing an offense that constitutes a breach of the peace, as defined in §18-5-52, on school property, school buses, or at school-sponsored events, and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school.

(c) Any officer of the division shall be certified as a law-enforcement officer by the Governor's Committee on Crime, Delinquency, and Correction or may be conditionally employed as a law-enforcement officer until certified in accordance with the provisions of §30-29-5 of this code.

(d) The director may:

(1) Employ necessary personnel, all of whom shall be classified exempt, assign them the duties necessary for the efficient management and operation of the division, and specify members who may carry, without license, weapons designated by the director;

(2) Contract for security and other services;

(3) Purchase equipment as necessary to maintain security at the Capitol Complex and other state facilities. The provisions of §5A-3-3 of this code do not apply to purchases made pursuant to this subdivision;

(4) Establish and provide standard uniforms, arms, weapons, and other enforcement equipment authorized for use by members of the division and shall provide for the periodic inspection of the uniforms and equipment. All uniforms, arms, weapons, and other property furnished to members of the division by the State of West Virginia is and remains the property of the state;

(5) Appoint security officers to provide security on premises owned or leased by the State of West Virginia;

(6) Consistent with the provisions in §15-2D-5 of this code, provide security for the Speaker of the House of Delegates, the President of the Senate, the Governor, or a justice of the Supreme Court of Appeals;

(7) Gather information from a broad base of employees at and visitors to the Capitol Complex to determine their security needs and develop a comprehensive plan to maintain and improve security at the Capitol Complex based upon those needs;

(8) Assess safety and security needs and make recommendations for safety and security at any proposed or existing state facility as determined by the Secretary of the Department of Homeland Security, upon request of the secretary of the department to which the facility is or will be assigned: *Provided*, That records of such assessments, and any other records determined by the Secretary of the Department of Homeland Security to compromise the safety and security at any proposed or existing state facility, including primary and secondary schools, are not public records and are not subject to disclosure in response to a Freedom of Information Act request under §29B-1-1 *et seq.* of this code; and

(9) Enter into an interagency agreement with the Secretary of the Department of Homeland Security and the Secretary of the Department of Administration, which delineates their respective rights and authorities under any contracts or subcontracts for security personnel. A copy of the interagency agreement shall be delivered to the Governor, the President of the Senate, and the Speaker of the House of Delegates, and a copy shall be filed in the office of the Secretary of State and shall be a public record.

(e) The director shall:

(1) Propose legislative rules for promulgation in accordance with the provisions of §29A-3-1 *et seq.* of this code. The rules shall, at a minimum, establish ranks and the duties of officers within the membership of the division.

(2) Consistent with subsection (b) of this section, provide services to all public primary and secondary schools in furtherance of the purposes of the School Safety Unit: *Provided*, That the director may provide services to any private primary and secondary schools in the state upon request.

(3) Deliver a monthly status report to the Speaker of the House of Delegates and the President of the Senate.

(4) Require any service provider whose employees are regularly employed on the grounds or in the buildings of the Capitol Complex, or who have access to sensitive or critical information, to have its employees submit to a fingerprint-based state and federal background inquiry through the state repository, and require a new employee who is employed to provide services on the grounds or in the building of the Capitol Complex to submit to an employment eligibility check through E-verify.

(i) After the contract for such services has been approved, but before any such employees are permitted to be on the grounds or in the buildings of the Capitol Complex or have access to sensitive or critical information, the service provider shall submit a list of all

persons who will be physically present and working at the Capitol Complex for purposes of verifying compliance with this section.

(ii) All current service providers shall, within 90 days of the amendment and reenactment of this section by the 80th Legislature, ensure that all of its employees who are providing services on the grounds or in the buildings of the Capitol Complex or who have access to sensitive or critical information submit to a fingerprint-based state and federal background inquiry through the state repository.

(iii) Any contract entered into, amended, or renewed by an agency or entity of state government with a service provider shall contain a provision reserving the right to prohibit specific employees thereof from accessing sensitive or critical information or to be present at the Capitol Complex based upon results addressed from a criminal background check.

(iv) For purposes of this section, the term "service provider" means any person or company that provides employees to a state agency or entity of state government to work on the grounds or in the buildings that make up the Capitol Complex or who have access to sensitive or critical information.

(v) In accordance with the provisions of Public Law 92-544 the criminal background check information will be released to the Director of the Division of Protective Services.

(5) Be required to provide his or her approval prior to the installation of any and all electronic security systems purchased by any state agency which are designed to connect to the division's command center.

(f) Effective July 1, 2017, the Director of Security and security officers of the Department of Arts, Culture, and History shall be made part of, and be under the supervision and direction of, the Division of Protective Services. Security for all Capitol Complex properties of the Department of Arts, Culture, and History shall be the responsibility of the Division of Protective Services.

CHAPTER 18. EDUCATION.

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-52. School safety officers.

(a) Local school boards, public charter schools, and private or religious schools may employ school safety officers, as defined in §15-2D-3, or contract with private security services as set forth in §18-5-53 for the purposes set forth therein.

(b) School safety officers may carry a firearm in the performance of their duties if:

(1) Within 10 years immediately prior to being hired by the local school board or private or religious school he or she:

(A) Was a law-enforcement officer as defined in §30-29-1 in the state with ten years of aggregate years as a law enforcement officer; or

(B) Was employed by a law-enforcement agency of the United States or any state or political subdivision thereof and his or her duties were substantially similar to those of a law-enforcement officer as defined in §30-29-1.

(2) He or she retired or resigned from their position as a law-enforcement officer in good standing;

(3) He or she maintains the requirements of and status as an honorably separated or qualified retired law-enforcement officer within the meaning of the Law Enforcement Officers Safety Act of 2004, as amended, pursuant to 18 U.S.C. § 926C;

(4) He or she obtains and maintains any certification and training required by the Division of Protective Services School Safety Unit pursuant to subdivision §15-2D-3;

(5) Undergoes a background check at his or her expense as required by the Division of Protective Services to verify that the prospective school safety officer is not prohibited by state or federal law from possessing, purchasing, or transporting a firearm, has been determined by the Director of the Division of Protective Services to be appropriate and capable of discharging the duties as a school safety officer as set forth in a written certification, and has provided the written certification of the Director of the Division of Protective Services to the local school board, public charter school, or private or religious school; and

(6) The local school board, public charter school, or private or religious school grants him or her the authority to carry a firearm in the performance of his duties.

(c) School safety officers may not arrest another person but may notify the appropriate law-enforcement agency and detain another person committing an act which constitutes a breach of the peace in a reasonable manner and for a reasonable period. The detention shall not constitute an arrest nor shall it render the local school board, public charter school, private or religious school, or school safety officer liable to the person detained: *Provided*, That the detention may be no longer than the time required for the earliest of either (1) The determination that no offense constituting a breach of the peace has been committed; or (2) the surrender of the person detained to a certified law-enforcement officer. School safety officers may not interrogate or question a detained minor without the knowledge and consent of the minor's parent, except in the instance of a perceived immediate danger to the health,

safety, and welfare of others within the facility, when the parents are not present and/or when the minor attempts self-harm, the questioning is limited to the immediate danger, and the questioning will likely lead to the alleviation or elimination of the immediate danger, and if the person detained is a student and is under the age of 21, their parent or guardian is notified of the detention.

(d) The local school board, public charter school, or private or religious school shall be responsible for the costs of providing the necessary equipment for school safety officers to adequately perform their duties.

(e) For purposes of this section:

(1) "Breach of the peace" means:

(A) A felony;

(B) Any action or potential crime involving physical injury or a threat of physical injury to another person;

(C) Any action or potential crime involving destruction of school property or property located on the school premises; or

(D) Any act committed where the school safety officer has reason to believe that a person is likely to cause serious harm to himself, herself, or to others.

(2) "School safety officer" has the same meaning as that term is defined in §15-2D-3.

(f) A local school board and public charter school shall, and a private or religious school may, cooperate with the School Safety Unit established in §15-2D-3 to the fullest extent practicable to assist the unit in fulfilling its duties, including, but not limited to, providing data on all safety and security measures for school facilities.

(g) Nothing in this section shall be construed as limiting or superseding the provisions of §61-7-11a authorizing a private school to allow possession of a firearm or other deadly weapon in or on the grounds of any private primary or secondary school, if such institution has adopted a written policy allowing for possession of firearms or other deadly weapons in the facility or on the grounds of the facility.

(h) A local school board, public charter school, or a private or religious school employing a school safety officer shall maintain insurance coverage which:

(1) Shall include adequate insurance for liability, property loss, and the personal injury of students and other personnel; and

(2) May include coverage from the Board of Risk and Insurance Management pursuant to §29-12-5a, if applicable.

(i) Eight hours of the mandatory 16 hours of in-service training for law enforcement officers may be credited when an individual is employed as a school safety officer pursuant to this section.

(j) All school safety officers hired are subject to the Law Enforcement Officers Safety Act ("LEOSA") based on §61-7-11a of this code, subdivision (b)(3) of this section, and subject to the provisions of §18 USC 926C(c).

(k) The liability and responsibility of a school safety officer shall be that of the respective county board of education where that officer is working, regardless of whether that officer is contracted by a third party.

(l) All school safety officers shall train annually with the local county sheriffs' department in the county in which the safety officer is working.

§18-5-53. Contracting with private security as a school safety officer.

(a) Purpose. — County boards of education, public charter schools, and private or religious schools may contract with a private security guard firm licensed pursuant to the provisions of §30-18-1 et seq. of this code to provide the services of a school safety officer as set forth in §18-5-52 of this code.

(b) Definitions. — For purposes of this section, the following words have the following meanings:

"Contract" means an agreement between a county board and a private security provider.

"County board" means the same as that term is defined in §18-1-1 and used in §18-5-1 et seq of this code.

"School safety officer" has the same meaning as that term is defined in §15-2D-3 of this code.

"Security guard firm" has the same meaning as that term is defined in §30-18-1 of this code

(c) Authority. — Notwithstanding the provisions of §61-7-11a or any applicable rule, an employee of a private security guard firm who has contracted with a county school board. Public charter schools, or private or religious school may carry weapons upon meeting all the requirements of this section. An employee of a private security guard firm contract with a county board, public charter school, or private or religious school is not law enforcement and has no authority to arrest. They are to provide services as a school safety officer as set forth in §18-5-52 of this code.

(d) Requirements for participation. — Prior to entering into a contract with a county board, public charter school, or private or religious school, a private security guard firm shall be licensed pursuant to the provisions of §30-18-1 et seq. of this code(6) and is current in any obligation, including taxes, to the state of West Virginia. The county board, public charter school, or private or religious school shall require an applicant to provide proof that any employee of the private security guard firm intended to be used as a school safety officer:

(1) Is a citizen of the United States and the State of West Virginia;

(2) Has received a high school diploma or a high school equivalency diploma;

(3) Has met and passed all the requirements for a concealed carry permit as set forth in §61-7-4;

(4) Has completed and passed all the following training courses and/or examinations:

(A) The Law Enforcement Professional Standards program. The cost of this program is to be paid by the independent contractor;

(B) A fitness for duty examination which shall include a physical examination, vision examination, psychiatric examination, and a pre-employment drug screen within one year of beginning a contract with a county board, public charter school, or a private or religious school and upon initiating a new contract following the expiration of all contract extension options. The cost of these each shall be paid by the private security guard firm;

(C) A firearm and less than lethal use of force course. To maintain firearm proficiency, the independent contractor shall complete yearly training in firearm and less than lethal use of force course; and

(D) Training on crisis de-escalation techniques, disaster and emergency response, bomb threats, performing their duties in the presence of students with disabilities including, but not limited to, students with autism spectrum disorders, and cardiopulmonary resuscitation; and

(6) Any other requirements imposed by the county board, public charter school, or private or religious school which may include, but are not limited to, a pre-employment written examination and a pre-employment polygraph exam. A county board, public charter school, or private or religious school may also require a private security guard firm to carry appropriate liability insurance at his or her expense.

(e) Exclusions from participation. — Any of the following shall preclude an employee of private security guard firm from participation as a school safety officer:

(1) There is credible evidence of illegal drug use by the employee of the private security guard firm in the preceding five-year period; or

(3) A disqualifying criminal offense. These shall include, but are not limited to:

(A) Domestic violence as set forth in §61-2-28;

(B) Driving under the influence as set forth in §17C-5-2;

(C) Child abuse as set forth in §61-8D-1 et seq.;

(D) Unlawful manufacture, delivery, or possession with intent to deliver any controlled substance as set forth in §60A-4-1 et seq.; and

(E) Any other misdemeanor or felony conviction deemed exclusionary for contracting with the independent contractor by the county board.

(f) Insurance coverage. —

A county board, public school, or private or religious school contracting for the services of a private security guard firm shall maintain adequate insurance for liability, property loss, and the personal injury of students and other personnel to the extent permitted by the Board of Risk and Insurance Management pursuant to §29-12-5a in addition to any appropriate liability insurance coverage required by subdivision (d)(6) of this section.

