



2024 Green Book

***SUMMARY OF PUBLIC EDUCATION BILLS
ENACTED DURING THE 2024 REGULAR SESSION***



West Virginia DEPARTMENT OF
EDUCATION



**West Virginia Board of Education
2023-2024**

L. Paul Hardesty, President
Nancy J. White, Vice President
F. Scott Rotruck, Financial Officer

Robert W. Dunlevy, Member
Victor L. Gabriel, Member
Daniel D. Snavelly, M.D., Member
Christopher A. Stansbury, O.D., Member
Debra K. Sullivan, Member
Gregory F. Wooten, Member

Sarah Armstrong Tucker, Ph.D., Ex Officio
Chancellor

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

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

FOREWORD

The West Virginia Department of Education (WVDE) annually issues a summary of public education bills enacted during the regular legislative session. Known as the Green Book, this document offers a summary of each piece of education legislation passed allowing the reader to gain a better understanding of the new laws. Included within the text are strikethroughs and underlines that indicate amendments made to specific bills.

We encourage the Green Book to be placed with the most current copy of the School Laws of West Virginia as it contains new language and legislation that must be reviewed in conjunction with the School Laws Book.

The 2024 Green Book is an important resource and should be referenced as questions arise for the upcoming school year. You may view an online version at <https://wvde.us/legal-services/education-law/>.

The summaries provided in the Green Book are not intended to supplant a comprehensive reading of the bills, nor should this document be considered an official interpretation of the State Superintendent of Schools. Formal interpretations of specific questions may be provided upon request.

Suggestions for improving this document as a service to the WVDE's clientele are always welcome. Those needing information or with questions regarding this document, education legislation not included in this publication, or legislation from past years, please contact the WVDE Office of Legal Services at (304) 558-3667.

Sincerely,



Michele L. Blatt
State Superintendent of Schools

AMENDED W. VA. CODE BY SECTION

Code	Bill	Code	Bill	Code	Bill
§3-5-7	SB 159	§18-9A-7a	SB 806	§18-31-2a	HB 4945
§5-22-4	SB 217	§18-9A-10	HB 5405	§18-31-3	HB 4945
§6C-2-5	SB 370	§18-9A-25	HB 4945	§18-31-4	HB 4945
§6C-2-8	SB 370	§18-9B-21	HB 4832	§18-31-5	HB 4945
§16-57-1 et. seq.	SB 602	§18-9F-8	SB 806	§18-31-6	HB 4945
§18-1-1	HB 5158	§18-9F-10	HB 4830	§18-31-7	HB 4945
§18-2-1	SB 159	§18-10N-2	HB 5158	§18-31-8	HB 4945
§18-2-7g	HB 5158	§18-10R-1 et seq.	HB 4951	§18-31-10	HB 4945
§18-2-12	SB 806	§18-13-1 et. seq.	SB 507	§18-31-11	HB 4945
§18-2-40	HB 4830	§18-20-1	HB 5158	§18-31-14	HB 4945 & HB 5540
§18-2-41	HB 4830	§18-20-1a	HB 5158	§18-34-1 et seq.	SB 568
§18-2-44	SB 466 & HB 4863	§18-20-1b	HB 5158	§18A-2-3	HB 4838
§18-2C-5	HB 4830	§18-20-1c	HB 4860 & HB 5158	§18A-2-5	HB 4829
§18-4-8h	HB 5056	§18-20-1d	HB 5158	§18A-2-8	HB 5650
§18-5-1a	SB 159 & HB 5514	§18-20-2	HB 5158	§18A-3-1	SB 487
§18-5-4	HB 5514	§18-20-3	HB 5158	§18A-3C-3	SB 806 & HB 5405
§18-5-15a	HB 4830	§18-20-4	HB 5158	§18A-4-2	HB 4883
§18-5-18b	HB 5262	§18-20-5	HB 5158	§18A-4-8	HB 5252
§18-5-19e	SB 146 & HB 4986	§18-20-6	HB 5158	§18A-4-8a	HB 4883
§18-5-22e et seq.	SB 602	§18-20-7	HB 5158	§18A-2A-1 et seq.	HB 5262
§18-5-41a	SB 280	§18-20-8	HB 5158	§21-1E-2	HB 5162
§18-5A-2	SB 172	§18-20-9	HB 5158	§21-1E-3	HB 5162
§18-5B-7	SB 806	§18-20-10	HB 5158	§21-6-2	HB 5162
§18-5F-6	SB 806	§18-20-11	HB 5158	§49-4-702	SB 568
§18-8-2	SB 568	§18-20-12	HB 5262	§61-B-11b	SB 504
§18-8-4	SB 568	§18-21A-1 et seq.	HB 4709		
§18-8-12	HB 4945	§18-31-2	HB 4945		

Legend for this page:

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

TABLE OF CONTENTS

2024 Regular Legislative Session

SB 146	1
<i>Creating adult education taskforce</i>	
§18-5-19e	
SB 159	3
<i>Prohibiting persons convicted of certain crimes against minors from holding positions on boards of education.</i>	
§3-5-7, §18-2-1, §18-5-1a	
SB 172	11
<i>Revising requirements of local school improvement councils</i>	
§18-5A-2	
SB 217	16
<i>Authorizing state and subdivisions to negotiate price for construction when all bids received exceed maximum budget</i>	
§5-22-4	
SB 280	18
<i>Allowing teachers in public schools to discuss scientific theories</i>	
§18-5-41a	
SB 370	19
<i>Updating Public Employees Grievance Board procedure that certain decisions be appealed to Intermediate Court of Appeals</i>	
§6C-2-5, §6C-2-8	
SB 466	23
<i>Requiring State Board of Education develop Safety While Accessing Technology education program</i>	
§18-2-44	
SB 487	26
<i>Requiring periodic review of professional development for teachers and education staff</i>	
§18A-3-1	
SB 504	33
<i>Relating to felony offense of sexual intercourse, intrusion, or contact with student</i>	
§61-8B-11b	

SB 507	35
<i>Relating to repeal of WV EDGE</i>	
§18-13-1 et seq.	
SB 568	36
<i>Creating multi-tiered system for school absenteeism</i>	
§18-8-2, §18-8-4, §18-34-1 et. seq. , §49-4-702	
SB 602	48
<i>Cardiac Emergency Response Plan Act</i>	
§16-57-1 et. seq., §18-5-22e et seq.	
SB 806	52
<i>Removing certain required reports to Legislative Oversight Commission on Education Accountability</i>	
§18-2-12, §18-5B-7, §18-5F-6, §18-9A-7a , §18-9F-8, §18A-3C-3	
HB 4709	61
<i>Relating to vocational and technical education programs</i>	
§18-21A-1 et. seq.	
HB 4829	64
<i>Relating to employment of service personnel and removing the requirement for a high school diploma or general education development certificate</i>	
§18A-2-5	
HB 4830	67
<i>To address the professional development of teachers</i>	
§18-2-40, §18-2-41, §18-2C-5, §18-5-15a, §18-9F-10	
HB 4832	73
<i>Relating to state superintendent’s reports regarding the finances of school districts</i>	
§18-9B-21	
HB 4838	74
<i>Require county boards of education to provide long-term substitute teachers, upon hiring, with certain information</i>	
§18A-2-3	
HB 4860	78
<i>Providing that a general education teacher may not be responsible for accommodation logs</i>	
§18-20-1c	
HB 4863	81
<i>Patriotic Access to Students in Schools Act</i>	
§18-2-44	

HB 4883	83
<i>Relating to increasing annual salaries of certain employees of the state</i>	
§18A-4-2, §18A-4-8a	
HB 4945	97
<i>Relating generally to Hope Scholarship Program</i>	
§18-8-12, §18-9A-25, §18-31-2, §18-31-2a , §18-31-3, §18-31-4, §18-31-5, §18-31-6, §18-31-7, §18-31-8, §18-31-10, §18-31-11, §18-31-14	
HB 4951	116
<i>To facilitate the interstate practice of School Psychology in educational or school settings</i>	
§18-10R-1 et. seq.	
HB 4986	134
<i>Relating to computer science and cybersecurity instruction for adult learners</i>	
§18-5-19e	
HB 5056	136
<i>Relating to substitute service personnel positions</i>	
§18-4-8h	
HB 5158	137
<i>Relating to making technical corrections to the special education code</i>	
§18-1-1, §18-10N-2, §18-20-1, §18-20-1a, §18-20-1b, §18-20-1c, §18-20-1d, §18-20-2, §18-20-3, §18-20-4, §18-20-5, §18-20-6, §18-20-7, §18-20-8, §18-20-9, §18-20-10, §18-20-11	
HB 5162	166
<i>Establish a program to promote creation and expansion of registered apprenticeship programs</i>	
§18-2-7g , §21-1E-2, §21-1E-3, §21-6-2	
HB 5252	173
<i>Requiring certain minimum experience for the director or coordinator of services class title involving school transportation</i>	
§18A-4-8	
HB 5262	187
<i>Relating generally to teacher's bill of rights</i>	
§18-5-18b, §18-20-12, §18A-2A-1 et. seq.	
HB 5405	192
<i>Providing additional professional development and support to West Virginia educators through teacher and leader induction and professional growth</i>	
§18-9A-10, §18A-3C-3	

HB 5514	202
<i>Enhancing training requirements for county boards of education members</i>	
§18-5-1a , §18-5-4	
HB 5540	209
<i>Relating to fentanyl prevention and awareness Education (Laken’s Law)</i>	
§18-34-1	
HB 5650	211
<i>Allowing suspended school personnel to enter school property functions open to the public</i>	
§18A-2-8	

Senate Bill 146: Creating adult education taskforce.

Effective: Passed March 9, 2024; Effective 90 days from passage

Code Reference: W. Va. Code § 18-5-19e (NEW)

WVDE Contact: Office of Adult Education

Summary: This Act requires the State Superintendent of Schools to establish a taskforce in WVDE to consider options for direct funding for adult education learning centers. The Act establishes taskforce members and requires that they begin meeting on or before July 1, 2024. This new law will sunset on December 31, 2025, unless continued by future legislative action.

Enrolled Bill: **ENROLLED Senate Bill 146**
BY SENATORS, RUCKER, OLIVERIO, PHILLIPS, ROBERTS, SWOPE, AND HAMILTON

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-19e, relating to requiring the State Superintendent of Schools to create a taskforce to consider options for direct funding of adult education learning centers; declaring legislative findings; providing for membership and meetings of the taskforce; establishing deadlines for the taskforce to be created, to begin its meetings, and for submitting a report of recommendations to the Legislative Oversight Commission on Education Accountability; and establishing sunset date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-19e. Adult education taskforce.

(a) The Legislature finds that:

(1) While adult learning centers are part of the West Virginia Department of Education, that department is not obligated to fund these adult learning centers;

(2) Funding for adult learning centers derives its income from many areas without any regularity;

(3) A taskforce to study and consider funding options, the existing funding sources, and the best approach to provide direct funding for the adult learning centers would stabilize the regularity of funding these centers.

(b) The State Superintendent of Schools shall establish in the West Virginia Department of Education a taskforce to consider options for direct funding of adult education learning centers.

(c) The taskforce shall include at a minimum the State Superintendent of Schools, or his or

her designee, the head of the adult education learning centers, and geographically diverse representatives from the community, including, but not limited to, representation from business and the community college system, appointed by the State Superintendent of Schools, in consultation with the Chancellor for Community and Technical College Education.

