



# 2021 Green Book

*Summary of Public Education  
Bills Enacted During the 2021  
Regular Session*



**West Virginia Board of Education  
2021-2022**

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West Virginia Higher Education Policy Commission  
West Virginia Council for Community and Technical College Education

**W. Clayton Burch**, Ex Officio  
State Superintendent of Schools  
West Virginia Department of Education

# CODE CHANGES

Code	Bill	Code	Bill	Code	Bill	Code	Bill
§3-8-12	HB 2009	§18-5-16	SB 375	§18-9B-8	HB 3177	§18-31-4	HB 2013
§5-10-19	HB 3191	§18-5-18e	HB 3177	§18-9B-9	HB 3177	§18-31-5	HB 2013
§11-1C-10	HB 2581	§18-5-43	HB 3177	§18-9B-10	HB 3177	§18-31-6	HB 2013
§11-3-15c	HB 2581	§18-5-45a	SB 11	§18-9B-11a	HB 3177	§18-31-7	HB 2013
§11-3-15f	HB 2581	§18-5G-1	HB 2012	§18-9B-12	HB 3177	§18-31-8	HB 2013
§11-3-15h	HB 2581	§18-5G-2	HB 2012	§18-9B-13	HB 3177	§18-31-9	HB 2013
§11-3-15l	HB 2581	§18-5G-4	HB 2012	§18-9B-14	HB 3177	§18-31-10	HB 2013
§11-3-23	HB 2581	§18-5G-5	HB 2012	§18-9B-15	HB 3177	§18-31-11	HB 2013
§11-3-23a	HB 2581	§18-5G-6	HB 2012	§18-9B-17	HB 3177	§18-31-12	HB 2013
§11-3-24	HB 2581	§18-5G-9	HB 2012	§18-9B-18	HB 3177	§18-31-13	HB 2013
§11-3-24a	HB 2581	§18-5G-10	HB 2012	§18-9B-19	HB 3177	§18A-2-16	HB 2267
§11-3-24b	HB 2581	§18-5G-11	HB 2012	§18-9B-20	HB 3177	§18A-2-25	HB 3293
§11-3-25	HB 2581	§18-5G-13	HB 2012	§18-9B-21	HB 3177	§18A-3-1	HB 2029
§11-3-25a	HB 2581	§18-5G-14	HB 2012	§18-9D-15	HB 2906	§18A-3-2a	SB 14
§11-3-32	HB 2581	§18-5G-15	HB 2012	§18-10H-4	HB 3177	§18A-3-2a	HB2029
§11-10A-1	HB 2581	§18-7A-13a	HB 3191	§18-30A-1	HB 2001	§18A-4-2	SB 680
§11-10A-7	HB 2581	§18-7A-36	HB 3177	§18-30A-2	HB 2001	§18A-4-8	HB 2145
§11-10A-8	HB 2581	§18-8-1	HB 2013	§18-30A-3	HB 2001	§18A-4-8a	HB 2145
§11-10A-10	HB 2581	§18-8-1a	HB 2785	§18-30A-4	HB 2001	§18A-4-16	HB 3266
§11-10A-19	HB 2581	§18-8-11	SB 431	§18-30A-5	HB 2001	§21-1A-4	HB 2009
§11-21-12m	HB 2001	§18-9-3a	SB 651	§18-30A-6	HB 2001	§21-5-1	HB 2009
§11-21-25	HB 2001	§18-9A-6a	HB 3177	§18-30A-7	HB 2001	§21-6-3	SB 435
§11-24-10a	HB 2001	§18-9A-7	HB 3177	§18-30A-8	HB 2001	§21-6-4	SB 435
§17B-2-7	SB 356	§18-9A-8a	HB 3177	§18-30A-9	HB 2001	§21-6-5	SB 435
§18-2-5c	HB 3293	§18-9A-15	HB 2852	§18-30A-10	HB 2001	§21-6-10	SB 435
§18-2-5d	HB 3177	§18-9A-16	HB 3177	§18-30A-11	HB 2001	§49-2-113	SB 89
§18-2-9	SB 636	§18-9A-25	HB 2013	§18-30A-12	HB 2001	§55-19-1	SB 277
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§18-2-24	HB 3177	§18-9B-2	HB 3177	§18-30A-14	HB 2001	§55-19-3	SB 277
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§18-2-35	HB 3177	§18-9B-4	HB 3177	§18-30A-16	HB 2001	§55-19-5	SB 277
§18-2E-4a	HB 3177	§18-9B-5	HB 3177	§18-31-1	HB 2013	§55-19-6	SB 277
§18-3-9b	HB 3177	§18-9B-6	HB 3177	§18-31-2	HB 2013	§55-19-7	SB 277
§18-4-12	HB 3177	§18-9B-6a	HB 3177	§18-31-3	HB 2013	§55-19-8	SB 277
§18-5-15g	HB 2791	§18-9B-7	HB 3177			§55-19-9	SB 277