(g) Miscellaneous. —

(1) In contracting for the services set forth in this section, county boards or public charter school is may not be subject to purchasing requirements set forth in §5A-3-1 et seq.

(2) Nothing in this section entitles any employee of a private security guard firm for participation in the public employee insurance plan, workers' compensation, additional state retirement credited to employment as a West Virginia Guardian, or any other state-sponsored or -offered state benefit plan.

(4) Notwithstanding any other provision of this code or federal law to the contrary, nothing in this section shall be construed to create an employer-and-employee relationship between a county school board, public charter school, or a private or public school.

§18-5-54. Public school West Virginia Guardian Program.

(a) Purpose. — County boards of education may contract with an independent contractor who is a former state trooper, former deputy sheriff, former state fire marshal, former Department of Natural Resources police officer, former municipal police officer, or former federal law-enforcement officer to provide West Virginia Guardian services as that term is defined in this section. The purpose of the contract is to provide public safety and/or

security on public school grounds and buildings. Any county board may contract with as many independent contractors as the board considers necessary.

(b) Definitions. — For purposes of this section, the following words have the following meanings:

"Contract" means an agreement between a county board and an independent contractor who has been certified by the county sheriff relating to the procurement of public safety or security services.

"County board" means the same as that term is defined in §18-1-1 and used in §18-5-1 et seq.

"Independent contractor" means the same as that term is used in §21-5I-4.

"Public safety or security" means the protection of students, faculty, and staff of a public school from violence, exposure to weapons, and threats on school grounds.

"Former deputy sheriff" means the same as that term is used in §7-14C-1, but who has retired from service.

"Former municipal police officer" means the same as that term is used in §8-22A-2, but who is retired from service.

"Former natural resources police officer" means the same as that term is used in §20-18-2, but who is retired from service.

"Former state fire marshal" means the same as that term is used in §15A-10-1 et seq., but who is retired from service.

"Former state trooper" means a state police officer employed pursuant to the provisions of §15-2-1 et seq., and who has retired pursuant to the provisions of §15-2-27.

"Former federal law-enforcement officer" means a federal law-enforcement officer employed pursuant to the provisions of §15-10-5(b), who was classified as a Criminal Investigation Series 1811 investigator, and who has retired from service.

"West Virginia Guardian" means an independent contractor certified by the county sheriff as meeting the qualifications set forth in this section and who is under contract to a county board for the purposes of providing public safety and/or security on school grounds. Persons contracted to provide these services shall include a retired state trooper, a retired state fire marshal, a retired Department of Natural Resources police officer, a former municipal police officer, a retired federal law-enforcement officer, or a retired deputy sheriff. A West Virginia Guardian is considered an authorized individual for purposes of the Gun-Free School Zones Act of 1990, 18 U.S.C. §921 and §922.

(c) Authority. — Notwithstanding the provisions of §61-7-11a or any applicable rule, an independent contractor acting as a West Virginia Guardian may carry weapons upon meeting all the requirements of this section. A West Virginia Guardian is not law enforcement and has no authority to arrest. They are to provide public safety and/or security to protect life and property as set forth in this section. Guardians shall wear apparel that makes them readily identifiable as a Guardian while performing the duties as set forth in in this section.

(d) Requirements for participation. — Prior to entering into a contract with a West Virginia Guardian, the Guardian shall apply for a permit from the county sheriff of the county in which the Guardian will provide services to the county board and, at that time, pay a fee of \$50. The county sheriff shall require an applicant to provide proof that he or she:

(1) Is a citizen of the United States and the State of West Virginia;

(2) Has received a high school diploma or a high school equivalency diploma;

(3) Has met and passed all the requirements for a concealed carry permit as set forth in §61-7-4;

(4) Has completed and passed all the following training courses and/or examinations:

(A) The Law Enforcement Professional Standards program. The cost of this program is to be paid by the independent contractor;

(B) A fitness for duty examination which shall include a physical examination, vision examination, psychiatric examination, and a pre-employment drug screen within one year of beginning a contract with a county board and upon initiating a new contract following the expiration of all contract extension options. The cost of these each shall be paid by the independent contractor;

(C) A firearm and less than lethal use of force course. To maintain firearm proficiency, the independent contractor shall complete yearly training in firearm and less than lethal use of force course; and

(D) Training on crisis de-escalation techniques, disaster and emergency response, bomb threats, performing their duties in the presence of students with disabilities including, but not limited to, students with autism spectrum disorders, and cardiopulmonary resuscitation.

(5) Is retired from his or her employment as a state trooper, a deputy sheriff, a municipal officer, a Division of Natural Resources police officer, a State Fire Marshal, or federal law enforcement;

(6) Is current in any obligation, including taxes, to the state of West Virginia; and

(7) Any other requirements imposed by the county board which may include, but are not limited to, a pre-employment written examination and a pre-employment polygraph exam. A county board may also require an independent contractor to carry appropriate liability insurance at his or her expense.

The permit application fee received by the sheriff shall be deposited by the sheriff into a guardian program fund. The fund shall be administered by the sheriff and shall take the form of an interest-bearing account with any interest earned to be compounded to the fund. Any funds deposited in this fund are to be expended by the sheriff to pay the costs associated with issuing Guardian permits. Any surplus in the fund on hand at the end of each fiscal year may be expended for other law-enforcement purposes or operating needs of the sheriff's office, as the sheriff considers appropriate.

Meeting all of the requirements as set forth in this subsection does not guarantee a contract will be extended to the applicant. The county sheriff may, in his or her reasonable judgment, decline to certify to a county board a person as eligible for participation as a guardian.

(e) Exclusions from participation. — Any of the following shall preclude an independent contractor from participation as a West Virginia Guardian:

(1) Having not retired from either service to the State of West Virginia as a state trooper, a municipal police officer, a Department of Natural Resources police officer, a former State Fire Marshal, or a deputy sheriff or service as a federal law-enforcement officer;

(2) There is credible evidence of illegal drug use by the independent contractor in the preceding five-year period; or

(3) A disqualifying criminal offense. These shall include, but are not limited to:

(A) Domestic violence as set forth in §61-2-28;

(B) Driving under the influence as set forth in §17C-5-2;

(C) Child abuse as set forth in §61-8D-1 et seq.;

(D) Unlawful manufacture, delivery, or possession with intent to deliver any controlled substance as set forth in §60A-4-1 et seq.; and

(E) Any other misdemeanor or felony conviction deemed exclusionary for contracting with the independent contractor by the county board.

(f) Insurance coverage. —

A county board contracting for the services of a West Virginia Guardian shall maintain adequate insurance for liability, property loss, and the personal injury of students and other

personnel to the extent permitted by the Board of Risk and Insurance Management pursuant to §29-12-5a in addition to any appropriate liability insurance coverage required by subdivision (d)(7) of this section.

(g) Miscellaneous. —

(1) In contracting for the services set forth in this section, county boards may not be subject to purchasing requirements set forth in §5A-3-1 et seq.

(2) Nothing in this section requires a county board to enter into a contract for guardian services. Participation by a county board is voluntary and subject to the availability of county funds. Any county board that opts to participate shall do so at its own expense and any additional funds provided by county entities or private donations. The provisions of this section place no obligation for the state to appropriate money for the purposes set forth in this section.

(3) As an independent contractor, a West Virginia Guardian is not eligible for participation in the public employee insurance plan, workers' compensation, additional state retirement credited to employment as a West Virginia Guardian, or any other state-sponsored or -offered state benefit plan.

(4) Notwithstanding any other provision of this code or federal law to the contrary, nothing in this section shall be construed to create an employer-and-employee relationship.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 7. DANGEROUS WEAPONS.

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

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

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

(A) On a school bus as defined in §17A-1-1 of this code;

(B) In or on the grounds of any primary or secondary educational facility of any type: *Provided*, That it shall not be unlawful to possess a firearm or other deadly weapon in or on the grounds of any private primary or secondary school, if such institution has adopted a written policy allowing for possession of firearms or other deadly weapons in the facility or on the grounds of the facility; or

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

(2) This subsection does not apply to:

(A) ~~A Any person currently employed as a law-enforcement officer, employed by a federal, state, county, or municipal law enforcement agency~~ chief executive, or pre-certified law-enforcement officer as those terms are defined in §30-29-1 of this code, whether on or off duty;

(B) Any probation officer appointed pursuant to §62-12-5 of this code or state juvenile probation officer appointed pursuant to §49-4-719 of this code, in the performance of his or her duties;

(C) Any home confinement supervisor employed by a county commission pursuant to §61-11B-7a of this code in the performance of his or her duties;

(D) A state parole officer appointed pursuant to §15A-7-5 of this code, while in performance of his or her official duties;

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

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

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

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

(I) Air rifles and rimfire rifles possessed for the purpose of shooting teams to the extent permitted pursuant to §18-2-46;

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

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

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

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

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

(M) A school safety officer as defined in §15-2D-3 authorized to carry a firearm and who meets the requirements set forth in §15-2D-3 and §18-5-52.

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

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

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

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

(d) In addition to the methods of disposition provided by §49-5-1 *et seq.* of this code, a court which adjudicates a person who is 14 years of age or older as delinquent for a violation of §61-7-11a(b) of this code, may order the Division of Motor Vehicles to suspend a driver's license or instruction permit issued to the person for a period of time as the court considers appropriate, not to extend beyond the person's 19th birthday. If the person has not been

issued a driver's license or instruction permit by this state, a court may order the Division of Motor Vehicles to deny the person's application for a license or permit for a period of time as the court considers appropriate, not to extend beyond the person's 19th birthday. A suspension ordered by the court pursuant to this subsection is effective upon the date of entry of the order. Where the court orders the suspension of a driver's license or instruction permit pursuant to this subsection, the court shall confiscate any driver's license or instruction permit in the adjudicated person's possession and forward it to the Division of Motor Vehicles.

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

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

(3) If, upon examination of the transcript of the judgment of conviction, the commissioner determines that the person was convicted as described in §61-7-11a(e)(1) of this code, the commissioner shall make and enter an order revoking the person's license or privilege to operate a motor vehicle in this state for a period of one year or, in the event the person is a student enrolled in a secondary school, for a period of one year or until the person's 20th birthday, whichever is the greater period. The order shall contain the reasons for the revocation and the revocation period. The order of suspension shall advise the person that because of the receipt of the court's transcript, a presumption exists that the person named in the order of suspension is the same person named in the transcript. The commissioner may grant an administrative hearing which substantially complies with the requirements of the provisions of §17C-5A-2 of this code upon a preliminary showing that a possibility exists that the person named in the notice of conviction is not the same person whose license is being suspended. The request for hearing shall be made within 10 days after receipt of a copy of the order of suspension. The sole purpose of this hearing is for the person requesting the hearing

to present evidence that he or she is not the person named in the notice. If the commissioner grants an administrative hearing, the commissioner shall stay the license suspension pending the commissioner's order resulting from the hearing.

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

(f)(1) It is unlawful for a parent, guardian, or custodian of a person less than 18 years of age who knows that the person is in violation of §61-7-11a(b) of this code or has reasonable cause to believe that the person's violation of §61-7-11a(b) of this code is imminent to fail to immediately report his or her knowledge or belief to the appropriate school or law-enforcement officials.

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

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

(2) This subsection does not apply to:

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

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

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

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

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

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

House Bill 2167

Relating to public charter schools code provisions

Effective Date:

Passed April 11, 2025; Effective July 10, 2025

Code Reference:

W. Va. Code §18-5G-3 (AMENDED)
 §18-5G-4 (AMENDED)
 §18-5G-7 (AMENDED)
 §18-5G-14a (NEW)

WVDE Contact:

District & School Accountability

Bill Summary:

This Act prohibits public charter schools from charging full-time tuition but allows them to charge tuition or fees that may be imposed by a non-charter school, including tuition or fees for part-time Hope Scholarship enrollment or participation in student activities.

The Act also provides responsibility for tracking students withdrawing from a public charter school. Specifically, when a parent or guardian withdraws a student from a public charter school and enrolls in a public school district, the school district of the student's county of residence is responsible for tracking the student. When a parent or guardian withdraws a student from a public charter school and enrolls them in another public charter school, homeschool, private school, learning pod, microschool or out-of-state school, the receiving school or district is responsible for tracking the student. The public charter school is required to notify the attendance director in the student's county of residence that the student is withdrawing from the public charter school by phone, electronically, or in writing. The written notification must include, but is not limited to, the student's name, WVEIS identification number, parent/guardian contact information, and the anticipated or actual withdrawal date.

The Act allows public charter school teachers who are not certified or licensed in the State to proctor state assessments if the teacher has successfully completed the annual training to serve as a proctor and the charter school maintains a list of all staff who have completed the required annual training.

Finally, the Act modifies the requirements for charter school governing boards, establishes a deadline for conversion public charter school or program conversion public charter school applications to April 30 of the proposed school year, allows for the removal of an officer by a vote of the governing board, and permits the authorization of alternative high-risk public charter schools.