(d) The State Superintendent of Schools shall determine the number of members of the taskforce and eligibility to serve.

(e) The meetings of the taskforce shall be open to the public and follow the Open Governmental Meetings Act.

(f) The taskforce shall be created and begin its meetings on or before July 1, 2024, and submit a report of recommendations to the Legislative Oversight on Education Accountability by December 1, 2024.

(g) The provisions of this section shall sunset on December 31, 2025.

Senate Bill 159: Prohibiting persons convicted of certain crimes against minors from holding positions on boards of education.

Effective: Passed March 9, 2024; Effective 90 days from passage

Code Reference: W. Va. Code § 3-5-7 (AMENDED)
§ 18-2-1 (AMENDED)
§ 18-5-1a (AMENDED)

WVDE Contact: Office of Accountability
Summary: This Act prohibits persons convicted of a crime against a minor from holding office on a county board of education or the West Virginia Board of Education (WVBE).

Enrolled Bill: **ENROLLED Senate Bill 159**
BY SENATORS WELD, BOLEY, CHAPMAN, DEEDS, OLIVERIO, PHILLIPS, ROBERTS, RUCKER, SWOPE, TARR, WOODRUM, HAMILTON, TRUMP, STUART, GRADY, AND JEFFRIES

AN ACT to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-2-1 of said code; and to amend and reenact §18-5-1a of said code, all relating to prohibiting persons who have been convicted of certain crimes against minors from holding positions on boards of education; and requiring that a candidate for county board of education include a statement on the certificate of announcement that he or she swears and affirms that he or she has not been convicted of certain crimes against minors.

Be it enacted by the Legislature of West Virginia:

CHAPTER 3. ELECTIONS.

ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.

§3-5-7. Filing certificates of announcements of candidacies; requirements; withdrawal of candidates when section applicable.

(a) Any person who is eligible and seeks to hold an office or political party position to be filled by election in any primary or general election held under the provisions of this chapter shall file a certificate of announcement declaring his or her candidacy for the nomination or election to the office.

(b) The certificate of announcement shall be filed as follows:

(1) Candidates for the House of Delegates, the State Senate, circuit judge, family court judge, and any other office or political position to be filled by the voters of more than one county shall file a certificate of announcement with the Secretary of State.

(2) Candidates for an office or political position to be filled by the voters of a single county or a subdivision of a county, except for candidates for the House of Delegates, State Senate, circuit judge or family court judge, shall file a certificate of announcement with the clerk the county commission.

(3) Candidates for an office to be filled by the voters of a municipality shall file a certificate of announcement with the recorder or city clerk.

(c) The certificate of announcement shall be filed with the proper officer not earlier than the second Monday in January before the primary election day and not later than the last Saturday in January before the primary election day and must be received before midnight, eastern standard time, of that day or, if mailed, shall be postmarked by the United States Postal Service before that hour. This includes the offices of Justice of the Supreme Court of Appeals, Judge of the Intermediate Court of Appeals, circuit court judge, family court judge and magistrate, which are to be filled on a nonpartisan and division basis at the primary election: *Provided*, That on the final day of a political filing period, the office of the Secretary of State shall be open from 9:00 a.m. until 11:59 p.m. The offices of the county clerk in all counties of the state shall be open on that final day of a political filing period from 9:00 a.m. until 12:00 p.m.

(d) The certificate of announcement shall be on a form prescribed by the Secretary of State on which the candidate shall make a sworn statement before a notary public or other officer authorized to administer oaths, containing the following information:

(1) The date of the election in which the candidate seeks to appear on the ballot;

(2) The name of the office sought; the district, if any; and the division, if any;

(3) The legal name of the candidate and the exact name the candidate desires to appear on the ballot, subject to limitations prescribed in §3-5-13 of this code;

(4) The county of residence and a statement that the candidate is a legally qualified voter of that county; and the magisterial district of residence for candidates elected from magisterial districts or under magisterial district limitations;

(5) The specific address designating the location at which the candidate resides at the time of filing, including number and street or rural route and box number and city, state, and zip code;

(6) For partisan elections, the name of the candidate's political party on the date the certificate of announcement is submitted and a statement that the candidate: (A) Is a member of and is affiliated with that political party as evidenced by the candidate's current registration as a voter affiliated with that party; and (B) has not been registered as a voter affiliated with any other political party for a period of 60 days before the date of filing the announcement;

(7) For candidates for delegate to national convention, the name of the presidential candidate to be listed on the ballot as the preference of the candidate on the first convention ballot; or a statement that the candidate prefers to remain "uncommitted";

(8) For candidates for county board of education, a statement that the candidate swears and affirms that he or she has not been convicted of an offense under §61-8A-1 et seq., §61-8B-1 et seq., and §61-8C-1 et seq. of this code in which the victim was a minor;

~~(8)~~ (9) A statement that the person filing the certificate of announcement is a candidate for the office in good faith; and

~~(9)~~ (10) The words "subscribed and sworn to before me this ____ day of _____, 20__" and a space for the signature of the officer giving the oath.

(e) The Secretary of State or the board of ballot commissioners, as the case may be, may refuse to certify the candidacy or may remove the certification of the candidacy upon receipt of a certified copy of the voter's registration record of the candidate showing that the candidate was registered as a voter in a party other than the one named in the certificate of announcement during the 60 days immediately preceding the filing of the certificate: *Provided*, That unless a signed formal complaint of violation of this section and the certified copy of the voter's registration record of the candidate are filed with the officer receiving that candidate's certificate of announcement no later than 10 days following the close of the filing period, the candidate may not be refused certification for this reason: Provided, however, That prior to accepting a Certificate of Announcement for filing for an office which is elected in a partisan election, the Secretary of State's Office, clerk of the county commission, recorder or city clerk shall electronically verify a candidate's current party affiliation as subscribed and sworn to by the candidate. If a candidate's current party affiliation is not as stated on the Certificate of Announcement, the filing shall be refused.

(f) The certificate of announcement shall be subscribed and sworn to by the candidate before ~~some~~ an officer qualified to administer oaths, who shall certify the same. Any person who knowingly provides false information on the certificate is guilty of false swearing and shall be punished in accordance with §3-9-3 of this code.

(g) Any candidate for delegate to a national convention may change his or her statement of presidential preference by notifying the Secretary of State by letter, received by the Secretary of State no later than the third Tuesday following the close of candidate filing. When the rules of the political party allow each presidential candidate to approve or reject candidates for delegate to convention who may appear on the ballot as committed to that presidential candidate, the presidential candidate or the candidate's committee on his or her behalf may file a list of approved

or rejected candidates for delegate and the Secretary of State shall list as "uncommitted" any candidate for delegate who is disapproved by the presidential candidate.

(h) A person may not be a candidate for more than one office or office division at any election: *Provided*, That a candidate for an office may also be a candidate for President of the United States, for membership on political party executive committees or for delegate to a political party national convention: *Provided, however*, That an unsuccessful candidate for a nonpartisan office in an election held concurrently with the primary election may be appointed under the provisions of §3-5-19 of this code to fill a vacancy on the general ballot.

(i) A candidate who files a certificate of announcement for more than one office or division and does not withdraw, as provided by §3-5-11 of this code, from all but one office prior to the close of the filing period may not be certified by the Secretary of State or placed on the ballot for any office by the board of ballot commissioners.

(j) The amendments to this section enacted by the Legislature in the 2024 Regular Session are effective January 1, 2025.

CHAPTER 18. EDUCATION.

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-1. CREATION; COMPOSITION; APPOINTMENT, QUALIFICATIONS, TERMS, AND REMOVAL OF MEMBERS; OFFICES.

There is a State Board of Education, to be known as the West Virginia Board of Education, which is a corporation and as such may contract and be contracted with, plead and be impleaded, sue and be sued, and have and use a common seal. The state board consists of 12 members, of whom one is the state Superintendent of Schools, ex officio; one of whom is the Chancellor of the Higher Education Policy Commission, ex officio; and one of whom is the Chancellor of the West Virginia Council for Community and Technical College Education, ex officio, none of whom is entitled to vote. The other nine members are citizens of the state, appointed by the Governor, ~~by~~ **and** with the advice and consent of the Senate, for overlapping terms of nine years. Terms of office begin on November 5 of the appropriate year and end on November 4 of the appropriate year. Not more than five members are appointed from any one congressional district.

No more than five of the appointive members may belong to the same political party and no person is eligible for appointment to membership on the state board who is a member of any political party executive committee or holds any other public office or public employment under the federal government or under the government of this state or any of its political subdivisions, or who is an appointee or employee of the board. Members are eligible for reappointment. Any vacancy on

the board shall be filled by the Governor by appointment for the unexpired term.

Notwithstanding the provisions of §6-6-4 of this code, a member of the state board may not be removed from office by the Governor except for official misconduct, incompetence, neglect of duty, or gross immorality and then only in the manner prescribed by law for the removal by the Governor of state elective officers.

Before exercising any authority or performing any duties as a member of the state board, each member shall qualify as such by taking and subscribing to the oath of office prescribed by section five, article IV of the Constitution of West Virginia, the certificate whereof shall be filed with the Secretary of State. A suitable office in the state Department of Education at the State Capitol shall be provided for use by the state board.

Notwithstanding the provisions of §6-5-5 of this code, no person who has been convicted of an offense under the provisions of §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 the state board.

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 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 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 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 ~~also~~ 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, may not assume the duties of county board member unless he or she has first attended and completed a course of orientation relating to boardsmanship and governance effectiveness which shall be given 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 orientation may be provided to members after they have commenced their term of office;

(2) Attendance at the session of orientation given 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;

(3) Members appointed to the county board shall attend and complete the next orientation course offered following their appointment; and

(4) The provisions of this subsection relating to orientation do not apply to members who have taken office prior to July 1, 1988, and who serve continuously from that date forward.

(e) Annually, each member of a county board shall receive seven clock hours of training in areas relating to boardsmanship, governance effectiveness, and school performance issues including, but not limited to, pertinent state and federal statutes such as the "Process for Improving Education" set forth in ~~section five, article two-e of this chapter~~ §18-2E-5 of this code and the "No Child Left Behind Act" and their respective administrative rules.

(1) The orientation and training 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; and

(B) If the state board elects to exclude time spent in training on school performance issues from the requisite seven 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 without good cause, as determined by the state board by duly promulgated legislative rules, constitutes neglect of duty under ~~section seven, article~~

~~six, chapter six~~ §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. 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 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) 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.

Senate Bill 172: Revising requirements of local school improvement councils.

Effective: Passed February 26, 2024; Effective 90 days from passage

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

WVDE Contact: Office of District & School Improvement
Summary: This Act revises the membership and duties of local school improvement councils (LSIC) as follows:

- 1) Adds a parent-teacher organization representative to the LSIC;
- 2) Requires LSIC to take meeting minutes and post them on the school's website upon request;
- 3) Includes trade partners in the list of groups the LSIC is required to engage for positive and interactive dialogue regarding the school's academic performance at least one meeting annually;
- 4) Requires the LSIC to produce a report containing concerns, suggestions and points raised during the meeting that is posted on the school's website, forwarded to the county board of education, and WVDE's Office of Accountability;
- 5) Requires the State Board of Education to ensure that training is provided to principals, county boards, etc. upon employment and every 3 years, on the roles and governance of LSICs;
- 6) Requires the State Board to provide a document for parents and community leaders explaining their role in LSICs; and,
- 7) Authorizes public charter schools to abide by all or some of the LCIS requirements at their discretion.