Legend for this page:

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

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## **Senate Bill 11: Declaring work stoppage or strike by public employees to be unlawful**

*Effective Date:* June 2, 2021

*Code Reference:* [Adds: §18-5-45a](#)

*WVDE Contact:* Heather Hutchens, General Counsel, Office of Legal Services

*Bill Summary:* The bill confirms that a work stoppage or strike by public employees, and specifically employees of a county board of education, is both unlawful and disruptive to the delivery of the constitutionally required thorough and efficient education. The bill outlines when an employee is participating in a concerted work stoppage, strike, or interruption of operations. This bill clarifies that an employee may not take personal leave to participate in a work stoppage/strike and clarifies that a county board may not utilize accrued or equivalent instruction time or alternate delivery models to cancel or make up lost days. The bill clarifies that the West Virginia Board of Education (WVBE) waiver process cannot be utilized to waive the employment term or minimum instructional term if the noncompliance is because of a work stoppage or strike. This bill clarifies participation is a ground for termination, but if the county does not terminate the employee, the employee's salary should be prorated to account for the absence.

## **Senate Bill 14: Providing for additional options for alternative certification for teachers**

*Effective Date:* May 27, 2021

*Code Reference:* Amends: §18A-3-2a

*WVDE Contact:* Carla Warren, Director, Educator Development and Support

*Bill Summary:* The bill proposes an alternative certification pathway for individuals to obtain a professional teaching certificate. The bill sets forth four requirements that an individual must obtain to be eligible to receive a professional teaching certificate: (1) hold a bachelor's degree; (2) submit to a criminal history check; (3) successfully complete pedagogical training or pedagogical course(s) that are in substantive alignment with nationally recognized pedagogical standards, or approved/established by the state board; and (4) pass the same subject matter and competency tests required of traditional program applicants for licensure.

**Senate Bill 89: Exempting certain kindergarten and preschool programs offered by private schools from registration requirements.**

*Effective Date:* July 4, 2021

*Code Reference:* Amends: §49-2-113

*WVDE Contact:* Monica DellaMea, Director, Early and Elementary Learning Services

*Bill Summary:* The passage of this bill no longer requires certain early childhood programs to obtain approval of its operations from the secretary of the West Virginia Department of Health and Human Resources through the child care licensure process. This includes kindergarten, preschool, or school education programs operated by a public school or which is accredited by the West Virginia Department of Education or any other kindergarten, preschool, or school programs which operates with sessions not exceeding four hours per day for any child pre-k and kindergarten programs. Any kindergarten, preschool, or school education program operated by a private, parochial, or church school recognized by the West Virginia Department of Education under Policy 2330 are also not required to obtain approval of its operations.

**Senate Bill 277: Creating COVID-19 Jobs Protection Act**

*Effective Date:* March 11, 2021

*Code Reference:* Adds: §55-19-1; §55-19-2; §55-19-3; §55-19-4; §55-19-5; §55-19-6; §55-19-7; §55-19-8; §55-19-9

*WVDE Contact:* Legal Services

*Bill Summary:* The bill provides immunity to county boards of education, among other, to claims arising from the COVID-19 pandemic, provided the county board (or any of its employees or agents) did not intentionally engage in conduct with actual malice to cause injury.



## **Senate Bill 356: Allowing for written part of drivers' exam given in high school drivers' education course.**

*Effective Date:* June 24, 2021

*Code Reference:* Amends: §17B-2-7

*WVDE Contact:* Joey Wiseman, Director, Middle and Secondary Learning Services

*Bill Summary:* The bill allows for West Virginia Driver Education Instructors to administer a knowledge test developed by the Division of Motor Vehicles. Any person who successfully completes a test administered by a driver education instructor is exempt from the proof of school enrollment requirements.