Enrolled Bill:

ENROLLED Committee Substitute for Committee Substitute for House Bill 2167

By Delegates Ellington, Statler, Willis, and W. Clark

AN ACT to amend and reenact §18- 5G-3, §18-5G-4, and §18-5G-7 of the Code of West Virginia, 1931, as amended; and to amend the code by adding a new section, designated §18-5G-14a, relating to providing that public charter schools may not charge full-time tuition and may only charge such tuition or fees as may be imposed by noncharter public schools in this state, such as for part-time Hope Scholarship enrollment or for participation in student activities; allowing public charter schools to employ personnel to perform services relating to managing its employees' participation in the retirement system or insurance plan; assigning responsibility for tracking the student when a parent or guardian withdraws the student from a public charter school and imposing notification of withdraw requirement on public charter school in certain instances; providing that public charter school teachers who are not certified or licensed are permitted to proctor state assessment under certain conditions; providing for a different application deadline in the case of a conversion public charter school or a program conversion public charter school; allowing a public charter school governing board member to be removed by a vote of the governing board; allowing alternative high-risk population public charter schools to be authorized and funded under public charter school article; providing eligibility requirements to be an alternative high-risk population public charter school; providing for which students qualify to be high-risk; and requiring state board rule setting forth requirements for funding.

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 noncharter 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 noncharter 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;

(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 noncharter 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;

(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 noncharter public schools;

(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 noncharter public school in the county for purposes of employment in noncharter public schools; and

(8) Is responsible for establishing a staffing plan that includes the requisite qualifications and any associated certification and/or licensure 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 and rules applicable to a noncharter public school or board of education except the following:

(1) All federal laws and authorities applicable to noncharter 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 noncharter 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 noncharter public schools;

(4) The same compulsory school attendance requirements applicable to noncharter 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 the attendance director of the student's county of residence notification of withdrawal from the charter school by phone, electronically, or in writing. 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 noncharter public school students under §18-5-45 of this code;

(6) The same student assessment requirements applicable to noncharter 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. 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 noncharter 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 noncharter 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 noncharter 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;

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

(13) The same building codes, regulations and fees for its facilities that apply to noncharter public schools in this state, including any inspections required for noncharter 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 decision-making;

(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 ~~following the previous year August application;~~

(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 noncharter 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 IEP's, so as to minimize the interruption of a student's education when transferring between noncharter 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 noncharter 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-7. Public Charter school governing board.

(a) 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. 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:

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

~~(2)~~ Two members who reside in the community served by the public charter school.

(b) Members of the governing board shall:

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

~~(B)~~ (2) Not be an employee of an education service provider that provides services to the public charter school;

~~(C)~~ (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

~~(E)~~ (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 noncharter public schools; and

(5) Participate in extracurricular activities to the same extent as noncharter 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 §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-14a. Alternative high-risk population public charter schools.

(a) Alternative high-risk population public charter schools may be authorized and funded pursuant to this article. To be eligible for an alternative high-risk population public charter school, the school must have an unduplicated count of at least 70 percent of their total enrollment, upon first entry to the school, comprised of high-risk students and obtain approval from the Charter School Board certifying the school meets the criteria. "High risk" students include the following:

- (1) Students who have been expelled;
- (2) Students who have been suspended more than 10 days in a school year;
- (3) Wards of the court or dependents of the court;
- (4) Recovered dropouts;
- (5) Students who are habitually truant;
- (6) Students who have been retained more than once in kindergarten through grade eight;
- (7) Students who are credit deficient;
- (8) Students who have a high-level transiency such as being enrolled in more than two schools during the past academic year or have changed secondary schools more than two times since entering high school;
- (9) Foster youth;
- (10) Homeless youth; and
- (11) Students who need greater flexibility in scheduling or have circumstances which would benefit from this type of schooling.

(b) The state board shall promulgate a rule pursuant to the provisions of §29A-3B-1 *et seq.* of this code setting forth requirements for alternative high-risk population charter school funding.

House Bill 2354

Banning certain products from food in West Virginia

Effective Date: Passed March 14, 2025; March 14, 2025

Code Reference: W. Va. Code §16-7-2 (AMENDED)
§16-7-4 (AMENDED)
§18-5D-3A (NEW)

WVDE Contact: Federal Programs and Support

Bill Summary: Beginning August 1, 2025, this Act prohibits the following food dyes from being served in any meal served as part of the school nutrition program:

- 1) Red Dye No. 3;
- 2) Red Dye No. 40;
- 3) Yellow Dye No. 5;
- 4) Yellow Dye No. 6;
- 5) Blue Dye No. 1;
- 6) Blue Dye No. 2; and,
- 7) Green Dye No. 3.

The Act also authorizes the sale of food items that contain these dyes may be sold on school premises at least 30 minutes after the end of the school day or as part of a school fundraising event at any time if they are sold on school premises.

Enrolled Bill: **ENROLLED Committee Substitute for House Bill 2354**
By Delegates Burkhammer, Masters, Pritt, Worrell, Hite, Mazzocchi, Brooks, and Horst

AN ACT to amend and reenact §16-7-2 and §16-7-4 of the Code of West Virginia, 1931, as amended, and to amend the code by adding a new section, designated §18-5D-3A, relating to prohibiting certain products that are injurious to health; setting forth criteria considered adulterated; prohibiting certain unsafe food additives in school nutrition programs; providing exceptions; exempting criminal penalties; and setting effective dates.

Be it enacted by the Legislature of West Virginia:

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 7. PURE FOOD AND DRUGS.

§16-7-2. What constitutes adulteration.

Any drug or article of food shall be deemed to be adulterated within the meaning of this article: for the purpose of this article:

(a) In the case of drugs:

(1) If, when sold under or by a name recognized in the United States Pharmacopoeia official at that time, it differs from the standard of strength, quality, or purity laid down therein;

(2) If, when sold under or by a name not recognized in the United States Pharmacopoeia official at the time, but which is found in some other pharmacopoeia or other standard work of materia medica, it differs materially from the standard of strength, quality, or purity laid down in such work;

(3) If its strength, quality, or purity falls below the professed standard under which it is sold;

(4) If it be an imitation of, or offered for sale under the name of, another article; or

(5) If the contents of the package as originally put up shall have been removed in whole or in part, and other contents shall have been placed in such package, or if the package fails to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide, or any derivative or preparation of any such substance contained therein: *Provided*, That nothing in this paragraph shall be construed to apply to the dispensing of prescriptions written by regular licensed practicing physicians, veterinary surgeons, or dentists, and kept on file by the dispensing pharmacist, nor to such drugs as are recognized in the United States Pharmacopoeia and the National Formulary, which are sold under the name by which they are recognized.

(b) In the case of food, drink, confectionery, or condiment:

(1) If any substance or substances have been mixed with it, so as to lower or depreciate or injuriously affect its quality, strength, or purity;

(2) If any inferior or cheaper substance or substances have been substituted wholly or in part for it;

(3) If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it;

(4) If it is an imitation of, or is sold under the name of, another article;

(5) If it consists wholly or in part of diseased, decomposed, putrid, infected, tainted, or rotten animal or vegetable substance, whether manufactured or not, or, in the case of milk, if it is the product of a diseased animal;

(6) If it is colored, coated, polished, or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is;

(7) If it contains any added substance or ingredients which are poisonous or injurious to the health, including butylated hydroxyanisole, propylparaben, FD&C Blue No. 1, FD&C Blue No. 2, FD&C Green No. 3, FD&C Red No. 3, FD&C Red No. 40, FD&C Yellow No. 5, and FD&C Yellow No. 6;

(8) If it is sold under a coined name and does not contain some ingredient suggested by such name or contains only an inconsiderable quantity; or

(9) If the package containing it or any label thereon shall bear any statement regarding it or its composition which shall be false or misleading in any particular: *Provided*, That the provisions of this article ~~shall~~ do not apply to mixtures or compounds recognized as ordinary articles or ingredients of articles of food or drink, if each and every package sold or offered for sale is distinctly labeled in words of the English language as mixtures or compounds, with the name and percent of each ingredient therein; the word "compound" or "mixture" shall be printed in type not smaller in either height or width than one half the largest type upon any label on the package, and the formula shall be printed in letters not smaller in either height or width than one fourth the largest type upon any label on the package, and said compound or mixture must not contain any ingredients injurious to the health.

(10) The amendments made to this section during the 2025 regular session of the Legislature shall be effective on January 1, 2028;

§16-7-4. Penalty for adulterating food or drugs, or for manufacturing or selling adulterated food or drugs.

(a) Whoever, by himself or herself or his or her agents, knowingly adulterates or causes to be adulterated any article of food or drug, or knowingly manufactures for sale, offers for sale, or sells, within this state, any article of food or drug which is adulterated within the meaning of this article, without making the same known to the buyer, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not exceeding \$500, or confined in jail not more than one year, or both, in the discretion of the court; and in addition to the penalties hereinbefore provided, he or she shall be adjudged to pay the cost and expense of analyzing such adulterated food or drug, as set forth in the certificate of the person making the analysis, not exceeding \$25 in any one case, which shall be included in the costs of such prosecution and taxed in favor of the state department of health or the West Virginia Board of Pharmacy, as the case may be; and if he or she be a registered pharmacist or assistant pharmacist, his or her name shall be stricken from the register. The adulterated article shall be forfeited and destroyed.

(b) This section does not apply to any person who offers for sale, or sells, within this state, less than \$5,000, in aggregate, of adulterated food, per month, when the food is adulterated by including of butylated hydroxyanisole, propylparaben, FD&C Blue No. 1, FD&C Blue No. 2, FD&C Green No. 3, FD&C Red No. 3, FD&C Red No. 40, FD&C Yellow No. 5, or FD&C Yellow No. 6.”

CHAPTER 18. EDUCATION.

ARTICLE 5D. WEST VIRGINIA FEED TO ACHIEVE ACT.

§18-5D-3A. Unsafe food additives prohibited.

(a) Effective August 1, 2025, the following food additives shall be deemed unsafe and shall not be permitted as an ingredient in any meal served in a school nutrition program as set forth in this article:

- (1) Red Dye No. 3 (CAS Reg. No. 16423-68-0);
- (2) Red Dye No. 40 (CAS Reg. No. 25956-17-6);
- (3) Yellow Dye No. 5 (CAS Reg. No. 1934-21-0);
- (4) Yellow Dye No. 6 (CAS Reg. No. 2783-94-0);
- (5) Blue Dye No. 1 (CAS Reg. No. 3844-45-8);
- (6) Blue Dye No. 2 (CAS Reg. No. 860-22-0); and
- (7) Green Dye No. 3 (CAS Reg. No. 2353-45-9).

(b) An elementary, middle, or high school may permit the sale of food items that do not comply with this section as part of a school fundraising event if the sale of those items takes place off of and away from school premises or the sale of those items takes place on the school premises at least one-half hour after the end of the school day.

House Bill 2411**To provide and change graduation requirements and change duties relating to academic content standards**

Effective Date: Passed April 11, 2025; Effective July 10, 2025

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

WVDE Contact: PK-Adult Instruction & Career Engagement

Bill Summary: This Act provides that beginning with the 2027-2028 school year, public high school students are required to earn a full credit in a high school computer science course as a graduation requirement. The computer science credit may be earned in 8th through 12th grade.

The Act specifies that the computer science course must be of high quality, meet or exceed the curriculum standards, and be available in a traditional classroom setting. However, if a traditional classroom setting is not feasible, the course may be offered in a blended learning environment or online. The computer science credit required by this act may be substituted for a math credit and approved as a CTE credit if the course is relevant to the student's CTE study program. Additionally, if a student uses a computer science course to fulfill a math or science credit, the school district shall denote the computer science course as equivalent to a high school math course on the student's transcript for admission to a higher education institution.

The Act requires the WVBE to adopt rules that ensure flexibility for students to be credited for fulfilling the requirement and states that the WVBE may adopt rules to license computer science teachers. The WVBE is also required to provide a list of course options that meet the computer science graduation requirement by August 2026.

Enrolled Bill: **ENROLLED Committee Substitute for House Bill 2411**
By Delegates Hornby, Ellington, Horst, D. Smith, Chiarelli, Willis, Kyle, Crouse, Holstein, Maynor, and Statler

AN ACT to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to requiring all West Virginia high school students to pass a minimum of one credit of computer science; defining computer science; allowing computer science credit to be earned in grades eight through twelve; establishing requirements for the classes; allowing computer science credit to substitute for one math credit or one personalized education plan credit; requiring the computer science credit to be approved for one

credit in career technical education if the credit is relevant to the program of study; requiring computer science course if used to fulfil a math credit to be denoted as the equivalent of a high school math course on the student's transcript for certain purpose; requiring West Virginia Board of Education rules detailing how certain credit fulfillment is to be granted; requiring West Virginia Board of Education to make available to all public schools a list of course options that can meet the requirements for this computer science credit; and allowing the West Virginia Board of Education to adopt rules to administer the computer science credit provisions.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. REQUIRED COURSES OF INSTRUCTION.

§18-2-9. Required courses of instruction.