Enrolled Bill: **ENROLLED Senate Bill 172**
BY SENATORS GRADY, RUCKER, WOODRUM, DEEDS, SWOPE, AND JEFFRIES

AN ACT to amend and reenact §18-5A-2 of the Code of West Virginia, 1931, as amended, relating to local school improvement councils; revising council membership requirements; requiring minutes be taken at every council meeting; revising requirements pertaining to annual council meeting regarding the school's academic performance; requiring training on the role and governance of the councils and the production of a document on parent and community leader roles in the councils; and allowing public charter schools to abide by all or some of the local school improvement council requirements.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. LOCAL SCHOOL INVOLVEMENT.

§18-5A-2. Local school improvement councils; election and appointment of members and officers; meetings; required meetings with county board; assistance from state board.

(a) A local school improvement council shall be established at every school, consisting of the following:

(1) The principal, who serves as an ex officio member of the council and is entitled to vote;

(2) Three teachers elected by the faculty senate of the school;

(3) Two service persons elected by the service personnel employed at the school, one of whom shall may be a bus operator who transports students enrolled at the school;

(4) Three parent(s), guardian(s) or custodian(s) of students enrolled at the school elected by the parent(s), guardian(s) or custodian(s) ~~members of the school's parent teacher organization. If there is no parent teacher organization, the parent(s), guardian(s) or custodian(s) members shall be elected by the parent(s), guardian(s) or custodian(s)~~ of students enrolled at the school in such manner as may be determined by the principal, one of which may be a representative of the parent-teacher organization. Under no circumstances may a parent member of the council be then employed at that school in any capacity;

(5) Three at-large members appointed by the principal, at least one of whom resides in the school's attendance area, and at least one of whom represents business or industry, neither of whom are eligible for any local school improvement council membership under any of the other elected classes of members;

(6) In the case of vocational-technical schools, comprehensive middle schools and comprehensive high schools, the vocational director or principal, as applicable, shall appoint up to four additional members from any one or more of the following categories: Employer; employer sponsored training program; apprenticeship program; and post-secondary education; and

(7) In the case of a school with students in grade seven or higher, the student body president or other student in grade seven or higher elected by the student body in those grades.

(b) The principal shall arrange for the election of members to the local school improvement council to be held prior to September 15, of each school year to elect a council and shall give notice of the elections at least one week prior to the elections being held. To the extent practicable, all elections to select council members shall be held within the same week.

(c) Parent(s), guardian(s) or custodian(s), teachers and service personnel elected to the council shall serve a two-year term and elections shall be arranged in such a manner that no more than two teachers, no more than two parent(s), guardian(s) or custodian(s) and no more than one service person are elected in a given year. All other non-ex officio members shall serve one-year terms.

(d) Council members may only be replaced upon death, resignation, failure to appear at

three consecutive meetings of the council for which notice was given, or a change in personal circumstances so that the person is no longer representative of the class of members from which appointed. In the case of a vacancy in an elected position, the chair of the council shall appoint another qualified person to serve the unexpired term of the person being replaced or, in the case of an appointed member of the council, the principal shall appoint a replacement as soon as practicable.

(e) As soon as practicable after the election of council members, and no later than October 1, of each school year, the principal shall convene an organizational meeting of the school improvement council. The principal shall notify each member by written or electronic means at least five employment days in advance of the organizational meeting. At this meeting, the principal shall provide each member with the following:

(1) A copy of the current applicable sections of this code;

(2) Any state board rule or regulation promulgated pursuant to the operation of these councils; and

(3) Any information as may be developed by the Department of Education on the operation and powers of local school improvement councils and their important role in improving student and school performance and progress.

(f) The council shall elect from its membership a chair and two members to assist the chair in setting the agenda for each council meeting. The chair shall serve a term of one year. If the chair's position becomes vacant for any reason, the principal shall call a meeting of the council to elect another qualified person to serve the unexpired term. Once elected, the chair is responsible for notifying each member of the school improvement council in writing five employment days in advance of any council meeting.

(g) School improvement councils shall meet at least once every nine weeks or equivalent grading period at the call of the chair or by the petition of three fourths of its members. The principal shall notify each member by written or electronic means at least five employment days in advance of the organizational meeting. The school improvement council shall ensure that minutes are taken at every meeting and made available to the public on the school's website and upon request.

(h) The school improvement council annually shall conduct at least one meeting to engage parents, students, school employees, business partners, trade partners, and other interested parties in a positive and interactive dialogue regarding the school's academic performance and standing as determined by measures adopted by the state board. The dialogue shall include an opportunity for

the parents, students, school employees, business partners and other interested parties to make specific suggestions on how to address issues which are seen to affect the school's academic performance which may include, but are not limited to, parent and community involvement, the learning environment, student engagement, attendance, supports for at-risk students, curricular offerings, resources, and the capacity for school improvement. The council shall announce any such meeting 10 employment days in advance. The school improvement council shall ensure that a report of concerns, suggestions, and points raised is produced and made available on the school's website and forwarded to both the county board and the Office of Accountability within the Department of Education or a successor office. The county board shall also post the report on its website.

(i) The local school improvement council of each school deemed to be low performing under the accountability system established by the state board shall meet at least annually with the county board. At any such meeting, the principal and local school improvement council chair, or another member designated by the chair, shall be prepared to address the dialogue at its meeting or meetings to give the parents, students, school employees, business partners and other interested parties an opportunity to make specific suggestions on how to address issues which are seen to affect the school's academic performance and any other matters as may be requested by the county board as specified in the meeting agenda provided to the council and may further provide any other information, comments or suggestions the local school improvement council wishes to bring to the county board's attention. Anything presented under this subsection shall be submitted to the county board in writing.

(j) Local school improvement councils shall be considered for the receipt of school of excellence awards and competitive grant awards and may receive and expend such grants for the purposes provided. Local school improvement councils may propose alternatives to the operation of the school in accordance with §18-5A-3 of this code and may include in the proposal a request for a waiver of rules and policies of the county board and state board, state superintendent interpretations, and state statutes if necessary to implement the proposal.

(k) In any and all matters which may fall within the scope of both the school improvement councils and the school curriculum teams authorized in §18-5A-5 of this code, the school curriculum teams have jurisdiction.

(l) In order to promote innovations and improvements in the environment for teaching and learning at the school, a school improvement council shall receive cooperation from the school in implementing policies and programs it may adopt to:

(1) Encourage the involvement of parent(s), guardian(s) or custodian(s) in their child's educational process and in the school;

(2) Encourage businesses to provide time for their employees who are parent(s), guardian(s) or custodian(s) to meet with teachers concerning their child's education;

(3) Encourage advice and suggestions from the business community;

(4) Encourage school volunteer programs and mentorship programs;

(5) Foster utilization of the school facilities and grounds for public community activities;

(6) Encourage students to adopt safe and healthy lifestyles; and

(7) Communicate to students the common skills and attributes sought by employers in prospective employees.

(m) Councils may adopt their own guidelines established under this section. In addition, the councils may adopt all or any part of the guidelines proposed by other local school improvement councils, as developed under this section, which are not inconsistent with the laws of this state, the policies of the West Virginia Board of Education or the policies of the county board.

(n) The State Board of Education shall provide assistance to a local school improvement council upon receipt of a reasonable request for that assistance. The state board also may solicit proposals from other parties or entities to provide orientation training for local school improvement council members and may enter into contracts or agreements for that purpose. Any training for members shall meet the guidelines established by the state board.

(o) The state board shall ensure that training in the role and governance of local school improvement councils is provided to principals, county boards, and others the state board determines appropriate, upon employment and every three years thereafter. The state board shall also ensure that a document is produced explaining to parents and community leaders their role in local school improvement councils. This document shall be made available on the West Virginia Department of Education's website and may be distributed to all parents.

(p) Any public charter school established pursuant to §18-5G-1 et seq. of this code may, at its discretion, abide by all or some of the local school improvement council requirements of this section and may modify any of the requirements it elects to follow to adapt them to be consistent with the operations of the school.

Senate Bill 217: Authorizing state and subdivisions to negotiate price for construction when all bids received exceed maximum budget.

Effective: Passed March 8, 2024; Effective from passage.

Code Reference: W. Va. Code § 5-22-4 (NEW)

WVDE Contact: Office of School Operations

Summary: This Act provides a method for political subdivisions to negotiate costs associated with construction projects and award contracts in instances when the bids received exceed the maximum budgeted amount.

Enrolled Bill: **ENROLLED Committee Substitute for Senate Bill 217**
BY SENATORS WOODRUM, SWOPE, AND DEEDS

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-22-4, relating to providing the state and its political subdivisions with ability and process by which to negotiate lower price for construction work when all bids received exceed the maximum budgeted amount; establishing ability to make negotiated award to lowest responsive and responsible bidder when there are multiple bidders; and setting sunset date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 22. GOVERNMENT CONSTRUCTION CONTRACTS.

§5-22-4. Negotiation when all bids exceed budgeted amount.

(a) The state and its subdivisions may establish a maximum budgeted amount for each construction project. In the event the bids for a construction project exceed the funds available, the contracting public agency may negotiate with the lowest qualified responsible bidder pursuant to the provisions of this section.

(b) To utilize the provisions of this section, the contracting public agency shall:

(1) establish a maximum budgeted amount;

(2) maintain confidentiality of the maximum budgeted amount prior to the award of a contract; and

(3) not proceed with a negotiated award if that results in more than a ten percent change in scope or cost from the original base bid.

(c) A negotiated award made pursuant to the provisions of this section shall be made within 30 calendar days of the original bid opening date.

(d) Negotiations under this section shall be completed in the following manner:

(1) If only one responsive and responsible bidder responds to a solicitation the contracting agency may negotiate an award based solely on the specifications contained within the original solicitation;

(2) If more than one bidder responds to a solicitation, the contracting public agency may negotiate with the apparent lowest qualified responsible bidder, as defined in §5-22-1 of this code: Provided, any such negotiation must be based on the scope and specifications contained within the original solicitation;

(3) The contracting public agency shall make available for public inspection all negotiated contracts; and

(4) The contracting public agency shall memorialize any change to the original project specifications that occur as a result of a negotiated award made pursuant to the provisions of this section.

(e) The provisions of this section are permissive and not mandatory for any contracting public agency.

(f) An award of a negotiated contract pursuant to the provisions of this section may not be made to a bidder who fails to meet the other qualifications set forth in this article.

(g) For the purposes of this section, "construction project" does not mean the construction of a road, bridge, or highway.

(h) The provisions of this section expire and shall have no force and effect after December 31, 2029.

Senate Bill 280: Allowing teachers in public schools to discuss scientific theories.

Effective: Passed March 9, 2024; Effective 90 days from passage

Code Reference: W. Va. Code § 18-5-41a (NEW)

WVDE Contact: Office of PK-12 Academic Support

Summary: This Act provides that school boards, superintendents, or principals may not prohibit a public school classroom teacher from responding to students inquiries or answering questions from students about scientific theories of how the universe and/or life came to exist.