## **Senate Bill 375: Relating to county boards of education policies for open enrollment.**

*Effective Date:* July 6, 2021

*Code Reference:* Amends: §18-5-16

*WVDE Contact:* Legal Services

*Bill Summary:* The bill makes a few changes to the modifications that were made in the 2019 education omnibus bill relating to intercounty transfers (where a student seeks to attend school in a county other than the one where he or she resides) and reinserts funding language that was inadvertently omitted in the 2019 bill. Substantively, the bill says that an intercounty transfer application may only be denied by a county board of education if there is no classroom space available. If an intercounty transfer request is denied, the denial must be in writing and sent to both the parents of the student and the West Virginia Department of Education (WVDE), with explanation of denial and notification of appeal rights, within three business days.

## **Senate Bill 431: Relating to school attendance notification requirements to DMV.**

*Effective Date:* June 24, 2021

*Code Reference:* Amends: §18-8-11

*WVDE Contact:* Charlene Coburn, Officer, Support and Accountability Services

*Bill Summary:* The bill authorizes DMV to accept electronic verification of a student's attendance and satisfactory academic progress from a county board of education. Verification of these two items is statutorily required prior to issuance of a driver's license or learner's permit.

**Senate Bill 435: Requiring county superintendents to authorize certain school principals or administrators at nonpublic schools to issue work permits for enrolled students.**

*Effective Date:* June 24, 2021

*Code Reference:* Amends: §21-6-3; §21-6-4; §21-6-5; §21-6-10

*WVDE Contact:* Legal Services

*Bill Summary:* The bill permits individuals that are authorized to issue graduation credentials (nonpublic school administrators and homeschool parents) to issue a work permit to children 14 or 15 years of age provided the current statutory requirements for issuing a work permit are satisfied (i.e., written statement from prospective employer that they intend to employ the child; brief description of job child will perform; review of birth certificate verifying child’s age; for children attending a nonpublic schools, a certificate showing school attendance). The bill imposes the same responsibilities and penalties for improper issuance of a work permit on nonpublic school administrators and home school parents that are currently imposed upon county superintendents issuing work permits.

**Senate Bill 636: Requiring certain history and civics courses be taught in schools.**

*Effective Date:* July 9, 2021

*Code Reference:* Amends: §18-2-9

*WVDE Contact:* Sonya White, Officer, Office of Teaching and Learning  
Joey Wiseman, Director, Middle and Secondary Learning Services, Office of Teaching and Learning

*Bill Summary:* The bill adds the following topics/areas that must be taught in all public, private, parochial, and denominational schools in West Virginia:

- Institutions and structure of American government, such as the separation of powers, the Electoral College, and federalism.
- American political philosophy and history utilizing writings from prominent figures in Western civilization, such as Aristotle, Thomas Hobbes, John Locke, and Thomas Jefferson.
- Objective and critical analysis of ideologies throughout history, including capitalism, republicanism, democracy, socialism, communism, and fascism.

In providing this instruction, the bill directs that teachers use primary sources and interactive learning techniques, such as mock scenarios, debates, and open and impartial discussions.

The WVBE is directed to develop academic standards for middle and high school students that cover the required instruction and publish a list of approved instructional resources pursuant to 18-2A-1, et seq. The WVBE is required to consult with “other entities” prior to adopting standards; the bill lists the following entities as possible entities to consult: Florida Joint Center for Citizenship, College Board, Bill of Rights Institute, Hillsdale College, Gilder Lehrman Institute of American History, Constitutional Sources Projects, educators, school administrators, postsecondary education representatives, elected officials, business and industry leaders, parents, and the public.

The WVBE is also required to provide a testing/assessment for the history and civics courses required. Such assessments must measure a students’ factual and conceptual knowledge including how facts interrelate and the reasons behind historical documents and events. All students in public, private, parochial, and denominational schools are required to take these assessments.

## **Senate Bill 651: Allowing county boards of education to publish financial statements on website.**

*Effective Date:* July 6, 2021

*Code Reference:* Amends: §18-9-3a

*WVDE Contact:* Amy Willard, School Operations Officer, Office of School Operations and Finance

*Bill Summary:* Starting with financial statements to be published in the fall of 2024, the bill extends the time for county boards of education (CBOE) to annually publish their financial statement in the newspaper from 90 days to 120 days.