(a) (1) In all public, private, parochial, and denominational schools located within this state there shall be given prior to the completion of the eighth grade at least one year of instruction in the history of the State of West Virginia. The schools shall require regular courses of instruction by the completion of the 12th grade in the history of the United States, in civics, in the Constitution of the United States, and in the government of the State of West Virginia for the purpose of teaching, fostering, and perpetuating the ideals, principles, and spirit of political and economic democracy in America, and increasing the knowledge of the organization and machinery of the government of the United States and of the State of West Virginia. The required courses shall include instruction on the institutions and structure of American government, such as the separation of powers, the Electoral College, and federalism. The required courses shall include instruction that provides students an understanding of American political philosophy and history, utilizing writings from prominent figures in Western civilization, such as Aristotle, Thomas Hobbes, John Locke, and Thomas Jefferson. The courses of instruction shall offer an objective and critical analysis of ideologies throughout history including, but not limited to, capitalism, republicanism, democracy, socialism, communism, and fascism. The required courses shall emphasize the use of primary sources and interactive learning techniques, such as mock scenarios, debates, and open and impartial discussions.

(2) The state board shall, with the advice of the state superintendent, and after consultation with other entities, prescribe the courses of study, including the basic course requirements for middle school and high school, and the academic standards listed in subdivision (1) of this subsection for these courses of study covering these subjects for the public schools, and publish an approved list of instructional resources pursuant to §18-2A-1 et

seq. of this code. The curriculum used in the delivery of instruction shall cover the standards adopted for such courses. The other entities for consultation may include such organizations as the Florida Joint Center for Citizenship, the College Board, the Bill of Rights Institute, Hillsdale College, the Gilder Lehrman Institute of American History, the Constitutional Sources Project, educators, school administrators, postsecondary education representatives, elected officials, business and industry leaders, parents, and the public. Officials or boards having authority over the respective private, parochial, and denominational schools shall prescribe courses of study for the schools under their control and supervision similar to those required for the public schools.

(3) The state board shall provide testing or assessment instruments for the history and civics courses of instruction required by this section. These testing instruments shall:

- (A) Be aligned with the academic standards required by this section;
- (B) Be mandatory for students enrolled in those courses of instruction;
- (C) Be cumulative by including questions about knowledge learned in prior history and civics courses; and

(D) Measure students' factual and conceptual knowledge including how the facts interrelate and the reasons behind historical documents and events.

(4) To further this study, every high school student eligible by age for voter registration shall be afforded the opportunity to register to vote pursuant to §3-2-22 of this code.

(b) The state board shall cause to be taught in all public schools of this state the subject of health education, including instruction in any of the grades six through 12 as considered appropriate by the county board, on: (1) The prevention, transmission, and spread of acquired immune deficiency syndrome and other sexually transmitted diseases; (2) substance abuse, including the nature of alcoholic drinks and narcotics, tobacco products, and other potentially harmful drugs, with special instruction as to their effect upon the human system and upon society in general; (3) the importance of healthy eating and physical activity in maintaining healthy weight; and (4) education concerning cardiopulmonary resuscitation and first aid, including instruction in the care for conscious choking, and recognition of symptoms of drug or alcohol overdose. The course curriculum requirements and materials for the instruction shall be adopted by the state board by rule in consultation with the Department of Health. The state board shall prescribe a standardized health education assessment to be administered within health education classes to measure student health knowledge and program effectiveness.

(c) An opportunity shall be afforded to the parent or guardian of a child subject to instruction in the prevention, transmission, and spread of acquired immune deficiency syndrome and other sexually transmitted diseases to examine the course curriculum requirements and materials to be used in the instruction. The parent or guardian may exempt the child from participation in the instruction by giving notice to that effect in writing to the school principal.

(d) After July 1, 2015, the required instruction in cardiopulmonary resuscitation in subsection (b) of this section shall include at least 30 minutes of instruction for each student prior to graduation on the proper administration of cardiopulmonary resuscitation (CPR) and the psychomotor skills necessary to perform cardiopulmonary resuscitation. The term "psychomotor skills" means the use of hands-on practicing to support cognitive learning. Cognitive-only training does not qualify as "psychomotor skills". The CPR instruction shall be based on an instructional program established by the American Heart Association or the American Red Cross, or another program which is nationally recognized and uses the most current national evidence-based emergency cardiovascular care guidelines and incorporates psychomotor skills development into the instruction. A licensed teacher is not required to be a certified trainer of cardiopulmonary resuscitation to facilitate, provide, or oversee such instruction. The instruction may be given by community members, such as emergency medical technicians, paramedics, police officers, firefighters, licensed nurses, and representatives of the American Heart Association or the American Red Cross. These community members are encouraged to provide necessary training and instructional resources such as cardiopulmonary resuscitation kits and other material at no cost to the schools. The requirements of this subsection are minimum requirements. A local school district may offer CPR instruction for longer periods of time and may enhance the curriculum and training components, including, but not limited to, incorporating into the instruction the use of an automated external defibrillator (AED): *Provided*, That any instruction that results in a certification being earned shall be taught by an authorized CPR/AED instructor.

(e) A full week of classes during the week selected by the county board of education shall be recognized as Celebrate Freedom Week. The purpose of Celebrate Freedom Week is to educate students about the sacrifices made for freedom in the founding of this country and the values on which this country was founded.

Celebrate Freedom Week shall include appropriate instruction in each social studies class which:

(1) Includes an in-depth study of the intent, meaning, and importance of the Declaration of Independence, the Emancipation Proclamation, and the Constitution of the United States with an emphasis on the amendments that are crucial to the survival of democracy and freedom, such as the Bill of Rights and the thirteenth, fourteenth, fifteenth, and nineteenth amendments;

(2) Uses the historical, political, and social environments surrounding each document at the time of its initial passage or ratification; and

(3) Includes the study of historical documents to firmly establish the historical background leading to the establishment of the provisions of the constitution and Bill of Rights by the founding fathers for the purposes of safeguarding our constitutional republic.

The requirements of this subsection are applicable to all public, private, parochial, and denominational schools located within this state. Nothing in this subsection creates a standard or requirement subject to state accountability measures.

(f) Beginning the 2018-2019 school year, students in public schools shall be administered a test the same as or substantially similar to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services between their ninth and 12th grade years as an indicator of student achievement in the area of civics education. The test results may be reported in the aggregate to the county board for evaluation by the board's curriculum director and reported to the board members. Nothing in this subsection creates a standard or requirement subject to state accountability measures.

(g) Beginning with the entering ninth grade class in the 2027-2028 school year, a public high school student shall be required to earn one unit of credit in a high school computer science course before the student graduates. "Computer science" means the study of computers, programming, and algorithms, including their principles, their hardware and software designs, their implementation, and their impact on society. Computer science does not include the study of everyday uses of computers and computer applications, such as keyboarding, word processing, digital literacy, or accessing the internet.

(1) The one credit required in this subsection may be earned in grades eight through twelve.

(2) A computer science course offered by a public high school shall:

(A) Be of high quality;

(B) Meet or exceed the curriculum standards established by the State Board of Education; and

(C) Be made available in a traditional classroom setting. Only if a traditional classroom setting is not feasible shall a school offer the course in a blended learning environment or an online-based or other technology-based format that is tailored to meet the needs of each participating student: *Provided*, That the intent of (C) shall not interfere with the schedule of homeschool students or virtual students.

(3) The one credit required in this subsection shall be allowed to substitute for one math credit or one personalized education plan credit.

(4) The one credit shall be approved for one credit in Career Technical Education (CTE): *Provided*, That the credit shall be relevant to the program of study.

(5) If a student uses a computer science course to fulfill a math or science credit, the school district shall denote that computer science course as equivalent to a high school math course on the student's transcript for the purpose of admission to a higher education institution in this state.

(6) The state board shall adopt rules detailing how credit fulfillment under paragraph (3) of this subsection shall be granted. The rules shall ensure maximum flexibility for students.

(7) Beginning in August of 2026, the State Board of Education shall make available to all public schools a list of course options that can meet the requirements for this credit. The state board shall update the list as often as necessary: *Provided*, That the state board shall create an approved list of courses that may be substituted.

(8) The state board may adopt rules to administer this subsection, including rules for flexible options to license computer science teachers, which may include without limitation, approval codes, technical permits, ancillary licenses, and standard licenses. In adopting such rules, the board shall consider policy that ensures teacher subject area certification does not restrict the ability of students to earn a math or other substitution credit for a computer science course taken under this section.

House Bill 2499

Training course for principals in public schools; informing teachers of their rights and protections; IEP format

Effective Date: Passed April 10, 2025; Effective July 1, 2025

Code Reference: W. Va. Code §18A-3-13 (NEW)

WVDE Contact: Federal Programs and Support
District and School Accountability

Bill Summary: This Act requires that current principals, appropriate central office staff, and county board members receive in-person training before December 31, 2025, on the following:

- 1) Individuals with Disability Education Act (IDEA), federal regulations, and WVBE Policy 2419 – Regulations for the Education of Students with Exceptionalities, including an understanding of the least restrictive environment, discipline procedures, and parental rights and due process safeguards;
- 2) Maximum class size for instructional periods by programmatic level and level of service needs for students with disabilities;
- 3) Extenuating circumstances for submitting a waiver request when student numbers exceed staffing ratios;
- 3) Teachers' rights for student advocacy, procedural rights, and protections for teachers in integrated classrooms; and,
- 4) Information related to local advocacy agencies and United States Department of Education-funded advocacy groups.

The Act also requires principals and county board of education members to inform teachers, in person, of the following rights:

- 1) The documentation process within a 45-day grading period for teachers;
- 2) Teachers' rights when informing parents of local advocates who can attend Individualized Education Program (IEP) meetings; and,
- 3) Protection methods for teachers who advocate for student placement and teachers' assigned to integrated classrooms.

All new personnel and county board of education members must receive the training within thirty days after being employed, elected, or appointed.

Additionally, the Act requires a school representative to verbally explain to the child's guardian the process for identifying a student, their due process rights, available local advocacy information, and the teacher's protection and rights at every IEP meeting.

Enrolled Bill:

ENROLLED Committee Substitute for House Bill 2499

By Delegate E. Pritt

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-3-13, relating to requiring inperson training for principals employed in the public schools, appropriate central office personnel, superintendents and county board of education members on the Individuals with Disability Education Act, federal regulations, and West Virginia State Board of Education Policy 2419 “Regulations for the Education of Students with Exceptionalities”; specifying other information the training is to include; specifying when training is to occur; requiring each principal and county board member to inform teachers, in person, of their rights and listing minimum information this is to include; and requiring in every Individualized Education Program meeting certain information be explained to the guardian of a child.

Be it enacted by the Legislature of West Virginia:

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

§18A-3-13. Training course for principals in public schools; informing teachers of due process; IEP format.

(a) Training. – Principals who are employed in public schools, appropriate central office personnel, superintendent, and county board of education members shall receive in-person training on the Individuals with Disability Education Act (IDEA), federal regulations and West Virginia State Board of Education Policy 2419 “Regulations for the Education of Students with Exceptionalities”. Specifically, this training must include the understanding of a students’ Least Restrictive Environment (LRE), student discipline procedures and requirements, and parental rights and due process safeguards. This training shall also include the following information:

(1) Maximum class size for instructional periods by programmatic level and level of service needs for students with disabilities;

(2) Extenuating circumstances for submitting a waiver request when student numbers exceed staffing ratios;

(3) Teacher’s rights for advocating for students, procedural rights documentation, and all protections set forth under §18-20-1c;

(4) Classroom teachers’ rights and protections that they may not be reprimanded for advocating for their student(s); and

(5) Information related to local advocacy agencies and local United States Department of Education funded advocacy agencies.

(b) Time period. – This training shall be conducted for principal, appropriate central office personnel, Superintendents, and county board of education members before December 31, 2025, and following subsequent revisions to IDEA, federal regulations and/or West Virginia State Board of Education Policy 2419 “Regulations for the Education of Students with Exceptionalities”. Newly employed personnel and elected or appointed county board of education members shall receive this training within 30 days thereof.

(c) Teacher protections and rights. – Each principal and county board members shall inform teachers, in person, of their rights; including but not limited to:

(1) The documentation process within a 45-day grading period for teachers;

(2) The rights of teachers when it comes to informing parents of local advocates who can come to the Individualized Education Program ("IEP") meetings;

(3) Protection methods in place for teachers who advocate for student placement; and

(4) All teacher protections and rights set forth under §18-20-1c.

(d) Individualized Education Program meeting format. – In every Individualized Education Program meeting, a representative of the school shall explain to the guardian of the child, verbally, the process for identifying a student, the parents or guardians due process rights, teacher protections and procedural rights as set forth under §18-20-1c and local advocacy centers information and points of contact.