Enrolled Bill: **ENROLLED Committee Substitute for Senate Bill 280**
BY SENATORS GRADY, STUART, TAYLOR, ROBERTS, PHILLIPS, DEEDS, TARR,
AND AZINGER

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-41a, relating to allowing a public school classroom teacher to respond to student inquiries or answer student questions about scientific theories of how the universe and/or life came to exist.

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-41a. Allowing discussion of certain scientific theories.

No public school board, school superintendent, or school principal may prohibit a public school classroom teacher from responding to student inquiries or answering questions from students about scientific theories of how the universe and/or life came to exist.

Senate Bill 370: Updating Public Employees Grievance Board procedure that certain decisions be appealed to Intermediate Court of Appeals.

Effective: Passed March 1, 2024; Effective from passage.

Code Reference: W. Va. Code § 6C-2-5 (AMENDED)
§ 6C-2-8 (AMENDED)

WVDE Contact: Office of Legal Services

Summary: This Act provides that the final decision of an administrative law judge issued under the Public Employees Grievance Procedure is enforceable in circuit court where the grievant is employed.

Additionally, the Act provides that administrative law judge decisions must be appealed to the Intermediate Court of Appeals.

Enrolled Bill: **ENROLLED Committee Substitute for Senate Bill 370**
BY SENATOR WOODRUM

AN ACT to amend and reenact §6C-2-5 and §6C-2-8 of the Code of West Virginia, 1931, as amended, all relating to updating Public Employees Grievance Board procedure to reflect that Level 3 decisions be appealed to the Intermediate Court of Appeals; and establishing venue for the enforceability of final orders issued by an administrative law judge.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. PUBLIC EMPLOYEES GRIEVANCE PROCEDURE.

§6C-2-5. Enforcement and appeal.

(a) The decision of the administrative law judge is final upon the parties and is enforceable in the ~~circuit court of Kanawha County~~ circuit court situated in the judicial district in which the grievant is employed.

(b) An appeal of the decision of the administrative law judge shall be to the Intermediate Court of Appeals in accordance with §51-11-4(b)(4) of this code and the Rules of Appellate Procedure.

~~(b) A party may appeal the decision of the administrative law judge on the grounds that the decision:~~

- ~~(1) Is contrary to law or a lawfully adopted rule or written policy of the employer;~~
- ~~(2) Exceeds the administrative law judge's statutory authority;~~
- ~~(3) Is the result of fraud or deceit;~~

~~(4) Is clearly wrong in view of the reliable, probative and substantial evidence on the whole record; or~~

~~(5) Is arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.~~

~~(c) A party shall file the appeal in the circuit court of Kanawha County within 30 days of receipt of the administrative law judge's decision. The decision of the administrative law judge is not automatically stayed upon the filing of an appeal, but a stay may be granted by the circuit court upon a separate motion for a stay.~~

~~(d) The court shall review the entire record that was before the administrative law judge, and the court may hear oral arguments and require written briefs. The court may reverse, vacate or modify the decision of the administrative law judge, or may remand the grievance to the administrative law judge or the chief administrator for further proceedings.~~

§6C-2-8. Employee organizations may not be compelled to disclose certain communications; exceptions.

(a) Except as otherwise provided in this section, an employee organization or an agent of an employee organization may not be compelled to disclose any communication or information the employee organization or agent received or acquired in confidence from a public employee, while the employee organization or agent was acting in a representative capacity concerning a public employee grievance or an investigation of a potential public employee grievance, regardless of whether the public employee is a member of the employee organization: *Provided*, That the confidentiality established under this section does not apply to written communications between the employee and the employee organization.

(b) (1) The confidentiality established under this section applies only to the extent that the communication or information is germane to a grievance or potential grievance of the employee.

(2) The confidentiality established under this subsection continues after termination of:

(A) The employee's employment; or

(B) The representative relationship of the employee organization or its agent with the public employee.

(3) The confidentiality established under this subsection protects the communication or information received or acquired by the employee organization or its agent, but does not protect the employee from being compelled to disclose, to the extent provided by law, the facts underlying the communication or information.

(c) The protection for confidential communications provided by this section only extends to

proceedings under the public employees grievance procedure. Nothing in this section may be construed to extend the confidentiality to circuit court, appellate proceedings, or other proceedings outside of the public employees grievance procedure.

(d) An employee organization or its agent shall disclose to the employer as soon as possible a communication or information described in subsection (a) of this section to the extent the employee organization or its agent reasonably believes:

(1) It is necessary to prevent certain death or substantial bodily harm;

(2) It is necessary to prevent the employee from committing a crime, fraud, or any act that is reasonably certain to result in substantial injury to the financial interests or property of another or to rectify or mitigate ~~any such~~ the action after it has occurred;

(3) The communication or information constitutes an admission that the employee has committed a crime; or

(4) It is necessary to comply with a court order or other law.

(e) An employee organization or its agent may disclose a communication or information described in subsection (a) of this section in order to:

(1) Secure legal advice about the compliance of the employee organization or its agent with a court order or other law;

(2) Establish a claim or defense on behalf of the employee organization or its agent in a controversy between the employee and the employee organization or its agent;

(3) Establish a defense to a criminal charge or civil claim against the employee organization or its agent based on conduct in which the employee was involved; or

(4) Respond to allegations in any proceeding concerning the performance of professional duties by the employee organization or its agent on behalf of the employee.

(f) An employee organization or its agent may disclose a communication or information described in subsection (a) of this section, without regard to whether the disclosure is made within the public employees grievance procedure, in the following circumstances:

(1) The employee organization has obtained the express written or oral consent of the employee;

(2) The employee has, by other act or conduct, waived the confidentiality of the communication or information; or

(3) The employee is deceased or has been adjudicated incompetent by a court of competent jurisdiction and the employee organization has obtained the written or oral consent of the personal representative of the employee's estate or of the employee's guardian.

(g) If there is a conflict between the application of this section and any federal or state labor law, the provisions of the federal or other state law shall control.

Senate Bill 466: Requiring State Board of Education develop Safety While Accessing Technology education program.

Effective: Passed March 8, 2024; Effective 90 days from passage

Code Reference: W. Va. Code § 18-2-44 (NEW)

WVDE Contact: Office of PK-12 Academic Support
Summary: This Act requires the State Board of Education to develop a Safety While Accessing Technology (SWAT) education program for elementary and secondary school students. The Act not only provides specific topics that must be included as part of the program, but also requires the program to be implemented beginning with the 2025-2026 school year.

Enrolled Bill: **ENROLLED Committee Substitute for Senate Bill 466**
BY SENATORS CLEMENTS, BARRETT, DEEDS, GRADY, HAMILTON, HUNT,
OLIVERIO, PHILLIPS, STUART, CHAPMAN, ROBERTS, AND TAYLOR

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-44, relating to requiring the West Virginia Board of Education to develop a Safety While Accessing Technology education program; specifying topics of instruction to be included in the program; allowing the state board to develop and provide age-appropriate instructional materials and resources to assist county boards in establishing and implementing the program; requiring each county board to adopt policies requiring all elementary and secondary schools in the district to provide the education program to students in grades three through 12 at least once each school year; requiring policies to include process for parent, guardian, or custodian to review program instructional materials; requiring policies to include option for parent, guardian, or custodian to opt his or her child out of program participation; making implementation of program effective for the 2025-2026 school year; and requiring program to be based on certain concepts.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-44. Safety While Accessing Technology education program; annual instruction required.

(a) The state board shall, in collaboration with law-enforcement agencies, criminal justice agencies, and other nongovernmental organizations with experience in child online safety issues

and human trafficking prevention, develop a Safety While Accessing Technology (SWAT) education program for elementary and secondary school students in the State of West Virginia. The SWAT education program shall include instruction on the following topics:

(1) Safe and responsible use of social networking websites, including internet chat rooms, email, instant messaging, and other modes of electronic communication;

(2) The risks of transmitting personal information on the internet and the importance of privacy protection;

(3) Copyright laws on written materials, photographs, music, and videos posted or shared online;

(4) The importance of establishing open communication with responsible adults about any online communications or activities;

(5) How to recognize, avoid, and report suspicious, potentially dangerous, or illegal online communications or activities, including: (A) Potential solicitation by sexual predators; (B) unsolicited or deceptive communications; and (C) harassment and cyberbullying;

(6) Resources and assistance programs available for any child or parent who may have encountered online solicitation by sexual predators or other illegal online communications or activities, including the National Center for Missing and Exploited Children's Cyber Tipline; and

(7) The risks associated with sharing sexually suggestive or sexually explicit materials including at a minimum:

(A) The legal consequences and penalties for sharing sexually suggestive or sexually explicit materials;

(B) The non-legal consequences of sharing sexually suggestive or sexually explicit materials, including but not limited to, the effect on relationships, mental health, loss of educational and employment opportunities, and being barred or removed from school programs and extracurricular activities;

(C) The potential, based on the unique characteristics of the internet, of long-term and unforeseen consequences for sharing sexually suggestive or sexually explicit materials;

(D) The potential of long-term and unforeseen consequences for sharing sexually suggestive or sexually explicit materials during past relationships; and

(E) The potential connection between bullying, cyber-bullying, sextortion, and human trafficking and juveniles sharing sexually suggestive or sexually explicit materials.

(b) The state board may develop and provide age-appropriate instructional materials and resources to assist county boards in establishing and implementing the SWAT education program.

In developing any such instructional materials and resources, the board may collaborate with law-enforcement agencies, criminal justice agencies, and other nongovernmental organizations with expertise in child online safety issues and human trafficking prevention.

(c) Each county school board shall adopt policies requiring all elementary and secondary schools in the district to provide the SWAT education program to students in grades three through 12 at least once each school year. The policies shall include:

(1) A process for allowing a parent, guardian, or custodian of any child enrolled in any elementary or secondary school in the district to review the instructional materials used in the SWAT education program; and

(2) An option to permit the parent, guardian, or custodian of any child enrolled in any elementary or secondary school in the district to opt his or her child out of participating in the SWAT education program.

(d) The board shall make the SWAT education program created pursuant to this act, and any accompanying instructional materials and resources, available to county school boards before the start of the 2025-2026 school year. Each county school board shall implement the SWAT education program beginning with the 2025-2026 school year.

(e) The SWAT education program shall be based on the peer-to-peer observational learning and modeling concepts prescribed in Social Foundations of Thought and Action: A Social Cognitive Theory by Albert Bandura, PhD.

Senate Bill 487: Requiring periodic review of professional development for teachers and education staff.

Effective: Passed March 7, 2024; Effective 90 days from passage

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

WVDE Contact: Office of the Superintendent

Summary: This Act requires the State Board of Education to review professional development for teachers and education staff beginning with the 2024-2025 school year, and every 5 years thereafter, to:

1) Ensure that the requirements and current training regimens are necessary and truly essential; and,

2) Make a distinction between educational opportunities that are required and those that are just encouraged.

Enrolled Bill: **ENROLLED Senate Bill 487**
BY SENATORS RUCKER, GRADY, STOVER, DEEDS, AND ROBERTS

AN ACT to amend and reenact §18A-3-1 of the Code of West Virginia, 1931, as amended, relating to providing for periodic reviews of required professional development for teachers and education staff.

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; and

(5) 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 5 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 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

Senate Bill 504: Relating to felony offense of sexual intercourse, intrusion, or contact with student.