Also starting in 2024, the bill provides an electronic option in place of posting the financial statement in the newspaper if certain conditions were met. After conducting a properly noticed public hearing at which interested persons could express their views electronic publication, a CBOE could post its financial statement on the CBOE’s website. The first year the CBOE utilizes the electronic option it is required to publish in the newspaper for two consecutive weeks the availability of the financial statement on the CBOE’s website.

In addition to all financial information currently required to be included in the CBOE's financial statement, if the CBOE utilizes the electronic option to post financial statement it must also include the following information: (1) all persons having a contract with the county board (all professional and service personnel, including substitutes) and the amount paid to each; (2) budget estimates; and (3) list of names of each entity receiving less than \$250 from any fund showing the amount paid and purpose for which it was paid. Financial statements posted on the CBOE website must remain posted until the posting of the following year's financial statement.

### **Senate Bill 680: Allowing State Superintendent of Schools define classroom teachers certified in special education.**

*Effective Date:* July 5, 2021

*Code Reference:* Amends: §18A-4-2

*WVDE Contact:* Amy Willard, School Operations Officer, Office of School Operations and Finance

*Bill Summary:* This is a 'clean-up' bill to a provision included in HB206 (passed in 2019) that provides a three step pay bump to special education classroom teachers.

### **House Bill 2001: Relating generally to creating the West Virginia Jumpstart Savings Program**

*Effective Date:* June 9, 2021

*Code Reference:* Adds: §11-21-12m; §11-21-25; §11-24-10a; §18-30A-1; §18-30A-2; §18-30A-3; §18-30A-4; §18-30A-5; §18-30A-6; §18-30A-7; §18-30A-8; §18-30A-9; §18-30A-10; §18-30A-11; §18-30A-12; §18-30A-13; §18-30A-14; §18-30A-15; §18-30A-16

*WVDE Contact:* Amy Willard, School Operations Officer, Office of School Operations & Finance  
Phillip Uy, Financial Officer

*Bill Summary:* The bill establishes the West Virginia Jumpstart Savings Program as a result of the Legislature recognizing the importance of cultivating an environment in West Virginia where tradespersons and entrepreneurs can be successful in their careers and remain in their home state. The program is to be operable on or before July 1, 2022.

- The bill indicates that the program shall be administered by the West Virginia Jumpstart Savings Board (Board) and outlines the seven members who serve on the Board. The bill outlines the powers and

- authority of the Board to successfully administer the program.
- The bill also outlines the duties and responsibilities of the Treasurer, who is also the chairman and presiding officer of the Board.
- The bill further establishes the Jumpstart Savings Trust Fund and Jumpstart Savings Expense Fund for the administration of the program and outlines the process for selecting financial organizations to act as depositories and managers for the programs.
- The bill defines the eligibility criteria for opening a Jumpstart Savings Account and for when the Treasurer will deposit \$100 into a newly opened account.
- The bill defines qualifying expenses, which include:
  - » The purchase of tools, equipment, or supplies by the beneficiary to be used exclusively in an occupation or professional for which the beneficiary is required to:
    - » Complete an apprenticeship program through the United States Department of Labor
  - Complete an apprenticeship program required by state or legislative rule
  - Earn a license or certification from an Advanced Career Education (ACE) career center; or
  - Earn an associate degree or certification from a community and technical college.
    - » Fees for required certification or licensure for the beneficiary to practice a trade or occupation in the state as described above.
    - » Costs incurred by the beneficiary that are necessary to establish a business in this state in which the beneficiary will practice an occupation or profession as described above, when the costs are exclusively incurred and paid for the purpose of establishing and operating such business.
- The bill provides for certain tax benefits for contributors to a Jumpstart Savings Account. For West Virginia personal income tax purposes, a taxpayer's adjusted gross income is reduced by an amount equal to the taxpayer's contribution to a Jumpstart Savings Account, up to \$25,000 in a single taxable year, with a carryforward provision not to exceed five taxable years. A similar modification is allowed in an amount equal to a distribution received from a Jumpstart Savings Accounts that is used to pay for qualified expenses, not to exceed \$25,000 for the taxable year.
- The bill provides for certain nonrefundable tax credits against West Virginia personal income tax and corporate net income tax for a

matching contribution made by a qualified employer into a Jumpstart Savings Account if the beneficiary of the account is an employee of the taxpaying employer and if the beneficiary is a West Virginia resident. The tax credit allowed may not exceed \$5,000 per employee per taxable year and an employer may not claim a credit against more than one type of tax for a single contribution to a Jumpstart Savings Account.