House Bill 2513

Enhancing training requirements for county boards of education members

Effective Date: Passed April 4, 2025; Effective July 3, 2025

Code Reference: W. Va. Code §18-5-1a (AMENDED)
§18-5-4 (AMENDED)

WVDE Contact: District & School Accountability

Bill Summary: This Act enhances training requirements for county board of education members as follows:

- 1) A county board member elected after July 1, 2024, must complete an orientation training that includes boardsmanship, governance effectiveness, and fiscal management;
- 2) A county board member who is unable to attend the initial orientation training for good cause is required to complete the orientation training within 30 days of being sworn in as a county board member;
- 3) A county board member elected prior to July 1, 2025, is exempt from the initial orientation training requirement;
- 4) Effective July 1, 2025, a county board member shall receive 12 hours of annual training that includes boardsmanship, governance effectiveness, school performance issues, Every Student Succeeds Act (ESSA), and the Individuals with Disabilities Education and Improvement Act of 2004 (IDEA);
- 5) The State Board, at the request of the State Superintendent, may require any county board member to attend additional training if determined to be beneficial in assisting the member in successfully fulfilling their duties on the county board;
- 6) The seven hours of training on school performance issues was increased to twelve hours;
- 7) A county board member is required to complete the annual training in the final year of their term unless they are not seeking reelection; and,
- 8) A county board member's failure to attend and/or complete any of the required trainings constitutes neglect of duty.

The Act includes the Chair of the Senate Education Committee and the House Education Committee as ex-officio, non-voting members of the County Board Member Training Standards Review Committee. On or before January 1, 2026, and annually thereafter, the State Superintendent is required to report to the Legislative Oversight on Education Accountability (LOCEA) the activities of the County Board Member Training Standards Review Committee on

the types of training, the level of training participation, and the number of county board meetings that were held.

Finally, the Act provides that county boards of education may reduce the compensation for county board members to less than \$260 per board meeting by a vote of the county board, and members may be reimbursed for mileage without a receipt.

Enrolled Bill:

ENROLLED Committee Substitute for House Bill 2513
By Delegates Toney and Vance

AN ACT to amend and reenact §18-5-1a and §18-5-4 of the Code of West Virginia, 1931, as amended, relating to adding to topics required to be covered by the county board of education member orientation; requiring that any county board of education member who is unable to attend the initial orientation training for good cause complete a make-up orientation training within 30 days of being sworn in; requiring any appointed member to attend and complete a make-up orientation training within 30 days of being appointed; increasing annual hours of training required of county board of education members; modifying topics required to be covered by training; allowing the West Virginia Board of Education to require a county board of education member to attend additional training under certain conditions; including trainings required by the West Virginia Board of Education with those training for which failure to attend and complete without good cause constitutes neglect of duty; removing January 1 deadline for the requirement that a county board of education member satisfy the annual training requirement in the final year of any four-year term of office and creating exception to that requirement; adding certain non-voting ex officio members to the County Board Member Training Standards Review Committee; requiring the State Superintendent of Schools to report annually to the Legislative Oversight Commission on Education Accountability certain County Board Member Training Standards Review Committee and county board of education related information; setting the county board of education member compensation rate at \$260 per meeting attended unless the board votes to approve a lower rate; and excepting payment for mileage from the requirement for presentation of receipts.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-1a. Eligibility of members; training requirements.

(a) A person who is a member of a county board:

(1) Shall be a citizen and resident in the county in which he or she serves on the county board. ~~Also, a~~ A person who is a candidate for membership on a county board or who is a member-elect of a county board shall be a citizen and resident in the county in which he or she seeks to serve on the county board;

(2) May not be employed by the county board on which he or she serves, including employment as a teacher or service person;

(3) May not engage in the following political activities:

(A) Become a candidate for or hold any other public office, other than to succeed ~~him~~ himself or herself as a member of a county board subject to the following:

(i) A candidate for a county board, who is not currently serving on a county board, may hold another public office while a candidate if he or she resigns from the other public office prior to taking the oath of office as a county board member.

(ii) The term "public office" as used in this section does not include service on any other board, elected or appointed, profit or nonprofit, under the following conditions:

(I) The person does not receive compensation; and

(II) The primary scope of the board is not related to public schools.

(B) Become a candidate for, or serve as, an elected member of any political party executive committee;

(C) Become a candidate for, or serve as, a delegate, alternate or proxy to a national political party convention;

(D) Solicit or receive political contributions to support the election of, or to retire the campaign debt of, any candidate for partisan office;

(4) May engage in any or all of the following political activities:

(A) Make campaign contributions to partisan or bipartisan candidates;

(B) Attend political ~~fund-raisers~~ fundraisers for partisan or bipartisan candidates;

(C) Serve as an unpaid volunteer on a partisan campaign;

(D) Politically endorse any candidate in a partisan or bipartisan election; or

(E) Attend a county, state, or national political party convention.

(b) A member or member-elect of a county board, or a person desiring to become a member of a county board, may make a written request to the West Virginia Ethics Commission for an advisory opinion to determine if another elected or appointed position held or sought

by the person is an office or public office which would bar service on a county board pursuant to subsection (a) of this section.

(1) Within 30 days of receipt of the request, the Ethics Commission shall issue a written advisory opinion in response to the request and ~~shall~~ publish the opinion in a manner which, to the fullest extent possible, does not reveal the identity of the person making the request.

(2) A county board member who relies in good faith upon an advisory opinion issued by the West Virginia Ethics Commission to the effect that holding a particular office or public office is not a bar from membership on a county board and against whom proceedings are subsequently brought for removal from the county board on the basis of holding that office or offices, is entitled to reimbursement by the county board for reasonable attorney's fees and court costs incurred by the member in defending against these proceedings, regardless of the outcome of the proceedings.

(3) A vote cast by the member at a meeting of the county board may not be invalidated due to a subsequent finding that holding the particular office or public office is a bar to membership on the county board.

(4) Good faith reliance on a written advisory opinion of the West Virginia Ethics Commission that a particular office or public office is not a bar to membership on a county board is an absolute defense to any civil suit or criminal prosecution arising from any proper action taken within the scope of membership on the county board, becoming a member-elect of the county board or seeking election to the county board.

(c) To be eligible for election or appointment as a member of a county board, a person shall possess at least a high school diploma or a general educational development (GED) diploma. This provision does not apply to members or members-elect who have taken office prior to May 5, 1992, and who serve continuously from that date forward.

(d) A person elected to a county board after ~~July 1, 1990~~ July 1, 2024, may not assume the duties of county board member unless he or she has first attended and completed ~~a course of an orientation training~~ relating to boardsmanship and governance effectiveness, and fiscal management, which shall be ~~given~~ provided between the date of election and the beginning of the member's term of office under the following conditions:

(1) A portion or portions of subsequent training such as that offered in the orientation training may be provided to members after they have commenced their term of office;

(2) Attendance ~~at the session of~~ in the orientation given training provided between the date of election and the beginning of the member's term of office permits the member-elect

to assume the duties of county board member, as specified in this section: Provided, That any county board member who is unable to attend the initial orientation training for good cause, is required to complete a make-up orientation training within 30 days of being sworn in as a county board member;

(3) Members appointed to the county board shall attend and complete ~~the next an~~ orientation ~~course offered following their appointment~~ training within 30 days of being appointed; and

(4) The provisions of this subsection relating to orientation training do not apply to members who have taken office prior to ~~July 1, 1988~~ July 1, 2025, and who serve continuously from that date forward.

(e) Annually, effective July 1, 2025, each member of a county board shall receive ~~seven~~ twelve hours of training in areas relating to boardsmanship, governance effectiveness, fiscal management, and school performance issues including, but not limited to, pertinent state and federal statutes such as the "Process for Improving Education" set forth in §18-2E-5 of this code and the ~~"No Child Left Behind Act"~~ Every Student Succeeds Act (ESSA), the Individuals with Disabilities Education and Improvement Act of 2004 (IDEA), and their respective administrative rules: Provided, That the State Board may require any county board member to attend additional training if they believe that the training would be beneficial in assisting the member in successfully fulfilling his or her duties on the county board as requested by the State Superintendent.

(1) ~~The orientation and training~~ All training required in this section shall be approved by the state board and conducted by the West Virginia School Board Association or other organization or organizations approved by the state board:

(A) The state board may exclude time spent in training on school performance issues from the requisite ~~seven hours herein required~~ twelve-hour requirement; and

(B) If the state board elects to exclude time spent in training on school performance issues from the requisite ~~seven~~ twelve hours, the state board shall limit the training to a feasible and practicable amount of time.

(2) Failure to attend and complete ~~the approved course of orientation and training relating to boardsmanship and governance effectiveness~~ the orientation training, annual training, or training required by the State Board, without good cause, as determined by the state board by duly promulgated legislative rules, constitutes neglect of duty under §6-6-7 of this code.

(f) In the final year of any four-year term of office, a member shall satisfy the annual training requirement ~~before January 1~~ unless the county board member is not seeking reelection. Failure to comply with the training requirements of this section without good cause, as defined by the state board by duly promulgated legislative rules, constitutes neglect of duty under §6-6-7 of this code.

(g) The state board shall appoint a committee named the "County Board Member Training Standards Review Committee" whose members shall include the chair of the Senate Committee on Education and the chair of the House Committee on Education, or their respective designees, which shall serve as non-voting ex officio members. The County Board Member Training Standards Review Committee shall, at a minimum, meet ~~at least~~ annually. Subject to state board approval, the committee shall determine which ~~particular~~ trainings and training organizations shall be approved, and whether county board members have satisfied the annual training requirement. Members of the committee serve without compensation but may be reimbursed by their agencies or employers for all reasonable and necessary expenses actually incurred in the performance of their duties under this subsection.

(h) On or before January 1, 2026, and annually on or before January 1 thereafter, the State Superintendent shall report to the Legislative Oversight Commission on Education Accountability on the activities of the County Board Member Training Standards Review Committee, the types of training provided to county board members, the level of training participation by county board members, and the number of board meetings held.

(i) Notwithstanding the provisions of §6-5-5 of this code, no person who has been convicted of an offense under the §61-8A-1 *et seq.*, §61-8B-1 *et seq.*, §61-8C-1 *et seq.*, and §61-8D-1 *et seq.* of this code in which the victim is a minor may hold office as a member of a county board.

§18-5-4. Meetings; employment and assignment of teachers; budget hearing; compensation of members; affiliation with state and national association.

(a) The county board shall meet on the dates provided by law, and at any other times the county board deems necessary. Subject to adequate public notice, nothing in this section prohibits the county board from conducting regular meetings in facilities within the county other than the county board office. At any meeting authorized in this section and held in compliance with the provisions of §18A-1-1 *et seq.* of this code, the county board may employ qualified teachers, or those who will qualify by the time they assume their duties, necessary to fill existing or anticipated vacancies for the current or next ensuing school year. Meetings

of the county board shall be held in compliance with the provisions of §18A-1-1 *et seq.* of this code for purposes relating to the assignment, transfer, termination and dismissal of teachers and other school employees.

(b) Special meetings may be called by the president or any three members, but no business may be transacted other than that designated in the call.

(c) In addition, a public hearing shall be held concerning the preliminary operating budget for the next fiscal year not fewer than ten days after the budget has been made available to the public for inspection and within a reasonable time prior to the submission of the budget to the state board for approval. Reasonable time shall be granted at the hearing to any person who wishes to speak regarding any part of the budget. Notice of the hearing shall be published as a Class I legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code.

(d) A majority of the members of the county board constitutes the quorum necessary for the transaction of official business.

(e) Board members ~~may~~ shall receive compensation at ~~a rate not to exceed the rate of~~ \$260 per meeting attended, unless the Board votes to approve a lower rate, but they may not receive pay for more than 40 meetings in any one fiscal year. Board members who serve on an administrative council of a multicounty vocational center also may receive compensation for attending up to twelve meetings of the council at the same rate as for meetings of the county board: *Provided*, That council meetings are not counted as board meetings for purposes of determining the limit on compensable board meetings: *Provided, however*, That a county board member who is in default of a training requirement established in §18-5-1a of this code shall not, until after the default is cured, receive compensation for any meeting held during the period of default. For purposes of compensation, a member in default of a training requirement may cure the default by completing the unfulfilled training requirements within three months of the default. Upon curing the default, the member shall receive compensation, without interest, for the meetings held during the period of default: *Provided, further*, That up to five paid meetings may be provided when planning for activities such as running an election for excess levy, construction bond hearings, school closure hearings, personnel hearings, student expulsion hearings, and in the case of a disaster: *And provided further*, That members shall be paid for up to two trainings.

(f) Members also shall be paid, upon the presentation of receipts, for all necessary traveling expenses, including all authorized meetings, incurred on official business, at the

order of the county board: Provided, That the presentation for receipts is not required for payment for mileage.

(g) When, by a majority vote of its members, a county board considers it a matter of public interest, the county board shall join the West Virginia School Board Association and may join the National School Board Association and shall pay the dues prescribed by the associations and approved by action of the respective county boards. Membership dues and actual traveling expenses incurred by board members for attending meetings of the West Virginia School Board Association shall be paid by their respective county boards out of funds available to meet actual expenses of the members, but no allowance may be made except upon presentation of receipts.

House Bill 2528

To permit students in Christian schools at the elementary and middle school level to participate in county level sport tournaments

Effective Date: Passed April 11, 2025; Effective July 10, 2025

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

WVDE Contact: WVBE

Bill Summary: This Act provides that elementary and middle school students enrolled in a private, parochial, church, or other nonpublic school who have played against at least two public schools during the previous regular athletic season are eligible to participate in county athletic tournaments held at the end of the athletic season except for invitational tournaments.