Effective: Passed March 6, 2024; Effective 90 days from passage

Code Reference: W. Va. Code § 61-8B-11b (AMENDED)

WVDE Contact: Office of Certification & Educator Preparation
Office of Legal Services

Summary: This Act:

- 1) Defines private and secondary school;
- 2) Provides that the school employee/volunteer and the student do not have to be in the same school for the section to apply; and,
- 3) Provides an exemption for secondary school students under age 18 participating in paid apprenticeship pathway programs into the education field so that they are not subject to prosecution simply for participating in a normal high school relationship with another student.

Enrolled Bill: **ENROLLED Committee Substitute for Senate Bill 504**
BY SENATORS RUCKER, GRADY, STOVER, DEEDS, AND ROBERTS

AN ACT to amend and reenact §61-8B-11b of the Code of West Virginia, 1931, as amended, relating to felony offense involving sexual intercourse, intrusion, or contact with a student; clarifying that the offense applies to a school resource officer; clarifying that the offense applies to a student of any private or public elementary or secondary school; clarifying the definition of private elementary or secondary school; providing an exception for certain secondary school students participating in wage-earning registered youth apprenticeship programs; and creating criminal penalties.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8B. SEXUAL OFFENSES.

§61-8B-11b. Prohibiting sexual intercourse, sexual intrusion, or sexual contact, against students by school employees; exception; penalties.

(a) Any teacher, principal, counselor, coach, other employee, volunteer, or school resource officer of any private or public elementary or secondary school who engages in sexual intercourse, sexual intrusion, or sexual contact, as those terms are defined in §61-8B-1 of this code, with any

student enrolled in ~~the school~~ any private or public elementary or secondary school regardless of the age of the student is guilty of a felony and upon conviction thereof, shall be imprisoned in a state correctional facility for not less than one nor more than five years or fined not more than \$5,000 or both imprisoned and fined. The fact that the student may have consented to ~~such~~ an the act or that the act did not occur on school property or during a school function is not a defense.

(b) For purposes of this section:

~~(1) A private elementary or secondary school means any school enrolling students who are exempt from compulsory school attendance under either §18-8-1(b) of this code or §18-8-1(k) of this code; and~~

(1) A private elementary or secondary school means any private school or other entity authorized to provide an elementary or secondary education to students who are exempt from compulsory school attendance pursuant to §18-8-1 of this code; and

(2) A public elementary or secondary school means any school under the general supervision of the West Virginia Board of Education pursuant to section two, article XII of the West Virginia Constitution.

(c) Any student under the age of 18 years currently enrolled in a secondary school and engaged in a wage-earning registered youth apprenticeship program, as authorized under §18A-3-1 of this code or approved by the state board, may not be prosecuted for a violation of subsection (a) of this section, including those secondary school students under the age of 18 years participating in the Grow Your Own teacher pathway or any Career Technical Education school service personnel training programs.

~~(e) (d)~~ This is a separate and distinct criminal offense from any other applicable offense under this code. The penalties set forth in this section are in addition to any other penalties for any other applicable offense.

~~(d) (e)~~ A final conviction under this section shall cause the permanent forfeiture of any teaching or other certificate issued pursuant to §18A-3-2a of this code.

Senate Bill 507: Relating to repeal of WV EDGE.

Effective: Passed February 20, 2024; Effective 90 days from passage

Code Reference: W. Va. Code § 18-13-1 *et seq.* (REPEALED)

WVDE Contact: Office of PK-12 Academic Support

Summary: This Act repeals the article that established the EDGE Program (Earn a Degree-Graduate Early) because the program has become obsolete with the implementation of the Dual Enrollment Program created by the enactment of HB2005 (2023 Regular Legislative Session).

Enrolled Bill: **ENROLLED Senate Bill 507**
BY SENATOR GRADY

AN ACT to repeal §18-13-1, §18-13-2, §18-13-3, §18-13-4, and §18-13-5 of the Code of West Virginia, 1931, as amended, relating to repeal of West Virginia EDGE.

Be it enacted by the Legislature of West Virginia:

ARTICLE 13. WEST VIRGINIA EDGE.

§1. REPEAL OF ARTICLE CREATING WEST VIRGINIA EDGE.

That §18-13-1, §18-13-2, §18-13-3, §18-13-4, and §18-13-5 of the Code of West Virginia, 1931, as amended, are repealed.

Senate Bill 568: Creating multi-tiered system for school absenteeism.

Effective: Passed March 9, 2024; Effective 90 days from passage

Code Reference: W. Va. Code § 18-8-2 (AMENDED)
§ 18-8-4 (AMENDED)
§ 18-34-1 *et. seq.* (NEW)
§ 49-4-702 (AMENDED)

WVDE Contact: Office of District & School Improvement

Summary: This Act provides that circuit court judges, as well as magistrates, have jurisdiction in criminal actions regarding compulsory school attendance. The Act also modifies the definition of “excused absence” to include the following:

- 1) Medical or dental care with a written excuse from a physician or dentist;
- 2) Personal illness or injury to the student with a timely written excuse from the student’s parent, guardian or custodian, not to exceed 10 absences a year unless a physician provides an excuse. However, such excuses must be evaluated in accordance with the Individuals with Disabilities Education Act (IDEA); and,
- 3) Personal illness or injury of the student’s parent, guardian, custodian, or family member, not to exceed 10 absences a year.

The Act also provides that such absences be counted as unexcused if the school does not receive documentation within three instructional days after the student returns.

The Act requires the State Board of Education to develop a System of Support Plan (SOS Plan) designed to encourage students to attend school and ensure that attendance directors, principals and other school designees are implementing the SOS Plan, including making meaningful contact as defined in the Act to ascertain the reason for the student’s absences.

Additionally, the Act includes a new article known as Jaycie’s Law which provides additional excused absences for student pregnancy and student parents with a sick child. The State Board of Education is directed to develop a policy to address attendance for pregnant or parenting students.

Finally, the Act provides that a prosecutor who does not refer a truancy matter to a state department worker, probation officer or

truancy diversion specialist, is permitted to file a petition with the court. An internal effective date of July 1, 2024, is included in the parameters of this legislation.

Enrolled Bill:

ENROLLED Committee Substitute for Committee Substitute for Senate Bill 568

BY SENATORS TAYLOR, AZINGER, BOLEY, DEEDS, GRADY, HAMILTON, HUNT, JEFFRIES, MAYNARD, OLIVERIO, PHILLIPS, ROBERTS, SMITH, STUART, SWOPE, AND NELSON

AN ACT to amend and reenact §18-8-2 and §18-8-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §18-34-1, §18-34-2, and §18-34-3; and to amend and reenact §49-4-702 of said code, all relating to student absences; amending criminal penalties imposed for failing to attend school without good cause; defining terms; requiring the State Board to implement a System of Support Plan to encourage and promote compulsory school attendance with implementation to be ensured by the county attendance director; requiring the school to make periodic meaningful contact with parents, guardians, or custodians of children who fail to attend school; removing requirement for attendance director and assistant directors to prepare a report for submission by the county superintendent to the State Superintendent of Schools on school attendance; providing legislative intent for Jaycie's Law; providing that a student's absence due to a student's pregnancy or parenting needs is a lawful absence; requiring the State Board of Education to develop a written attendance policy for pregnant and parenting students that and sets forth minimum requirements therefore; establishing article effective date; and making referral for the development of a diversion program in truancy offense matters discretionary.

Be it enacted by the Legislature of West Virginia:

CHAPTER 18. EDUCATION.

ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.

§18-8-2. Offenses; penalties; cost of prosecution; jurisdiction.

(a) Any ~~person~~ parent, guardian, or custodian who, ~~after receiving due notice, shall fail~~ fails to cause a child or children under ~~eighteen~~ 18 years of age in that person's legal or actual charge to attend school in violation of this article or without just cause, ~~shall be~~ is guilty of a misdemeanor and, shall, upon conviction of a first offense, be fined not less than ~~fifty~~ \$50 nor more than \$100 together with the costs of prosecution, ~~or required to accompany the child to school and remain through the school day for so long as the magistrate or judge may determine is appropriate.~~ The magistrate or circuit court judge, upon conviction and pronouncing sentence, may delay the

sentence for a period of ~~sixty~~ 60 school days provided the child is in attendance ~~everyday~~ every day during said ~~sixty~~ 60-day period. Following the ~~sixty~~60-day period, if ~~said~~ the child was present at school for every school day, the delayed sentence may be suspended ~~and dismissed~~ and not enacted. Upon conviction of a second offense, a fine may be imposed of not less than \$50 nor more than \$100 together with the costs of prosecution ~~and the person may be required to accompany the child to school and remain throughout the school day until such time as the magistrate or judge may determine is appropriate~~ or confined in jail not less than five nor more than ~~twenty~~ 20 days. Every day a child is out of school contrary to this article ~~shall~~ constitutes a separate offense. Magistrates shall have concurrent jurisdiction with circuit courts for the trial of offenses arising under this section.

(b) Any person ~~eighteen~~ 18 years of age or older who is enrolled in school who, after receiving due notice, fails to attend school in violation of this article or without just cause, ~~shall be is~~ guilty of a misdemeanor and, shall, upon conviction of a first offense, be fined not less than \$50 nor more than \$100 together with the costs of prosecution and required to attend school and remain throughout the school day. The magistrate or circuit court judge, upon conviction and pronouncing sentence, may delay the imposition of a fine for a period of ~~sixty~~ 60 school days provided the person is in attendance every day during said ~~sixty~~ 60-day period. Following the ~~sixty~~60-day period, if ~~said~~ the student was present at school ~~everyday~~ every day, the delayed sentence may be suspended and ~~not enacted~~ dismissed. Upon conviction of a second offense, a fine may be imposed of not less than \$50 nor more than \$100 together with the costs of prosecution and the person may be required to go to school and remain throughout the school day until such time as the person graduates or withdraws from school or confined in jail not less than five nor more than ~~twenty~~ 20 days. Every day a student is out of school contrary to this article ~~shall~~ constitutes a separate offense. Magistrates shall have concurrent jurisdiction with circuit courts for the trial of offenses arising under this section.

(c) Upon conviction of a third offense, any person ~~eighteen~~ 18 years of age or older who is enrolled in school shall be withdrawn from school during the remainder of that school year. Enrollment of that person in school during the next school year or years thereafter ~~shall be is~~ conditional upon all absences being excused as defined in law, state board policy and county board of education policy. More than one unexcused absence of such a student shall be grounds for the director of attendance to authorize the school to withdraw the person for the remainder of the school year. Magistrates shall have concurrent jurisdiction with circuit courts for the trial of offenses arising under this section.

(d) Jurisdiction to enforce compulsory school attendance laws lies in the county in which a student resides and in the county where the school at which the student is enrolled is located. When the county of residence and enrollment are different, an action to enforce compulsory school attendance may be brought in either county and the magistrates and circuit courts of either county have concurrent jurisdiction for the trial of offenses arising under this section.

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

(3a) For the purposes of this article, the following definitions apply:

(A1) "Excused absence" ~~includes~~ means:

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

(iiB) 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 subdivision (C) of this subsection 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; .