- The bill requires the Board to promulgate legislative, procedural, or emergency rules that outline specific requirements related to the program.

## **House Bill 2009: Relating to limitations on the use of wages and agency shop fees by employers and labor organizations for political activities.**

*Effective Date:* June 17, 2021

*Code Reference:* [Add: §7-5-25](#)  
Amends: §8-5-12; §12-3-13b; §18A-4-9; §21-5-1; §21-5-3; §45A-2-116

*WVDE Contact:* Legal Services

*Bill Summary:* Relating to limitations on the use of wages and agency shop fees by employers and labor organizations for political activities. House Bill 2009 prohibits the deduction or assignment of union, labor organization or club dues or fees from the earnings of county board of education employees. As for wage assignments for permissible purposes, the bill also removes the requirement that assignments of an employee's future wages must be notarized. It will now be sufficient if the assignment is in writing.

## **House Bill 2012: Relating to Public Charter Schools**

*Effective Date:* June 1, 2021

*Code Reference:* Amends: §18-5G-1; §18-5G-2; §18-5G-4; §18-5G-5; §18-5G-6; §18-5G-9; §18-5G-10; §18-5G-11  
[Adds: §18-5G-13; §18-5G-14; §18-5G-15](#)

*WVDE Contact:* Legal Services

*Bill Summary:* The bill makes the following changes to the existing public charter school law:

- Increases the cap on charter schools from 3 to 10 every three years.

- Requires the legislative auditor to perform an audit on the public charter school program two years after the first charter school opens.
- In situations where the area to be served by a charter extends into multiple counties, the county boards of education must act together and function as a single authorizing entity. If this single entity does not approve the charter application, any of the county boards can then act by itself to approve the application, so long as the location of the proposed charter school is within that county.
- Makes clear that charter school education service providers (entities that charter governing board contract with to design, implement and/or manage the charter school) may be public or private, and nonprofit or for-profit.
- Rather than being part of the district LEA (local education agency), designates the charter school as its own LEA. This makes it the responsibility of the charter school, rather than the district, for serving students with special needs, appropriately reporting to the United States Department of Education, etc.
- Prohibits the WVBE from adopting any rule that conflicts with any provision in the Public Charter School Act.
- Limits the reasons that a charter contract may be revoked by an authorizer prior to the end of the contractual term for the following reasons:
  - » Charter school administrator or governing board member is convicted of fraud or misappropriation of funds.
  - » Failure to meet generally accepted standards of financial management.
  - » Material breach of the charter contract.
  - » Substantial violation of any provision of law from which the charter school is not exempt.
  - » Dire and chronic academic deficiencies.
- Creates an avenue for charter applicants and charter governing boards to appeal an authorizer's decision to not approve a charter applicant or not renew a charter contract to the WVBE. If certain conditions exist, the WVBE is to remand the application/renewal contract to the authorizer for further consideration.
- Creates the West Virginia Professional Charter School Board consisting of 5 voting members appointed by the Governor and two ex officio members (chairs of House and Senate Ed committees). The following provisions outline the authority/responsibility of the Charter Board:
  - » Authorize nonvirtual charter schools; schools authorized will count towards charter school cap.
  - » Authorize up to two virtual charter schools that do not count towards charter school cap. Enrollment in these virtual charters is capped at 5% of headcount enrollment per year (approximately 12,795/per school).
  - » May hire and executive director and staff.

- » Meet as needed, but at least bi-annually.
- » Investigate complaints that allege serious impairments in quality of a charter school.
- » At its discretion, conduct audits to education and operation of charter schools and require corrective action when necessary.
- » Expressly allows for the authorization of virtual charter schools. The following provisions outline unique characteristics that are applicable to virtual charter schools:
- » Every county board of education may authorize one virtual charter school.
- » Attendance is limited to the primary recruitment area specified in the charter application. Applications for new virtual charters cannot include areas that are within the primary recruitment area of another virtual charter school.
- » Unlike nonvirtual charter contracts that may be authorized/renewed for 'up to five years' to be determined by the parties of the charter contract, virtual charter contracts are required to be for a term of five years.
- » Receives same amount of funding as brick and mortar charter schools.
- » Not required to adhere to instructional term or calendar requirements required of public schools, nonvirtual charter schools, or private schools.
- » Must include in virtual charter contract requirements relating to student engagement and teacher responsiveness.
- » Must have a policy for student consequences for failing to participate in instructional activities, up to and including disenrollment from the virtual charter school.
- » Virtual charter authorizers can establish additional requirements for students grades six and below that enroll.