Enrolled Bill: **ENROLLED Committee Substitute for House Bill 2528**
By Delegates Brooks and Pritt

AN ACT to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to authorizing elementary and middle school students enrolled in any private, parochial, or church school or school of a religious order or other nonpublic school to participate in county athletic tournaments under certain circumstances.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-25. Authority of county boards to regulate athletic and other extracurricular activities of secondary schools; delegation of authority to West Virginia Secondary School Activities Commission; authority of commission; approval of rules by state board; incorporation; funds; participation by private and parochial schools and by home-schooled students and participants in the Hope Scholarship Program or in a Microschool or Learning Pod.

(a) The county boards of education shall exercise the control, supervision, and regulation of all interscholastic athletic events, and other extracurricular activities of the students in public secondary schools, and of those schools of their respective counties. The county board of education may delegate control, supervision, and regulation of interscholastic athletic events and band activities to the West Virginia Secondary School Activities Commission.

(b) The West Virginia Secondary School Activities Commission is composed of the principals, or their representatives, of those secondary schools whose county boards of

education have certified in writing to the State Superintendent of Schools that they have elected to delegate the control, supervision, and regulation of their interscholastic athletic events and band activities of the students in the public secondary schools in their respective counties to the commission. The West Virginia Secondary School Activities Commission may exercise the control, supervision, and regulation of interscholastic athletic events and band activities of secondary schools, delegated to it pursuant to this section. The rules of the West Virginia Secondary School Activities Commission shall contain a provision for a proper review procedure and review board and be promulgated in accordance with the provisions of chapter 29A of this code, but shall, in all instances, be subject to the prior approval of the state board. The West Virginia Secondary School Activities Commission, may, with the consent of the State Board of Education, incorporate under the name of West Virginia Secondary School Activities Commission, Inc., as a nonprofit, nonstock corporation under the provisions of chapter 31 of this code. County boards of education may expend moneys for and pay dues to the West Virginia Secondary School Activities Commission, and all moneys paid to the commission, as well as moneys derived from any contest or other event sponsored by the commission, are quasi-public funds as defined in §18-5-1 *et seq.* of this code, and the funds of the commission are subject to an annual audit by the State Tax Commissioner.

(c) The West Virginia Secondary School Activities Commission shall promulgate reasonable rules providing for the control, supervision, and regulation of the interscholastic athletic events and other extracurricular activities of private and parochial secondary schools as elect to delegate to the commission control, supervision, and regulation, upon the same terms and conditions, subject to the same rules and requirements and upon the payment of the same fees and charges as those provided for public secondary schools. Any such private or parochial secondary school shall receive any monetary or other benefits in the same manner and in the same proportion as any public secondary school.

(d) Notwithstanding any other provision of this section, or the commission's rules, the commission shall consider eligible for participation in interscholastic athletic events and other extracurricular activities of secondary schools a student who is receiving home instruction pursuant to §18-8-1(c) of this code, is a participant in the Hope Scholarship Program, pursuant to §18-8-1(m) of this code and as provided for in §18-31-1, *et seq.* of this code, or participates in a microschool or learning pod, pursuant to §18-8-1(n) of this code, and who:

(1) Has demonstrated satisfactory evidence of academic progress for each year in compliance with the provisions of that subsection: *Provided*, That the student's average test results are within or above the fourth stanine in all subject areas;

(2) Has not reached the age of 19 by August 1 of the current school year;

(3) Is an amateur who receives no compensation but participates solely for the educational, physical, mental, and social benefits of the activity;

(4) Agrees to comply with all disciplinary rules of the West Virginia Secondary School Activities Commission and the county board in which the student lives; and

(5) Agrees to obey all rules of the West Virginia Secondary School Activities Commission governing awards, all-star games, parental consents, physical examinations, and vaccinations applicable to all high school athletes.

Eligibility is limited to participation in interscholastic athletic events and other extracurricular activities at the public secondary school serving the attendance zone in which the student lives: *Provided*, That students who leave a school during the school year are subject to the same transfer protocols that apply to member-to-member transfers. Reasonable fees may be charged to the student to cover the costs of participation in interscholastic athletic events and other extracurricular activities.

(e) Students enrolled in a private school shall be eligible to participate in extracurricular activities at the public secondary school serving the attendance zone in which the student lives if the extracurricular activity is not offered at the student's private school: *Provided*, The student meets the requirements of subsection (d)(4) and (d)(5) of this section: *Provided, however, That elementary and middle school students enrolled in any private, parochial or church school or school of a religious order or other nonpublic school who have played against at least two public schools during the previous regular athletic season shall be eligible to participate in county athletic tournaments held at the end of the athletic season, except for invitational tournaments.*

(f) The West Virginia Secondary School Activities Commission shall recognize preparatory athletic programs, whose participants attend a secondary school in West Virginia for academic instruction, as nonparticipating members of the commission solely for the purpose of competing on the national level: *Provided*, That the preparatory athletic program shall pay the same fees as member schools. Such recognition does not entitle the preparatory athletic program to compete against a member school during the regular season or in any commission state championship events. The commission may promulgate an emergency rule

pursuant to subsection (b) of this section, if necessary, to carry out the intent of this subsection.

House Bill 2548

Clarifying duties of state superintendent regarding rule implementation

Effective Date: Passed April 2, 2025; Effective July 1, 2025

Code Reference: W. Va. Code §18-3-3 (AMENDED)

WVDE Contact: Superintendent's Office
District & School Accountability
School Finance

Bill Summary: This Act requires the State Superintendent to annually report to the Legislative Oversight Commission on Education Accountability (LOCEA) the counties found in violation of properly implementing any State Board rule and to provide a plan and timeline that ensures full implementation. Additionally, the Act specifies that school aid funding may be withheld from a county that continues to violate a State Board rule.

Enrolled Bill: **ENROLLED Committee Substitute for House Bill 2548**
By Delegates Hornby, Willis, Riley, Ellington, McGeehan, Phillips, Statler, Akers, Maynor, Chiarelli, and Heckert

AN ACT to amend and reenact §18-3-3 of the Code of West Virginia, 1931, as amended, relating to the State Superintendent's general supervision of schools; clarifying supervisory duties; requiring the State Superintendent to report annually to the Legislative Oversight Commission on Education Accountability regarding implementation of state board rules in each county school district; and providing consequences for failure to follow state board rules.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. STATE SUPERINTENDENT OF SCHOOLS.

§18-3-3. General supervision of schools.

(a) The State Superintendent of Schools shall have general supervision of the free schools of the state, and shall be the chief executive officer of the state Board of Education. ~~He~~ The State Superintendent of Schools shall be charged with the general supervision of all county ~~and city~~ superintendents of ~~free schools~~ county boards and of county ~~and district~~ boards of education within the state, except as provided in ~~article nine, chapter six~~ §6-9-1, et seq. of this code. ~~He~~ The State Superintendent of Schools shall ~~prescribe the forms and cause to be prepared and printed all blanks necessary for carrying out~~ oversee all the details of the school system of the state, and of the rules of the state Board of Education, so as to secure

the uniform operation of the same throughout the state. ~~In respect to general school statistics, such forms and blanks shall conform as nearly as may be to the forms and blanks recommended by the United States bureau of education. The state superintendent shall also cause such forms and blanks to be forwarded to all school officers and other persons whose duty or right it is to use them.~~

(b) The State Superintendent shall report annually to the Legislative Oversight Commission on Education Accountability regarding the implementation of state board rules in each county school district.

(1) If a county is found in violation of proper implementation of any rule, the State Superintendent shall provide a plan to ensure full implementation of the rule and the timeline therefore.

(2) If a county continues to be in violation of state board rules, school aid funding may be withheld from that county.

House Bill 2897

Permitting the Legislative Auditor to conduct periodic performance and financial audits of the West Virginia Department of Education

Effective Date: Passed April 8, 2025; Effective July 7, 2025

Code Reference: W. Va. Code §18-2-46 (NEW)

WVDE Contact: Superintendent's Office
Internal Operations

Bill Summary: This Act allows the Legislative Auditor to conduct performance audits for the WVDE, county boards, or local districts utilizing state funding upon request by the Legislative Oversight Commission on Education Accountability (LOCEA) and approval by the Joint Committee on Government and Finance (Joint Committee). Additionally, the Act allows the Legislative Auditor to inspect and/or examine all records, accounts, personnel, productivity, and meeting standards while ensuring that local control is upheld. The Legislative Auditor is required to complete and submit an initial performance audit of the WVDE by December 1, 2025, to LOCEA and the Joint Committee.

Enrolled Bill: **ENROLLED Committee Substitute for House Bill 2897**
By Delegates Ellington, Statler, Hornby, Crouse, Willis, Dittman, Toney, and Campbell

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-46; relating to permitting the Joint Committee on Government and Finance, in conjunction with the Legislative Oversight Commission on Education Accountability, to direct the Legislative Auditor to conduct periodic performance audits of the West Virginia Department of Education; allowing granting the Legislative Auditor the power and authority to conduct examinations and inspections; requiring the Legislative Auditor to protect the confidentiality, privacy, and security of protected information; and establishing deadline for initial performance audit and reporting requirements.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-46. Requiring the Legislative Auditor to conduct periodic performance audits of the West Virginia Department of Education.

(a) The Joint Committee on Government and Finance, in conjunction with the Legislative Oversight Commission on Education Accountability ("LOCEA") may, at reasonable and prudent intervals, cause the Legislative Auditor to conduct performance audits of the West Virginia Department of Education, as well as county boards or local districts who utilize state funding: *Provided*, That LOCEA may request the Legislative Auditor perform a review upon a determination by the commission and approval by the Joint Committee on Government and Finance.

(b) The Legislative Auditor shall have the power and authority to conduct a performance audit of the West Virginia Department of Education, which shall allow the Legislative Auditor to inspect all records and accounts of the department and to examine the personnel of the department: *Provided*, That for any legally protected information provided or disclosed to the Legislative Auditor pursuant to this section, the Legislative Auditor shall protect the confidentiality, privacy, or security of the protected information in like manner and with the same duty as is required of the West Virginia Department of Education. Additionally, the Legislative Auditor may review productivity and meeting standards, while ensuring that local control is upheld.

(c) The Legislative Auditor shall complete an initial performance audit of the West Virginia Department of Education by December 1, 2025, and, on that date, deliver a report thereof to the Joint Committee on Government and Finance and to the Legislative Oversight Commission on Education Accountability.

House Bill 3080

Military Spouse hiring preference

Effective Date: Passed April 10, 2025; Effective July 9, 2025

Code Reference: W. Va. Code §16B-17-9 (AMENDED)
§16B-17-9a (AMENDED)

WVDE Contact: Certification
Human Resources

Bill Summary: This Act provides that employers may grant a hiring preference to the husband or wife of a member of the United States Armed Forces who is performing active duty pursuant to the orders that authorize a permanent change of station if the husband or wife relocates to the member's new permanent duty station.

Additionally, it specifies that granting a hiring preference to a military spouse does not violate state equal employment opportunity laws if the military spouse meets all the knowledge, skills, and eligibility requirements for the position.

Enrolled Bill: **ENROLLED House Bill 3080**
By Delegates W. Clark, Ridenour, Horst, Hornby, and Funkhouser

AN ACT to amend and reenact §16B-17-9 and §16B-17-9a of the Code of West Virginia, 1931, as amended, relating to establishing that an employer granting preference in hiring a military spouse does not violate the state Human Rights Act under certain circumstances.

Be it enacted by the Legislature of West Virginia:

ARTICLE 17. HUMAN RIGHTS COMMISSION.

§16B-17-9. Unlawful discriminatory practices.

It shall be an unlawful discriminatory practice, unless based upon a bona fide occupational qualification, or except where based upon applicable security regulations established by the United States or the State of West Virginia or its agencies or political subdivisions:

(1) For any employer to discriminate against an individual with respect to compensation, hire, tenure, terms, conditions, or privileges of employment if the individual is able and competent to perform the services required even if such individual is blind or disabled: *Provided*, That it shall not be an unlawful discriminatory practice for an employer to observe the provisions of any bona fide pension, retirement, group or employee insurance or

welfare benefit plan or system not adopted as a subterfuge to evade the provisions of this subdivision: ~~Provided, however~~ further, That an employer may grant preference in hiring to a military spouse or to a veteran or a disabled veteran in accordance with the provisions of §16B-17-9a of this code without violating the provisions of this article. For purposes of this subdivision, "military spouse" means the husband or wife of a member of the Armed Forces who, as determined by the United States Secretary of Defense, is performing active duty pursuant to orders that authorize a permanent change of station move, if such husband or wife relocates to the member's new permanent duty station.