(iiiC) 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 section (1)(B) may not exceed more than ten excuses per school year;

~~Medical or dental appointment with written excuse from physician or dentist;~~

~~(iv) Chronic medical condition or disability that impacts attendance;~~

~~(v) Participation in home or hospital instruction due to an illness or injury or other extraordinary circumstance that warrants home or hospital confinement;~~

~~(vi) Calamity, such as a fire or flood;~~

~~(viiD) Death in the family;~~

~~(viiiE) School-approved or county-approved curricular or extra-curricular activities;~~

~~(ixF) A Judicial judicial obligation or court appearance involving the student; and~~

~~(xG) A Military military requirement for students enlisted or enlisting in the military;.~~

~~(xi) Personal or academic circumstances approved by the principal; and~~

~~(xii) Such other situations as may be further determined by the county board: *Provided*, 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; and~~

(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.

~~(B4) “Unexcused absence” means any absence not specifically included in the definition of “excused absence”; and.~~

~~(ab) The county attendance director and the 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 as defined under section one a of this article;~~

~~(2) Take such steps as are, in their discretion, best calculated to encourage the attendance of students and to impart upon the parents and guardians the importance of attendance and the seriousness of failing to do so;~~

(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 important of attendance and the seriousness of failing to do so.

~~(3) For the purposes of this article, the following definitions apply:~~

(A) "Excused absence" includes:

~~(i) Personal illness or injury of the student;~~

~~(ii) 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;~~

~~(iii) Medical or dental appointment with written excuse from physician or dentist;~~

~~(iv) Chronic medical condition or disability that impacts attendance;~~

~~(v) Participation in home or hospital instruction due to an illness or injury or other extraordinary circumstance that warrants home or hospital confinement;~~

~~(vi) Calamity, such as a fire or flood;~~

~~(vii) Death in the family;~~

~~(viii) School approved or county approved curricular or extra-curricular activities;~~

~~(ix) Judicial obligation or court appearance involving the student;~~

~~(x) Military requirement for students enlisted or enlisting in the military;~~

~~(xi) Personal or academic circumstances approved by the principal; and~~

~~(xii) Such other situations as may be further determined by the county board: *Provided,*~~

~~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; and~~

~~(B) "Unexcused absence" means any absence not specifically included in the definition of "excused absence"; and~~

~~(4c) 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.~~

~~(bd) 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.~~

~~(ee) In the case of five total unexcused absences, the attendance director, ~~or~~ 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.

(df) 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 ~~ten~~ 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.

(eg) 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.

(fh) When any doubt exists as to the age of a student absent from school, the attendance director and his or her assistants ~~have authority to~~ 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.

(gi) The county attendance director and his or her assistants shall devote ~~such as much~~ such as much time as is required ~~by section three of this article~~ to the duties of attendance director in accordance with this section during the instructional term and at ~~such any~~ such 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.

(hj) 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) Prepare a report for submission by the county superintendent to the State Superintendent of Schools on school attendance, at such times and in such detail as may be required. The state board shall promulgate a legislative rule pursuant to §29A-3B-1 et seq. of this code that set forth student absences that are excluded for accountability purposes. The absences that are excluded by rule shall include, but are not limited to, excused student absences, students not in attendance due to disciplinary measures and absent students for whom the attendance director has pursued judicial remedies to compel attendance to the extent of his or her authority. The attendance director shall file with the county superintendent and county board at the close of each month a report showing activities of the school attendance office and the status of attendance in the county at the time;~~

~~(54) 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 such any manner as directed by the county superintendent ~~may direct~~;~~

~~(65) Participate in school teachers' conferences with parents and students;~~

~~(76) Assist in such any other ways as directed by the county superintendent ~~may direct~~ for improving school attendance;~~

~~(87) 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~~

~~(98) Serve as the liaison for homeless children and youth.~~

ARTICLE 34. JAYCIE'S LAW.

§18-34-1. Legislative intent.

The West Virginia Legislature finds that parents of children throughout any age in middle or high school should be given the utmost support, because they face a unique set of challenges and circumstances on their road to graduation. School systems in West Virginia shall implement

programs to provide educational support to those students with children at any age through graduation. The goal of this act is to assist these students to stay in school while providing enough time for proper medical recovery after the birth of the child.

§18-34-2. Policy enacted.

(a) A student's absence due to a student's pregnancy or parenting needs is an excused absence as provided under this section, and for the purposes of §18-8-4(a)(1) of this code.

(b) The State Board of Education shall develop a written attendance policy for pregnant and parenting students that, at a minimum, meets the requirements of this article. The policy developed under this section shall:

(1) Excuse all absences due to pregnancy – or parenting–related conditions, including absences for:

(A) Labor;

(B) Delivery;

(C) Recovery; and

(D) Prenatal and postnatal medical appointments;

(2) Provide at least 8 weeks of excused absences for a mother for the birth of the student's child, including both natural/vaginal delivery and c-section delivery;

(3) Provide excused absences for antenatal care by recommendation of the medical provider;

(4) Provide two weeks excused absence for the father of the child;

(A) A doctor's or medical excuse shall be provided up to the initial 8 weeks absence and a separate excuse for each period of absence after the initial 8 weeks.

(B) County boards shall make reasonable efforts to encourage the parent to remain on track for graduation by providing academic support options including, but not limited to, work provided virtually and a homebound instructor for weekly visits to ensure accountability.

(5) Provide an excused absence for parenting students whose children are sick: *Provided*, That they shall provide a doctor's excuse for that child.

(6) The schools shall refer the pregnant and parenting student to a "pregnancy help organization" by providing a list of pregnancy or postpartum assistance organizations within the county and surrounding counties as defined under §16-66-1 of this code.

§18-34-3. Effective date.

This article shall become effective on July 1, 2024.

CHAPTER 49. CHILD WELFARE.

ARTICLE 4. COURT ACTIONS.

§49-4-702. Prepetition diversion to informal resolution; mandatory prepetition diversion program for status offenses and misdemeanor offenses; prepetition review team.

(a) Before a juvenile petition is formally filed with the court, the court may refer the matter to a case worker, probation officer or truancy diversion specialist for preliminary inquiry to determine whether the matter can be resolved informally without the formal filing of a petition with the court.

(b)(1) If the matter is for a truancy offense, the prosecutor ~~shall~~ may refer the matter to a state department worker, probation officer, or truancy diversion specialist who shall develop a diversion program pursuant to subsection (d) of this section. If the prosecutor does not refer the matter to a state department worker, probation officer, or truancy diversion specialist pursuant to this subdivision, he or she may proceed to file a petition with the court.

(2) If the matter is for a status offense other than truancy, the prosecutor shall refer the juvenile to a case worker or probation officer who shall develop a diversion program pursuant to subsection (d) of this section.

(3) The prosecutor is not required to refer the juvenile for development of a diversion program pursuant to subdivision ~~(1) or~~ (2) of this subsection and may proceed to file a petition with the court if he or she determines:

(A) The juvenile has a prior adjudication for a status or delinquency offense; or

(B) There exists a significant and likely risk of harm to the juvenile, a family member, or the public.

(c) If the matter is for a nonviolent misdemeanor offense, the prosecutor shall determine whether the case can be resolved informally through a diversion program without the filing of a petition. If the prosecutor determines that a diversion program is appropriate, ~~it~~ he or she shall refer the matter to a case worker or probation officer who shall develop a diversion program pursuant to subsection (d) of this section.

(d)(1) When developing a diversion program, the case worker, probation officer, or truancy diversion specialist shall:

(A) Conduct an assessment of the juvenile to develop a diversion agreement;

(B) Create a diversion agreement;

(C) Obtain consent from the juvenile and his or her parent, guardian, or custodian to the terms of the diversion agreement;

(D) Refer the juvenile and, if necessary, his or her parent, guardian, or custodian to services in the community pursuant to the diversion agreement.

(2) A diversion agreement may include:

(A) Referral to community services as defined in ~~section two hundred six, article one of this chapter~~ §49-1-206 of this code for the juvenile to address the assessed need;

(B) Referral to services for the parent, guardian, or custodian of the juvenile;

(C) Referral to one or more community work service programs for the juvenile;

(D) A requirement that the juvenile regularly attend school;

(E) Community-based sanctions to address noncompliance; or

(F) Any other efforts which may reasonably benefit the community, the juvenile, and his or her parent, guardian, or custodian.

(3) When a referral to a service provider occurs, the service provider shall make reasonable efforts to contact the juvenile and his or her parent, custodian, or guardian within ~~seventy-two~~ 72 hours of the referral.

(4) Upon request by the case worker, probation officer, or truancy diversion specialist, the court may enter reasonable and relevant orders to the parent, custodian, or guardian of the juvenile who have consented to the diversion agreement as is necessary and proper to carry out the agreement.

(5) If the juvenile and his or her parent, custodian, or guardian do not consent to the terms of the diversion agreement created by the case worker, probation officer, or truancy diversion specialist, the petition may be filed with the court.

(6) Referral to a prepetition diversion program shall toll the statute of limitations for status and delinquency offenses.

(7) Probation officers may be authorized by the court to participate in a diversion program.

(e) The case worker, probation officer, or truancy diversion specialist shall monitor the juvenile's compliance with any diversion agreement.

(1) If the juvenile successfully completes the terms of the diversion agreement, a petition shall not be filed with the court and no further action shall be taken.

(2) If the juvenile is unsuccessful in or noncompliant with the diversion agreement, the diversion agreement shall be referred to a prepetition review team convened by the case worker, probation officer or the truancy diversion specialist: *Provided*, That if a new delinquency offense occurs, a petition may be filed with the court.

(f)(1) The prepetition review team may be a subset of a multidisciplinary team established

pursuant to ~~section four hundred six, article four of this chapter~~ §49-4-406 of this code.

(2) The prepetition review team may consist of:

(A) A case worker knowledgeable about community services available and authorized to facilitate access to services;

(B) A service provider;

(C) A school superintendent or his or her designee; or

(D) Any other person, agency representative, member of the juvenile's family, or a custodian or guardian who may assist in providing recommendations on community services for the particular needs of the juvenile and his or her family.

(3) The prepetition review team shall review the diversion agreement and the service referrals completed and determine whether other appropriate services are available to address the needs of the juvenile and his or her family.

(4) The prepetition review shall occur within ~~fourteen~~ 14 days of referral from the state department worker, probation officer, or truancy diversion specialist.

(5) After the prepetition review, the prepetition review team may:

(A) Refer a modified diversion agreement back to the case worker, probation officer or truancy diversion specialist;

(B) Advise the case worker, probation officer or truancy diversion specialist to file a petition with the court; or

(C) Advise the case worker to open an investigation for child abuse or neglect.

(g) The requirements of this section are not mandatory until ~~July 1, 2016~~ July 1, 2024: *Provided*, That nothing in this section prohibits a judicial circuit from continuing to operate a truancy or other juvenile treatment program that existed as of January 1, ~~2015~~ 2023: *Provided, however*, That any judicial circuit desiring to create a diversion program after the effective date of this section ~~and prior to July 1, 2016~~, may only do so pursuant to this section.

Senate Bill 602: Cardiac Emergency Response Plan Act.

Effective: Passed March 1, 2024; Effective 90 days from passage

Code Reference: W. Va. Code § 16-57-1 *et seq.* (REPEALED)
§ 18-5-22e *et seq.* (NEW)

WVDE Contact: Office Support & Well-Being
Office of School Safety

Summary: This Act repeals the code sections under Public Health law regarding cardiac care plans for schools and creates a new article under Education law that includes:

- 1) Definitions and mandatory requirements that must be included in the school plan for cardiac care response;
- 2) Staff training requirements;
- 3) Informational meeting requirements prior to the start of each athletic season;
- 4) Eligibility requirements for athletes; and,
- 5) Cardiac Emergency Response Team be established.