## **House Bill 2013: Relating to the Hope Scholarship Program**

*Effective Date:* June 15, 2021

*Code Reference:* Amends: §18-8-1 and 18-8-1a  
 Adds: §18-9A-25; 18-31-1; 18-31-2; 18-31-3; 18-31-4; 18-31-5; 18-31-6; 18-31-7; 18-31-8; 8-31-9; 18-31-10; 18-31-11; 18-31-12; 18-31-13

*WVDE Contact:* Legal Services

*Bill Summary:* The bill establishes the Hope Scholarship program to be administered by the WV State Treasurer's Office and the WV Hope Scholarship Board. The program is required to be operational by 7/1/2022 with applications available no later than 3/1/2022.

To be eligible for a Hope Scholarship (ESA), a child must (1) be a resident of the state and (2) be enrolled in a public elementary or secondary



school for at least 45 days at the time of application and remain enrolled until the application is acted upon. Also, any WV resident child entering their kindergarten year is eligible to receive an ESA. Effective July 1, 2026, if participation in the program is less than 5%, the eligibility for an ESA would expand to include any WV resident child.

The bill establishes a nine-member board consisting of four designated members from the Board of Public Works, the Higher Education Policy Commission Chancellor, the Herbert Henderson Office of Minority Affairs director, and three gubernatorial appointments who must be parents of ESA recipients. The board is responsible for administering the program, including acting on any application received within 45 days of receipt.

The amount of the ESA will be equal to the prior year's statewide average net state aid per pupil amount, less an administrative fee of up to 5% to cover administrative costs of the program. The proposed legislation provides a list of allowable expenditures from approved education service providers. ESAs would be funded through a special revenue account. Annually, the WVDE is directed to include in its budget request the greater of either 2% of net public school enrollment adjusted for state aid purposes or the total number of eligible ESA applications received by the board, and to transfer that amount to the board to be used to fund the program. The bill directs the Governor to provide in each budget that any ESA funds not used shall be reappropriated.

ESA recipients are required to adhere to the reporting requirements outlined in the bill, or face cancellation of the ESA account. Unless the board revokes the ESA, or the student does not renew the ESA account, deposits into the ESA account will cease upon a student's completion of a secondary program of education or when the student reaches 21 years of age.

## **House Bill 2029: Relating to teacher preparation clinical experience programs.**

*Effective Date:* July 9, 2021

*Code Reference:* Amends: §18A-3-1; §18A-3-2a

*WVDE Contact:* Legal Services

*Bill Summary:* Relating to teacher preparation clinical experience programs. This bill renames Teacher in Residence programs as Clinical Teacher of Record programs and renames the Teacher in Residence permit as the Clinical Teacher of Record permit. Both programs are clinical experience programs within teacher education at institutions of higher education.

## **House Bill 2145: Relating to student aide class titles**

*Effective Date:* July 9, 2021

*Code Reference:* Amends: §18A-4-8; §18A-4-8a

*WVDE Contact:* Amy Willard, School Operations Officer, Office of School Operations & Finance

*Bill Summary:* The bill creates two additional aide classifications (Aide V, Special Education Assistant Teacher and Aide VI, Behavioral Support Assistant Teacher); a salary increase may be provided to individuals that earn such classifications. The West Virginia Board of Education is charged with establishing the coursework requirements that must be satisfied for an individual to obtain this classification. Individuals obtaining this classification are not entitled to a salary increase unless a county board of education has specifically posted a position for an Aide V, Special Education Assistant Teacher and Aide VI, Behavioral Support Assistant Teacher.