(2) For any employer, employment agency, or labor organization, prior to the employment or admission to membership, to: (A) Elicit any information or make or keep a record of or use any form of application or application blank containing questions or entries concerning the race, religion, color, national origin, ancestry, sex, or age of any applicant for employment or membership; (B) Print or publish or cause to be printed or published any notice or advertisement relating to employment or membership indicating any preference, limitation, specifications, or discrimination based upon race, religion, color, national origin, ancestry, sex, disability, or age; or (C) Deny or limit, through a quota system, employment or membership because of race, religion, color, national origin, ancestry, sex, age, blindness, or disability;

(3) For any labor organization because of race, religion, color, national origin, ancestry, sex, age, blindness, or disability of any individual to deny full and equal membership rights to any individual or otherwise to discriminate against such individual with respect to hire, tenure, terms, conditions, or privileges of employment or any other matter, directly or indirectly, related to employment;

(4) For an employer, labor organization, employment agency, or any joint labor-management committee controlling apprentice training programs to:

(A) Select individuals for an apprentice training program registered with the State of West Virginia on any basis other than their qualifications as determined by objective criteria which permit review;

(B) Discriminate against any individual with respect to his or her right to be admitted to or participate in a guidance program, an apprenticeship training program, on-the-job training program, or other occupational training or retraining program;

(C) Discriminate against any individual in his or her pursuit of such programs or to discriminate against such a person in the terms, conditions, or privileges of such programs;

(D) Print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for these programs or to make any inquiry in connection with a program which expresses, directly or indirectly, discrimination or any intent to discriminate unless based upon a bona fide occupational qualification;

(5) For any employment agency to fail or refuse to classify properly, refer for employment or otherwise to discriminate against any individual because of his or her race, religion, color, national origin, ancestry, sex, age, blindness, or disability;

(6) For any person being the owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodations to:

(A) Refuse, withhold from, or deny to any individual because of his or her race, religion, color, national origin, ancestry, sex, age, blindness, or disability, either directly or indirectly, any of the accommodations, advantages, facilities, privileges, or services of the place of public accommodations;

(B) Publish, circulate, issue, display, post or mail, either directly or indirectly, any written or printed communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities, privileges, or services of any such place shall be refused, withheld from, or denied to any individual on account of race, religion, color, national origin, ancestry, sex, age, blindness, or disability, or that the patronage or custom thereof of any individual, belonging to or purporting to be of any particular race, religion, color, national origin, ancestry, sex, or age, or who is blind or disabled, is unwelcome, objectionable, not acceptable, undesired, or not solicited; or

(7) For any person, employer, employment agency, labor organization, owner, real estate broker, real estate salesman, or financial institution to:

(A) Engage in any form of threats or reprisal, or to engage in, or hire, or conspire with others to commit acts or activities of any nature, the purpose of which is to harass, degrade, embarrass, or cause physical harm or economic loss or to aid, abet, incite, compel, or coerce any person to engage in any of the unlawful discriminatory practices defined in this section;

(B) Willfully obstruct or prevent any person from complying with the provisions of this article, or to resist, prevent, impede, or interfere with the commission or any of its members or representatives in the performance of a duty under this article; or

(C) Engage in any form of reprisal or otherwise discriminate against any person because he or she has opposed any practices or acts forbidden under this article or because he or she has filed a complaint, testified, or assisted in any proceeding under this article.

§16B-17-9a. Veterans and military spouses preference not a violation of equal employment opportunity under certain circumstances.

(a) An employer may grant preference in hiring to a veteran or disabled veteran who has been honorably discharged from the United States Armed Services: ~~Provided, That the veteran or disabled veteran meets all of the knowledge, skills, and eligibility requirements of the job, and provided further that, granting the preference does not violate any state equal employment opportunity law, or to a military spouse, provided that the person granted the hiring preference meets all of the knowledge, skills, and eligibility requirements of the job to be filled.~~ Such hiring preference may be granted without violating the provisions of this article or any other state equal employment opportunity law.

(b) For purposes of this section:

(1) ~~the term~~ "Veteran" means any person who has received an honorable discharge and:

(A) Has provided more than 180 consecutive days of full-time, active-duty service in the United States Armed Services or Reserve components thereof, including the National Guard; or

(B) Has a service-connected disability rating fixed by the United States Department of Veterans Affairs.

(2) "Military spouse" means the husband or wife of a member of the Armed Forces who, as determined by the United States Secretary of Defense, is performing active duty pursuant to orders that authorize a permanent change of station move, if such husband or wife relocates to the member's new permanent duty station.

House Bill 3125

To remove restrictions from teachers receiving permanent teaching licenses

Effective Date: Passed April 12, 2025; Effective from passage

Code Reference: W. Va. Code §18A-3-2a (AMENDED)
§18A-3-4 (AMENDED)

WVDE Contact: Certification

Bill Summary: This Act provides that teacher with 10 years of teaching experience, with a valid teaching certificate, in good standing, and without any unsatisfactory evaluations, may apply for and be issued a permanent teaching certificate without having to complete any additional coursework.

The Act also includes the provisions of *Senate Bill No. 765 - Establishing Troops-to-Teachers Program*, which is also included in this publication.

Enrolled Bill: **ENROLLED Committee Substitute for House Bill 3125**
By Delegates Barnhart, Stephens, Hornby, Pritt, Ellington, and Statler

AN ACT to amend and reenact §18A-3-2a and §18A-3-4 of the Code of West Virginia, 1931, as amended, relating to certificates valid in the public schools; adding a fourth set of conditions under which a person who meets those conditions can be issued a professional teaching certificate; allowing teachers with a bachelor's degree and 10 years teaching experience, with a valid teaching certificate, in good standing, without any unsatisfactory evaluations to apply for and receive a permanent teaching certificate without having to take any additional course work.

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.

§18A-3-4. Validity of present certificates.

Nothing in this article shall be construed or interpreted in such way as to invalidate or in any manner change or shorten the validity period of certificates, including grade-level teaching rights, in force on the effective date of this act, nor the right to renew or make permanent such certificates, notwithstanding the provisions set forth in §18A-3-2a of this code.

House Bill 3166

Requirements for School Safety Mapping Data

Effective Date: Passed April 12, 2025; Effective July 11, 2025

Code Reference: W. Va. Code §18-9F-10a (NEW)

WVDE Contact: School Facilities

Bill Summary: This Act requires county boards of education to create standardized school safety mapping data by September 1, 2026, that is:

- 1) In formats that conform and integrate with software platforms used in local public safety and are capable of being shared electronically;
- 2) Viewable and printable from an open-source document or image viewer;
- 3) Oriented true north and includes a fixed grid with consistent x and y coordinates;
- 4) Includes accurate floor plans overlaid on aerial imagery of the campus and site-specific labeling for school structures; and,
- 5) Includes updates or modifications to the school mapping data.

Before procurement, the county board of education is required to consult and receive approval from the primary law enforcement agency serving the school district. After creation, county school boards are required to provide the school mapping data to the WVBE, Division of Homeland Security and Emergency Management, and local first response agencies.

Contingent on available funding, the Act stipulates that each county board of education may receive a maximum of \$4500 to acquire school mapping data. Lastly, school mapping data is exempt from disclosure under the Freedom of Information Act.

Enrolled Bill: **ENROLLED Committee Substitute for House Bill 3166**
By Delegates Hornby, D. Smith, Kyle, J. Cannon, Willis, and Chiarelli

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §18-9F-10a, relating to requiring county boards to create standardized school safety mapping data; setting forth requirements for mapping data; setting forth the dissemination; requiring consultation and agreement of local enforcement; sets forth and cost parameters of data; sets an effective date; and exempting data from disclosure under the Freedom of Information Act.

Be it enacted by the Legislature of West Virginia:

§18-9F-10a. Standardized school safety mapping data.

(a) In addition to other requirements contained in this article, the Crisis Response Plan required by §18-9F-9 of this code, or the safety program required by §18-9F-10 of this code, each county board of education shall create standardized school safety mapping data that, at a minimum, requires that mapping data:

(1) Be in formats that conform to, integrate with, and are accessible within software platforms used in local public safety answering points and by the city, county, state, and federal public safety agencies that could provide emergency services at the school without requiring the purchase of additional software or payment of fees to access the data;

(2) Be in formats capable of being printed, shared electronically, and, if requested, digitally integrated into interactive mobile platforms in use;

(3) Be viewable and printable from open-source document or image viewers;

(4) Be oriented to true north and include a fixed grid with consistent "x" and "y" coordinates;

(5) Have its accuracy verified by the entity producing the data through an on-site walk-through of the school buildings and grounds;

(6) Include accurate floor plans overlaid on current, verified aerial imagery of the school campus;

(7) Include site-specific labeling for school structures, such as room names, hallway designations, exterior doors, stairwell numbers, and the locations of hazards, critical utility controls, key boxes, automated external defibrillators, and trauma kits and school grounds, including parking areas, athletic fields, surrounding roads, and neighboring properties;

(8) Include the requirement that future updates or modifications to the school mapping data conform to and integrate with software platforms used by the relevant public safety agencies; and

(9) Be created, stored, and maintained exclusively within the United States for the entire duration of the mapping process and thereafter to ensure security of the data.

(b) The school safety mapping data set forth in subsection (a) shall be provided to the state board of education, Division of Homeland Security and Emergency Management, and local first response agencies including police, fire, emergency medical services (EMS), and any other local entities the school's crisis response planning team determines should be consulted in

accordance with this article. The data shall be provided at no cost beyond the initial cost of production and shall be made available to such entities permanently.

(c) Local school systems shall consult and receive approval from the primary law enforcement agency serving and supporting the district These shall include, but are not limited to county, city, or municipal police departments, or Sheriff's Department, prior to procurement to ensure school mapping data meets the requirements in this section.

(d) Subject to available funding each county board of education may receive not greater than \$4500 per school for the purposes set out in this section.

(e) The school safety mapping requirements of this section shall be effective on September 1, 2026.

(f) Any data obtained and maintained pursuant to the provisions of this section shall not be subject to disclosure pursuant to the provisions of §29B-1-1 et seq. of this code.

House Bill 3209**To provide at least one counselor for every 250 students in public schools and public charter schools in this state**

Effective Date: Passed April 12, 2025; Effective July 1, 2025

Code Reference: W. Va. Code §18-5-18b (AMENDED)

WVDE Contact: District and School Accountability
PK-Adult Instruction and Career Engagement

Bill Summary: Beginning August 1, 2025, this Act requires every county board of education to employ two school counselors for every 1000 students in net enrollment. County boards are permitted to provide one school counselor per every 400-450 students in any elementary and middle school and one school counselor per every 250-300 students in high schools.

The Act also precludes the requirement from being construed to increase the number of eligible professional student support personnel positions to every 1000 students in net enrollment for which an allowance is received under the Public School Support Plan.

Enrolled Bill: **ENROLLED Committee Substitute for House Bill 3209**
By Delegates Statler, Brooks, Criss, Ellington, Heckert, Cooper, Campbell, Stephens, Vance, Dittman, and Hanshaw (Mr. Speaker)

AN ACT to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended, relating to requiring each county to employ two school counselors to each 1,000 students to net enrollment; clarifying that requirement cannot be construed to increase the number of eligible professional student support personnel positions to each 1,000 students in net enrollment provided for under the public school support program; and allowing counties to follow certain counselor to student ratios.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. COUNTY BOARD OF EDUCATION.**§18-5-18b. School counselors in public schools.**

(a) A school counselor means a professional educator who holds a valid school counselor's certificate in accordance with §18A-1-1 of this code.

(b) Each county board shall provide counseling services for each pupil enrolled in the public schools of the county.

(c) The school counselor shall work with individual pupils and groups of pupils in providing developmental, preventive and remedial guidance and counseling programs to meet academic, social, emotional, and physical needs; including programs to identify and address the problem of potential school dropouts. The school counselor also may provide consultant services for parents, teachers, and administrators and may use outside referral services, when appropriate, if no additional cost is incurred by the county board.

(d) The state board may adopt rules consistent with the provisions of this section that define the role of a school counselor based on the "National Standards for School Counseling Programs" of the American School Counselor Association. A school counselor is authorized to perform such services as are not inconsistent with the provisions of the rule as adopted by the state board. To the extent that any funds are made available for this purpose, county boards shall provide training for counselors and administrators to implement the rule as adopted by the state board.

(e) Each county board shall develop a comprehensive drop-out prevention program utilizing the expertise of school counselors and any other appropriate resources available.

(f) School counselors shall be full-time professional personnel, shall spend at least 80 percent of work time in a direct counseling relationship with pupils, and shall devote no more than 20 percent of the workday to administrative activities: *Provided*, That such activities are directly related to their counseling duties: *Provided further*, That school counselors may not perform the following duties without a written agreement:

(1) Administering cognitive, aptitude, and achievement testing programs: *Provided*, That school counselors may administer make up tests and any tests that are required for virtual students, should no other person be available to administer the test;

(2) Routinely signing excuses for students who are tardy or absent;

(3) Performing disciplinary actions or assigning discipline consequences;

(4) Routinely covering classes when teachers are absent or to create teacher planning time;

(5) Maintaining student records: *Provided*, That school counselors may have access to student records;

(6) Computing grade-point averages: *Provided*, That school counselors may compute grade-point averages for the purpose of determining a student's eligibility for scholarships or post-secondary goals;

(7) Routinely supervising classrooms or common areas;

(8) Keeping clerical records: *Provided*, That school counselors may access clerical records;

(9) Coordinating Individual Education Plans: *Provided*, That this does not preclude school counselors from otherwise participating in Individual Education Plans when appropriate:

(10) Coordinating 504 Plans: *Provided*, That this does not preclude school counselors from otherwise participating in 504 Plans when appropriate; and

(11) Coordinating Student Assistance Teams: *Provided*, That this does not preclude school counselors from otherwise participating in Student Study Teams when appropriate.