Enrolled Bill: **ENROLLED Senate Bill 602**
BY SENATOR GRADY

AN ACT to repeal §16-57-1, §16-57-2, §16-57-3, and §16-57-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-5-22e; all relating to cardiac response plans; repealing sudden cardiac arrest prevention act; creating cardiac response plans section for county boards of education; providing definitions; requiring schools to develop an emergency response plan and parameters therefor; requiring informational meetings regarding cardiac arrest; requiring a form be completed by students prior to participation in an athletic activity; requiring annual sudden cardiac arrest training for coaches; setting forth circumstances in which students are not allowed to participate in athletic activities; requiring evaluation by authorized physician, certified nurse practitioner or certified nurse specialist, or a physician assistant before returning to athletic activity; requiring school officials to work directly with local emergency service providers to integrate the plan into the community's EMS responder protocols and setting forth parameters therefore; allowing state board rulemaking; and allowing county boards to accept gifts, grants and donations.

Be it enacted by the Legislature of West Virginia:

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 57. Sudden Cardiac Arrest Prevention Act.

§16-57-1. Purpose.

[Repealed]

§16-57-2. Definitions.

[Repealed]

§16-57-3. Applicability, educational materials, removal from play, and training.

[Repealed]

§16-57-4. Rulemaking.

[Repealed]

CHAPTER 18. EDUCATION.

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-22e. Cardiac response plans.(a) For the purposes of this section, the following terms are defined:

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

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

"School" means any 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.

(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

(2) 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.

Senate Bill 806: Removing certain required reports to Legislative Oversight Commission on Education Accountability.

Effective: Passed March 7, 2024; Effective 90 days from passage

Code Reference: W. Va. Code § 18-2-12 (AMENDED)
§ 18-5B-7 (AMENDED)
§ 18-5F-6 (REPEALED)
§ 18-9A-7a (REPEALED)
§ 18-9F-8 (AMENDED)
§ 18A-3C-3 (AMENDED)

WVDE Contact: Office of the Superintendent
Office of Legal Services

Summary: This Act removes the requirement that the following plans and/or reports be made to the Legislative Oversight Commission on Education Accountability:

- 1) Computer science instruction plan;
- 2) Innovation zones progress report;
- 3) Accessibility and Equity in Public Education Enforcement Act Report;
- 4) Alternative funding methods for student transportation costs under the Public School Support Plan report; and,
- 5) Comprehensive support systems for teacher and leader induction and professional growth report.

This Act also amended the annual reporting requirement under the School Access Safety Act by mandating the annual report include updates regarding county school access safety plans, School Access Safety Fund moneys, and any collaborative efforts with the Division of Homeland Security and Emergency Management regarding compliance with the School Safety and Crisis Response Act.

Enrolled Bill: **ENROLLED Senate Bill 806**
BY SENATOR GRADY

AN ACT to amend and reenact §18-2-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-5B-7 of said code; to repeal §18-5F-6 of said code; to repeal §18-9A-7a of said code; to amend and reenact §18-9F-8 of said code; and to amend and reenact §18A-3C-3 of said code, all relating to the Legislative Oversight Commission on Education Accountability; removing required submission of plan to implement and update computer science instruction and learning standards in the public schools; removing required

submission of annual report on innovation zones and the progress of innovation zone plans; removing required report on all aspects of the program at the end of the first year a virtual instruction program is implemented; removing required report on proposed revisions to the calculation of the allowance for service personnel to provide additional funded service personnel positions for lower-population density districts covering a large geographic areas; revising School Building Authority reporting on the school access safety and crisis response article to require the authority to report annually on its duties under the article; and removing requirement for review of the progress of the implementation of the comprehensive systems of support for teacher and leader induction and professional growth.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-12. COMPUTER SCIENCE COURSES OF INSTRUCTION; LEARNING STANDARDS; STATE BOARD PLAN DEVELOPMENT.

(a) Legislative findings:

(1) Computer technology increasingly is pervasive in nearly every function of society from consumer products to transportation, communications, electrical infrastructure, logistics, agriculture, medical treatments, research, security, and financial transactions;

(2) The U. S. Bureau of Labor Statistics predicts that by 2024, there will be more than 800,000 new jobs in the STEM fields and more than two thirds of these directly will be in computing occupations;

(3) Studying computer science prepares students to enter many career areas, both within and outside of computing, teaching them logical reasoning, algorithmic thinking, design, and structured problem-solving skills applicable in many contexts from science and engineering to the humanities and business;

(4) Computer science is an established discipline at the collegiate and post-graduate levels but, unfortunately, computer science concepts and courses have not kept pace in the K-12 curriculum, to the point that the nation faces a serious shortage of computer scientists at all levels that is likely to continue for the foreseeable future; and

(5) Organizations such as the Computer Science Teachers Association, the International Society for Technology in Education, and technology industry leaders have developed recommendations for standards, curriculum, and instructional resources for computer technology learning in K-12 schools.

(6) Foundational age-appropriate instruction in the computer science field for all students beginning in elementary school with required and optional advanced computer science instruction for middle school and high school students has become an important component of a well-developed education. Computer science standards should align to relevant aspects of the field such as computational thinking, block-based programming, text-based programming, network communication, computer architecture, coding, application development, and cyber security. Computer science education standards should be established to ensure students have the fundamentals to be successful in a digital-driven world and the advanced knowledge to prepare them for careers in or linked to computer science.

~~(b) Prior to the 2023 regular legislative session, the state board shall submit a plan to the Legislative Oversight Commission on Education Accountability, that builds upon certain plans which may have been developed and submitted in previous years, to implement and update computer science instruction and learning standards in the public schools. The plan shall include at least the following:~~

~~(1) Recommendations for a core set of learning standards designed to provide the foundation for a complete computer science curriculum and its implementation at the K-12 level including, but not limited to:~~

~~(A) Providing relevant course work in the areas of computational thinking, block-based programming, text-based programming, network communication, computer architecture, coding, application development, digital literacy, and cyber security; and~~

~~(B) Encouraging schools to integrate base level computer science skills into each student's required course work, and make available, in grades six through 12, additional secondary level computer science courses that will allow interested students to study facets of computer science in more depth and prepare them for entry into the workforce or college; and~~

~~(C) Increasing the availability of rigorous computer science for all students.~~

~~(2) Recommendations for teaching standards and secondary certificate endorsements if necessary for teachers to deliver curriculum appropriate to meet the standards;~~

~~(3) Recommendations for units of instruction or courses in academic and vocational technical settings to include computer programing, network communication, computer architecture, coding, application development, and cyber security, that complement any existing K-12 computer science and IT curricula where they are already established, especially the advanced placement computer science curricula and professional IT certifications; and~~

~~(4) Proposals for implementation of the recommendations over a period not to exceed four~~

~~years and estimates of any associated additional costs~~

~~(e)~~ (b) Nothing in this section requires adoption or implementation of any specific recommendation or any level of appropriation by the Legislature.

~~(d)~~ (c) Recognizing the importance of computer science instruction and how computer science instruction will assist students in their transition to post-secondary opportunities, the state board shall adopt a policy detailing the appropriate level of computer science instruction that shall be available to students at each programmatic level.

~~(e)~~ (d) The West Virginia Department of Education shall develop and offer professional development opportunities to ensure educators are equipped with the requisite knowledge and skill to deliver computer science instruction as outlined in this section. The department may partner with high-quality computer science professional learning providers in developing and offering the professional development opportunities.

ARTICLE 5B. SCHOOL INNOVATION ZONES ACT.

§18-5B-7. PROGRESS REVIEWS AND ANNUAL REPORTS.

~~(a)~~ At least annually, the state board or its designated committee shall review the progress of the development or implementation of an innovation zone plan. If, following such a review, the state board determines that a designated school, group of schools, subdivision or department of a group of schools, subdivision or department of a school or a school created by a state institution of higher education in accordance with section nine of this article has not made adequate progress toward developing or implementing its plan, the board shall submit a report to the designated school, group of schools, subdivision or department of a group of schools, subdivision or department of a school or a school created by a state institution of higher education in accordance with section nine of this article identifying its areas of concern. The state board or its designated committee may conduct an additional review within six months of submitting a report in accordance with this section. If, following such additional review, the state board or its designated committee determines that the designated school, group of schools, subdivision or department of a group of schools, subdivision or department of a school or a school created by a state institution of higher education in accordance with section nine of this article has not made adequate progress toward developing or implementing its innovation zone plan, the state board may revoke the designation as an innovation zone or, if the innovation zone plan has been approved in accordance with section five of this article, rescind its approval of the plan.

~~(b) The state board shall provide an annual report on innovation zones and the progress of innovation zone plans to the Legislative Oversight Committee for Educational Accountability~~

ARTICLE 5F. ACCESSIBILITY AND EQUITY IN PUBLIC EDUCATION ENHANCEMENT ACT.

§18-5F-6. Report to Legislative Oversight Commission on Education Accountability.

[Repealed.]

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-7a. Report on alternate method for funding student transportation costs required.

[Repealed.]

ARTICLE 9F. SCHOOL ACCESS SAFETY ACT.

§18-9F-8. REPORT.

The authority shall report to the Legislative Oversight Commission on Education Accountability ~~during the June and September, 2007, and January, 2008, interim meeting periods regarding implementation of the provisions of~~ annually regarding its duties under this article, including but not limited to:

(1) County school access safety plans or annual plan updates;

(2) Allocations, transfers and disbursements of School Access Safety Fund moneys; and

(3) Collaboration with the state board and the Division of Homeland Security and Emergency Management in complying with the provisions of this article.

ARTICLE 3C. IMPROVING TEACHING AND LEARNING.

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

(a) The intent of the Legislature is to allow for local-level implementation of comprehensive systems of support for building professional practice consistent with sound educational practices and resources available. In this regard, it is the intent of the Legislature that the comprehensive systems of support shall incorporate support for improved professional performance that begins with meaningful assistance for beginning teachers and leaders and also is targeted on deficiencies identified through the educator personnel evaluation process and other professional development needs identified in the strategic plans for continuous improvement of schools and school systems. Further, because of significant variability among the counties, not only in the size of their teaching force, distribution of facilities and available resources, but also because of their varying needs, the Legislature intends for the implementation of this section to be accomplished in a manner that provides adequate flexibility to the counties to design and implement a comprehensive system of support for improving professional performance that best achieves the goals of this section within the county. Finally, because of the critical importance of ensuring that all teachers perform at the accomplished level or higher in the delivery of instruction that at least meets the West Virginia

Professional Teaching Standards, and because achieving this objective at a minimum entails providing assistance to address the needs as indicated by the data informed results of annual performance evaluations, including the self-assessed needs of the teachers themselves, the Legislature expects the highest priority for county and state professional development will be on meeting these needs and that the comprehensive systems of support for improving professional practice will reflect substantial redirection of existing professional development resources toward this highest priority.

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

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

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

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

level or above;

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

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

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

(6) If a county uses master teachers, mentors, academic coaches, or any other approaches using individual employees to provide support, supervision, or other professional development or training to other employees for the purpose of improving their professional practice, the manner in which the county will select each of these individual employees based upon demonstrated superior performance and competence as well as the manner in which the county will coordinate support for these employees. If the duties of the position are to provide mentoring to an individual teacher at only one school, then priority shall be given to applicants employed at the school at which those duties will be performed;

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

(8) The manner in which the county will adjust its scheduling, use of substitutes, collaborative planning time, calendar, or other measures as may be necessary to provide sufficient time for professional personnel to accomplish the goals of this section as set forth in the county's plan; and

(9) The manner in which the county will monitor and evaluate the effectiveness of implementation and outcomes of the county system of support for improving professional practice.