## **House Bill 2267: Establishing an optional bus operator in residence program for school districts**

*Effective Date:* July 7, 2021

*Code Reference:* Adds: §18A-2-15

*WVDE Contact:* Amy Willard, School Operations Officer, Office of School Operations & Finance

*Bill Summary:* The bill permits the county boards of education to establish locally funded recruitment and training programs for prospective bus drivers, subject to approval by the West Virginia Department of Education. Such programs may be utilized only if the county board of education is unable to maintain an adequate number of bus operators or substitute bus operators in its pool or is experiencing a shortage in adequately staffing its school transportation system. The legislation sets forth minimum requirements for the programs, as well as making it clear that participation in an approved program does not entitle a participant to employment as a bus operator or substitute bus driver and that participants do not accrue seniority for time spent in an approved program.

## **House Bill 2581: Providing for the valuation of natural resources property and an alternate method of appeal of proposed valuation of natural resources property**

*Effective Date:* April 10, 2021

*Code Reference:* Amends: §11-1C-10; §11-3-15c; §11-3-15f; §11-3-15h; §11-3-15i; §11-3-23; §11-3-23a; §11-3-24; §11-3-24a; §11-3-25a; §11-3-32; §11-10A-1; §11-10A-7; §11-10A-8; §11-10A-10; §11-10A-19  
**Repealed: §11- 3 -24b; §11- 3 -25**

*WVDE Contact:* Amy Willard, School Operations Officer, Office of School Operations & Finance

*Bill Summary:* The bill directed the State Tax Commissioner to propose emergency rules concerning the valuation of property producing oil, natural gas, natural gas liquids, or any combination thereof.

- The bill provides a methodology to be used in determining fair market value and net proceeds of property producing oil, natural gas, and natural gas liquids.
- The bill provides taxpayers the option to petition the assessor of the county if, in his or her opinion, his or her real property has been improperly valued. As a part of the petition process, the taxpayer must provide justification of the claim which may include an appraisal of the property from a licensed real estate appraiser stating its true and actual value for its current use.
- The bill provides that an assessor's review of the petition is to be an informal process with formal rules of evidence not being required.
- The bill defines the standard of proof necessary for a taxpayer to meet to defend their opinion of value to be no greater than a simple preponderance of the evidence standard.
- The bill expands the jurisdiction of the Office of Tax Appeals to include property tax valuation, classification, and taxability protest/petition hearings. Prior to the bill's passage, only the county commission, sitting as a board of equalization and review, considered a protest/petition of property valuation. The bill now allows the Office of Tax Appeals to be an additional appellate option.
- The bill allows valuation decisions made by the State Tax Commissioner to be appealed to the Office of Tax Appeals as well.

- The bill repealed and eliminated the Board of Assessment Appeals.
- The bill increased the number of administrative law judges and staff attorneys within the Office of Tax Appeals each by one additional position.
- The bill allows for the appeal of a decision of the Office of Tax Appeals to be made in the circuit court of Kanawha County or in the county in which the real or personal property is assessed.

### **House Bill 2785: Relating to public school enrollment for students from out of state**

*Effective Date:* July 6, 2021

*Code Reference:* Amends: §18-8-1a

*WVDE Contact:* Amy Willard, School Operations Officer, Office of School Operations & Finance

*Bill Summary:* This bill incorporates provisions from HB2013 passed earlier in the legislative session and also clarifies that students entering the public school after kindergarten are to be placed in the developmentally and academically appropriate grade level. It also requires West Virginia schools to accept transcripts and credentials issued to students from schools in other states, and those properly issued by nonpublic schools and homeschools.

### **House Bill 2791: Relating to enrollment and costs of homeschooled or private school students at vocational schools**

*Effective Date:* July 4, 2021

*Code Reference:* **New: §18-5-15g**

*WVDE Contact:* Clinton Burch, Technical Education Officer, Office of Adult & Technical Education

*Bill Summary:* The bill requires county boards of education to permit nonpublic and homeschool students to take CTE classes offered by the county as capacity allows. Such students are not to be charged to enroll in CTE courses. If a nonpublic or homeschool student is not permitted to enroll in a CTE course, the county board of education is required to notify the parent/guardian of the student as well as the WVDE.