(g) Beginning with the 2024—25 school year, school counselors shall participate in the training set forth below.

(1) At least once every two years, school counselors serving students in grades Pre-K through 12 shall participate in the School Counselors Conference, which shall address the following components:

- (A) Career Counseling and Life Planning;
- (B) Career awareness;
- (C) Career and life planning;
- (D) Career and life success;
- (E) Opportunities with Career Technical Education available in West Virginia;
- (F) Post secondary options;
- (G) Academic Counseling and Personalized Planning;
- (H) Academic motivation;
- (I) Goal setting;
- (J) Academic scheduling;
- (K) Personalized Education Plans;
- (L) Dual credit;
- (M) Learning skills;
- (N) Personal and Social Counseling;
- (O) Decision making;
- (P) Personal responsibility;
- (Q) Conflict resolution; and
- (R) Prevention.

(2) Every two years, school counselors serving students in grades seven through 12 shall receive training regarding building and trades and apprenticeship programs available to students in West Virginia. This training shall be administered by the department of education and provided at no cost to the counselors.

(h) Beginning August 1, 2025, each county shall employ two school counselors to each 1000 students to net enrollment: *Provided*, That this requirement may not be construed to increase the number of eligible professional student support personnel positions to each 1,000 students in net enrollment for which an allowance is required under subdivision (1), subsection (b) of §18-9A-8 of this code. The counties may follow the ratio of one counselor to every 400-450 students in elementary and middle school and one counselor to every 250-300 students in high school.

~~(h)~~ (i) Nothing in this section prohibits a county board from exceeding the provisions of this section, or requires any specific level of funding by the Legislature.

House Bill 3313

Providing more opportunities for high school students in community colleges

Effective Date: Passed April 7, 2025; Effective July 6, 2025

Code Reference: W. Va. Code §18B-3C-4 (AMENDED)

WVDE Contact: PK-Adult Instruction and Career Engagement

Bill Summary: This Act amends the community and technical college/career and technical education consortia planning districts statutes to permit a participating institution to partner with community and technical colleges outside of the institution's designated region if the assigned facilitating community and technical college does not offer a program and the program was not developed within two years of a formal request by a participating institution to develop the program.

Enrolled Bill: **ENROLLED for House Bill 3313**
By Delegates Dittman, Eldridge, Horst, Rohrbach, Campbell, Kyle, McCormick, Willis, Dean, Hott, and Miller

AN ACT to amend and reenact §18B-3C-4 of the Code of West Virginia, 1931, as amended, all relating to community and technical college/career and technical education consortia planning districts; adding Braxton County High School as a participating institution in the Southeastern District; and providing for partnerships outside designated region under certain conditions.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3C. COMMUNITY AND TECHNICAL COLLEGE SYSTEM.

§18B-3C-4. Community and technical college/career and technical education consortia planning districts.

(a) Unless otherwise designated, the presidents of the community and technical colleges facilitate formation of community and technical college/career and technical education consortia in the state. Each consortium includes representatives of community and technical colleges, public career and technical education centers and state baccalaureate institutions offering associate degrees. The consortium is responsible for carrying out the following actions:

(1) Completing a comprehensive assessment of the district to determine what education and training programs are necessary to meet the short- and long-term workforce development needs of the district and to identify the high-demand, high-wage occupations within the

service district and develop programs of study, based on the findings, that consist of a curriculum of courses leading to an industry-recognized credential, a certificate of applied science degree or an associate degree;

(2) Coordinating efforts with regional labor market information systems to identify the ongoing needs of business and industry, both current and projected, and to provide information to assist in an informed program of planning and decision-making. The priority of each consortium is to identify the high-demand, high-wage occupations within the service district and, in conjunction with the public schools, develop integrated secondary and post-secondary programs of study that lead to an industry-recognized credential, a certificate of applied science degree or an associate degree;

(3) Developing integrated secondary and post-secondary programs of study that lead to an industry-recognized credential, a certificate of applied science degree or an associate degree to satisfy a workforce need as determined by the Department of Commerce. The Department of Commerce shall on occasion, but at least annually, provide written notification to the State Board of Education and the West Virginia Council for Community and Technical College Education a determination of areas of workforce need;

(4) Increasing the integration of secondary and post-secondary curriculum and programs that are targeted to meet regional and state labor market needs, including implementing seamless programs of study, including West Virginia EDGE, Advanced Career Education, Registered Apprenticeships and any program that allows students to earn college credit while they are still in high school;

(5) Ensuring that the programs of study include coherent and rigorous content aligned with challenging academic standards and relevant career and technical education content. The programs shall provide for student movement through a coordinated, nonduplicative progression of courses that align secondary education with community and technical college education to prepare students to succeed at the community and technical college level and in high-wage, high-demand occupations;

(6) Planning and developing a unified effort between the community and technical colleges and public career and technical education to meet the documented workforce development needs of the district and state through individual and cooperative programs; shared facilities, faculty, staff, equipment and other resources; and the development and use of distance learning and other education technologies;

(7) Collaborating and developing jointly the collaborative programming for adults between the community and technical colleges and the public career and technical centers. The focus of these collaborative efforts is the development of advanced skill programming that builds on the secondary curriculum and allows career and technical education graduates to acquire more in-depth preparation in their occupational area of interest;

(8) As a consortium, regularly reviewing and revising curricula to ensure that the work force needs are met; developing new programs and phasing out or modifying existing programs, as appropriate, to meet such needs; and streamlining procedures for designing and implementing customized training programs;

(9) Planning and implementing integrated professional development activities for secondary and post-secondary faculty, staff and administrators;

(10) Ensuring that program graduates have attained the competencies required for successful employment through the involvement of business, industry and labor in establishing student credentialing;

(11) Assessing student knowledge and skills which may be gained from multiple sources so that students gain credit toward program completion and advance more rapidly without repeating course work in which they already possess competency;

(12) Cooperating with workforce investment boards to establish one-stop-shop career centers with integrated employment and training and labor market information systems that enable job seekers to assess their skills, identify and secure needed education training, and secure employment, and that allow employers to locate available workers;

(13) Increasing the integration of adult literacy, adult basic education, federal Workforce Innovation and Opportunity Act and community and technical college programs and services to expedite the transition of adults from welfare to gainful employment, including cooperating with the State Department of Education to provide adult basic education programs on each community and technical college campus in the state where developmental education services are provided; and

(14) Establishing a single point of contact for employers and potential employers to access education and training programs throughout the district.

(b) The community and technical college education consortium shall cooperate with the regional workforce investment board in the district and shall participate in any development or amendment to the regional workforce investment plan.

(c) To carry out the provisions of this section, community and technical college/career and technical education consortia planning districts are established and defined as follows:

(1) Northern Panhandle District includes Hancock, Brooke, Ohio, Marshall and Wetzel counties.

(A) The facilitating institution is West Virginia Northern Community and Technical College.

(B) Participating institutions include West Virginia Northern Community and Technical College; John Marshall High School; Cameron High School; John D. Rockefeller IV Career Center; and other public career and technical centers offering post-secondary programs.

(2) North Central West Virginia District includes Monongalia, Marion, Preston, Taylor, Barbour, Randolph, Doddridge, Harrison, Braxton, Lewis, Calhoun, Gilmer and Upshur counties.

(A) The facilitating institution is Pierpont Community and Technical College.

(B) Participating institutions include Pierpont Community and Technical College; Glenville State College; Randolph County Technical Center; Monongalia County Technical Education Center; United Technical Center; Marion County Technical Center; Fred W. Eberle Technical Center; Calhoun Gilmer Career Center; Taylor County Technical Center; and other public career and technical centers offering post-secondary programs.

(3) Mid-Ohio Valley District includes Tyler, Pleasants, Ritchie, Wood, Wirt, Jackson and Roane counties.

(A) The facilitating institution is West Virginia University at Parkersburg.

(B) Participating institutions include West Virginia University at Parkersburg; Roane-Jackson Technical Center; Wood County Technical Center; Mid-Ohio Valley Technical Institute and other public career and technical centers offering post-secondary programs.

(4) Potomac Highlands District includes Tucker, Pendleton, Grant, Hardy, Mineral and Hampshire counties.

(A) The facilitating institution is Eastern West Virginia Community and Technical College.

(B) Participating institutions include Eastern West Virginia Community and Technical College; South Branch Career and Technical Center; Mineral County Technical Center; and other public career and technical centers offering post-secondary programs.

(5) Shenandoah Valley District includes Berkeley, Jefferson and Morgan counties.

(A) The facilitating institution is Blue Ridge Community and Technical College.

(B) Participating institutions include Blue Ridge Community and Technical College; James Rumsey Technical Institute; and other public career and technical centers offering post-secondary programs.

(6) Advantage Valley District includes Fayette, Kanawha, Clay, Putnam, Cabell, Mason and Wayne counties.

(A) The facilitating institution for Cabell, Mason and Wayne counties is Mountwest Community and Technical College. The facilitating institution for Clay, Fayette, Kanawha and Putnam counties is BridgeValley Community and Technical College.

(B) Participating institutions include Mountwest Community and Technical College; BridgeValley Community and Technical College; Carver Career and Technical Education Center; Garnet Career Center; Ben Franklin Career and Technical Center; Putnam Career and Technical Center; Cabell County Career-Technology Center; Mason County Career Center; and other public career and technical centers offering post-secondary programs.

(7) Southern Mountains District includes Lincoln, Boone, Logan, Mingo, Wyoming and McDowell counties.

(A) The facilitating institution is Southern West Virginia Community and Technical College.

(B) Participating institutions include Southern West Virginia Community and Technical College; Boone County Career and Technical Center; Wyoming County Career and Technical Center; Ralph R. Willis Career and Technical Center; McDowell County Career and Technology Center; Mingo Extended Learning Center; and other public career and technical centers offering post-secondary programs.

(8) Southeastern District includes Raleigh, Summers, Fayette, Braxton, Nicholas, Webster, Pocahontas, Greenbrier, Monroe and Mercer counties.

(A) The facilitating institution is New River Community and Technical College.

(B) Participating institutions include New River Community and Technical College; BridgeValley Community and Technical College; Bluefield State College; Academy of Careers and Technology; Fayette Institute of Technology; Summers County High School; Monroe County Technical Center; Mercer County Technical Education Center; Braxton County High School; Nicholas County Career and Technical Center; and other public career and technical centers offering post-secondary programs.

(9) Cochairs preside over each consortium as follows:

(A) The president of the facilitating community and technical college, or his or her designee; and

(B) A career and technical education center administrator, or his or her designee, representing one of the participating institutions and selected by the consortium administrative leaders.

(10) A participating institution shall be permitted to partner without restriction, with community and technical colleges outside of its designated region if the assigned facilitating community and technical college does not offer a program and that program was not developed by the assigned facilitating community and technical college within two years of a formal request by a participating institution.

(d) In the role of the facilitating institution of the consortium, the college:

(1) Communicates to the council and state board;

(2) Facilitates the delivery of comprehensive community and technical college education in the region, which includes the seven areas of comprehensive community and technical college education delivery as required by §18B-3C-6 of this code;

(3) Facilitates development of a statement of commitment signed by all participating institutions in the region setting forth how community and technical college education will be delivered; and

(4) Submits annually the Carl D. Perkins local planning guide to the council and the state board.

(e) The state board and council shall jointly promulgate guidelines for the administration of this section. The guidelines shall be affirmatively adopted by both the board and the council. At a minimum, such guidelines shall provide for the following:

(1) Participating institutions are not subordinate to the facilitating institution but shall sign the statement of commitment to participate.

(2) Integrated secondary and post-secondary programs of study that lead to an industry-recognized credential, a certificate of applied science degree or an associate degree shall be reduced to written partnership agreements;

(3) The programs of study must meet the requirements of the accrediting entity for the community and technical college awarding the associate degrees;

(4) That partnership agreements must be approved by the State Superintendent of Schools and the Chancellor for the Council for Community and Technical College Education; and

(5) Any other provisions necessary to effectuate the purposes of this section.

(f) The State Superintendent of Schools and the Chancellor for the Council for Community and Technical College Education are responsible for annually evaluating the progress made in meeting the goals for each consortium through the development and collection of performance indicator data.

(g) The State Superintendent of Schools and the Chancellor for the Council for Community and Technical College Education shall annually report to the Governor and the Legislative Oversight Commission on Education Accountability on the implementation of this section.



Michele L. Blatt
West Virginia Superintendent of Schools