## **House Bill 2852: Relating to distribution of the allowance for increased enrollment**

*Effective Date:* June 30, 2021

*Code Reference:* Amends: §18-9A-15

*WVDE Contact:* Amy Willard, School Operations Officer, Office of School Operations & Finance

*Bill Summary:* The WVDE is currently required to distribute 60% of the Allowance for Increased Enrollment to the county boards annually before September 1st based on the projected enrollment for the school year. This 60% distribution based on projected enrollment results in many county boards of education having to return funds to the WVDE each year when the actual enrollment counts are available and the final amount of funding to which each county board of education is entitled is known. The bill removes this requirement, while preserving a county board of education's ability to request and receive a distribution from this line item as necessary due to enrollment.

## **House Bill 2906: Relating to the School Building Authority's allocation of money**

*Effective Date:* July 5, 2021

*Code Reference:* Amends: §18-9D-15

*WVDE Contact:* Amy Willard, School Operations Officer, Office of School Operations & Finance

*Bill Summary:* The bill would increase the amount of funding that the School Building Authority (SBA) could award to a Multi-county Vocational Centers (MCVCs) from 3% to 10% of specific funds if the SBA sees significant needs at the MCVCs.

## **House Bill 3177: Removing expired, outdated, inoperative and antiquated provisions and report requirements in education**

*Effective Date:* July 9, 2021

*Code Reference:* Repeals: §18-2-5d; §18-2-13b; §18-2-24; §18-2-29; §18-2-35; §18-2E-4a; §18-3-9b; §18-4-12; §18-5-18e; §18-5-43; §18-7A-36; §18-9A-8a; §18-9B-11a; §18-10H-4  
Amends: §18-9A-6a; §18-9A-7; §18-9A-16; §18-9B-1; §18-9B-2; §18-9B-3; §18-9B-4; §18-9B-5; §18-9B-6; §18-9B-6a; §18-9B-7; §18-9B-8; §18-9B-9; §18-9B-10; §18-9B-12; §18-9B-13; §18-9B-14; §18-9B-15; §18-9B-17; §18-9B-18; §18-9B-19; §18-9B-20; §18-9B-21

*WVDE Contact:* Amy Willard, School Operations Officer, Office of School Operations & Finance

*Bill Summary:* The bill would increase the amount of funding that the SBA could award to a MCVCS from 3% to 10% of specific funds if the SBA sees significant needs at the MCVCS.

## **House Bill 3191: Requiring employers to send certain notifications when retirants are hired as temporary, part-time employees**

*Effective Date:* July 6, 2021

*Code Reference:* Amends: §5-10-19; §18-7A-13a

*WVDE Contact:* Amy Willard, School Operations Officer, Office of School Operations & Finance

*Bill Summary:* The bill imposes additional notification requirements for county boards and other entities employing retired employees on a substitute, temporary full-time, or temporary part-time basis. Specifically, county boards are required to provide written notice to the Consolidated Public Retirement Board (CPRB) and the retirant if/when employment would negatively impact the retirant's retired status or benefits. Employers are required to provide written notice to CPRB when employment of the retirant commences.

## **House Bill 3266: Providing for termination of extracurricular contract upon retirement**

*Effective Date:* July 1, 2021

*Code Reference:* Amends: §18A-4-16

*WVDE Contact:* Heather Hutchens, General Counsel, Office of Legal Services

*Bill Summary:* The bill clarifies that extracurricular contracts held by county board of education employees terminate at the time the employee retires. The retired employee is subsequently eligible to apply and become employed in an extracurricular assignment, subject to any county board of education policy or CPRB rule.

## **House Bill 3293: Relating to single-sex participation in interscholastic athletic events**

*Effective Date:* July 8, 2021

*Code Reference:* Adds: §18-2-25d

*WVDE Contact:* Bernie Dolan, West Virginia Secondary Schools Activities Commission

*Bill Summary:* The bill requires interscholastic, intercollegiate, intramural, or club athletic teams that are sponsored by any public secondary school or state institution of higher education to be expressly designated as either (1) male; (2) female; or (3) coed. Male is defined in the bill as an individual whose biological sex determined at birth is male and female is defined as an individual whose biological sex determined at birth is female. Teams that are designated for females cannot be open to male students when selection of the team is based on competitive skill or the team activity involves a contact sport. Teams that are designated at male or coed do not have eligibility restrictions. The bill provides a private cause of action for any student that is aggrieved by a violation of the language in the bill. The WVBE is charged with adopting a policy to implement the provisions of the bill.



W. Clayton Burch  
West Virginia Superintendent of Schools