(d) Effective the school year beginning July 1, 2020, and thereafter, appropriations for supporting county level implementation of the comprehensive systems of support for teacher and

leader induction and professional growth pursuant to §18-9A-10 of this code and any new appropriation which may be made for the purposes of this section shall be expended by county boards only to accomplish the activities as set forth in their county plan pursuant to this section. Effective the school year beginning July 1, 2020, and thereafter, any employee service or employment as a mentor is not subject to the provisions of this code governing extra duty contracts. A county board may adopt a teacher leader framework designed to accomplish the purposes of this section related to teacher induction and professional growth and, if the county board adopts a county salary supplement pursuant to §18A-4-5a of this code to provide additional compensation to teachers who, in addition to teaching duties, are assigned other duties for new teacher induction, improving professional practice and furthering professional growth among teachers as set forth in the county's comprehensive system of support, then appropriations made for supporting the purposes of this section may be applied to that salary supplement and other associated costs which may include a reduction in the teaching load of the teacher leader.

(e) The Department of Education shall assist county boards with the design and implementation of a teacher leader framework to accomplish the teacher induction and professional growth aspects of their comprehensive systems of support pursuant to this section. The goals of a teacher leader framework are to achieve:

(1) Increased student achievement and growth through the development of a shared leadership structure at the school level;

(2) Broader dissemination and use of effective teacher strategies through an increase in teacher collaboration; and

(3) Stronger and more positive school and district culture through the development and retention of highly effective teachers.

(f) The Department of Education may form networks among schools or school systems, or both, of comparable size and interests for the design and implementation of teacher leader frameworks that are:

(A) Driven by varying district and school needs;

(B) Related to existing state and district initiatives;

(C) Designed to improve student achievement and growth; and

(D) Designed to fit district size, current culture for collaboration, and funding capacity.

(g) A teacher leader framework adopted by a county board must:

(1) Create specific roles and responsibilities, eligibility requirements, and compensation plans for each teacher leader position, and clearly communicate these to teacher leaders,

administrators, and other stakeholders;

(2) Provide regular, targeted professional learning opportunities for teacher leaders, and encourage redelivery within their respective schools;

(3) Provide time and opportunities for teacher leaders to collaborate with administrators, curriculum staff, other teacher leaders, and teachers;

(4) Monitor and evaluate the effectiveness of the teacher leader program through surveys from school administrators and school faculty; and

(5) Include teacher leaders in the school improvement planning process.

~~(h) The Legislative Oversight Commission on Education Accountability shall review the progress of the implementation of the comprehensive systems of support for teacher and leader induction and professional growth and may make any recommendations it considers necessary to the Legislature during the next regular legislative session.~~

House Bill 4709: Relating to vocational and technical education programs.

Effective: Passed March 6, 2024; Effective 90 days from passage

Code Reference: W. Va. Code § 18-21A-1 *et. seq.* (NEW)

WVDE Contact: Office of Career & Technical Education

Summary: This Act creates a new article known as the Career and Technical Education Pilot Program for Middle School Students. This four-year pilot program is designed to provide 5-8 grade students with career readiness courses prior to entering high school. A middle school's participation in the pilot program is contingent upon available existing funding. The State Board of Education is charged with promulgating any necessary rules, establishing guidelines, and administering the program.

Additionally, the State Superintendent is responsible for providing an annual report on this program to the Legislative Oversight on Education Accountability (LOCEA) beginning July 1, 2025.

Enrolled Bill: **ENROLLED Committee Substitute for House Bill 4709**
BY DELEGATES DEAN, YOUNG, WORRELL, AND DILLION

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-21A-1, §18-21A-2 and §18-21A-3, all relating to establishing a four-year pilot program to provide participating middle schools with an elective course to better prepare fifth through eighth grade students to take advantage of West Virginia's career and technical education programs and to improve students' college and career readiness prior to high school; requiring the state board of education to promulgate a legislative rule, and, if necessary, an emergency rule, to implement the provisions of the pilot program; setting forth what is to be included within the provisions of the rule; and requiring by July 1, 2025, and annually thereafter for the duration of the pilot program, a report from the State Superintendent of Schools to the Legislative Oversight Commission on Education Accountability.

Be it enacted by the Legislature of West Virginia:

ARTICLE 21A. CAREER AND TECHNICAL EDUCATION PILOT PROGRAM FOR MIDDLE SCHOOL STUDENTS.

§18-21A-1. Definitions.

As used in this article, unless used in a context that clearly requires a different meaning the term:

"Academic skills instruction" means instruction on skill sets required to discover and take advantage of educational opportunities, including, but not limited to: post-secondary education admissions requirements; employment rates and average salaries of graduates of vocational schools and higher education institutions; state, federal, and private scholarship and grant opportunities; and preparation of a college or technical school application.

"Career skills instruction" means instruction on skill sets required to discover and take advantage of employment opportunities, including, but not limited to: performing a job search; developing a résumé; preparing for a job interview; and developing and deploying personal networks to find job opportunities.

"Elective Course" means a one semester course in which a student may choose to enroll.

"Guest Speakers" mean individuals who are not employed by the middle school who the qualified instructor chooses to assist in meeting the pilot program objectives.

"Qualified instructor" means teachers and other middle school staff possessing a post-secondary degree. Additional certification or licensure are not required to instruct the course.

"Participating middle school" means any school containing the fifth, sixth, seventh or eighth grade that chooses to participate with the requirements of the pilot program.

"Local Partners" means high schools, vocational schools, community and technical colleges, public universities, and any other state institutions of higher education that choose to provide speakers to participating middle schools upon the middle school's request.

"On-Site Research" means on-site presentations and experiential learning at local employer job sites, job fairs, high schools, vocational schools, community and technical colleges, public and private universities, and other post-secondary academic institutions that introduce students to potential career paths.

"Personal Graduation Plan" means a student's formal written plan to become employable following high school.

§18-21A-2. Career and technical education pilot program for middle school students established; funding

(a) A four-year pilot program is hereby established to provide participating middle schools with an elective course to better prepare fifth through eighth grade students to take advantage of West Virginia's career and technical education programs and to improve students' college and career readiness prior to high school.

(b) Funding. — A middle school’s participation in the pilot program is contingent upon the availability of existing funding.

§18-21A-3. Rulemaking; reporting.

(a) The state board shall promulgate a legislative rule, and, if necessary, an emergency rule, pursuant to §29A-3B-1, et seq. to implement the provisions of this article. The provisions of the rule shall include, at a minimum:

(1) Guidelines for admission to the pilot program;

(2) Administration of the program which includes parameters that include the definitions contained in §18-21A-1 of this code; and

(3) Requirement that program participants receive a certificate upon successful completion of the pilot program.

(b) By July 1, 2025, and annually thereafter for the duration of the pilot program, the state superintendent shall report to the Legislative Oversight Commission on Education Accountability on:

(1) The number of students participating;

(2) The graduation rates of participating students;

(3) To the extent practicable, the job placement rates of participant students,

(4) Any issues with the program reported by students, parents, and participating middle schools; how these issues are being addressed; and whether the issues require legislative action; and

(5) A recommendation from the state superintendent on whether the program should continue beyond its four-year period.

House Bill 4829: Relating to employment of service personnel and removing the requirement for a high school diploma or general education development certificate.

Effective: Passed March 9, 2024; Effective 90 days from passage

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

WVDE Contact: Office of Human Services
Office of Certification & Educator Preparation

Summary: This Act removes the requirement that applicants for bus driver positions must have a high school diploma or GED if the applicant is 21 or older.

Enrolled Bill: **ENROLLED Committee Substitute for House Bill 4829**
BY DELEGATES TONEY, STATLER, FERRELL, CAMPBELL, HOLSTEIN, W. CLARK, ELLINGTON, AND ADKINS

AN ACT to amend and reenact §18A-2-5 of the Code of West Virginia, 1931, as amended, relating to employment of service personnel and removing the requirement for a high school diploma or general education development certificate for school bus drivers who are 21 years of age or older.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. SCHOOL PERSONNEL.

§18A-2-5. Employment of service personnel; limitation.

The board ~~is authorized to~~ 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*, That this paragraph shall not apply to school bus drivers and who are 21 years of age or older.

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___, 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___, 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___. 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 this code.

(4) The Employee may be dismissed at any time for immorality, incompetency, cruelty, insubordination, intemperance or willful neglect of duty pursuant to ~~the provisions of~~ §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 ~~should~~ if the conviction resulting in automatic revocation pursuant to this section ~~be~~ 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 ~~must~~ 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 ~~shall~~ 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.

House Bill 4830: To address the professional development of teachers.

Effective: Passed March 9, 2024; Effective 90 days from passage

Code Reference: W. Va. Code § 18-2-40 (AMENDED)
§ 18-2-41 (AMENDED)
§ 18-2C-5 (AMENDED)
§ 18-5-15a (AMENDED)
§ 18-9F-10 (AMENDED)

WVDE Contact: Office of the Superintendent

Summary: This Act provides that school employees be trained upon employment at every three years after employment on the following topics:

- 1) Suicide prevention awareness
- 2) Child sexual abused prevention;
- 3) Harassment, intimidation or bullying; and,
- 4) Multicultural education.

Additionally, the Act requires that First Aid Training include information regarding blood borne pathogens and the process for mandatory reporting abuse of disabled children.

Enrolled Bill: **ENROLLED Committee Substitute for House Bill 4830**
BY DELEGATES TONEY, STATLER, ELLINGTON, FERRELL, HORNBY,
LONGANACRE, AND CAMPBELL

AN ACT to amend and reenact §18-2-40 and §18-2-41 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-2C-5 of said code; to amend and reenact §18-5-15a of said code; to amend and reenact §18-9F-10 of said code; and to amend and reenact §61-8F-6 of said code, all relating generally to training requirements for school personnel; modifying frequency of training from annually to upon employment and every three years thereafter, for suicide prevention awareness, child sexual abuse prevention, the county policy on harassment, intimidation or bullying, and multicultural education; requiring first aid training include blood borne pathogen information; requiring those who care for, educate, or house disabled children to be trained on mandatory reporting obligations.

Be it enacted by the Legislature of West Virginia:

CHAPTER 18. EDUCATION. §18-2-40. Suicide prevention awareness training; dissemination of information.

(a)(1) *Legislative findings.* — The Legislature recognizes that the state of West Virginia has one of the highest rates of suicide in the nation, and that suicide serves as one of the leading causes of death in our state.

(2) The Legislature further finds that nationwide, suicide rates amongst adolescents and young adults are on the rise. As a result of disrupted families, poverty, and the opioid crises which have severely affected a significant number of families across this state, West Virginia's students face a number of issues which may increase their risk of suicide.

(3) Consequently, the Legislature finds that it is imperative that those in our education system closest to our students receive training to increase their ability to better recognize students who may be exhibiting signs that they are at risk of suicide.

(b) On or before September 1, 2020, ~~and each year thereafter~~ upon employment and every three years after, the State Board of Education shall provide for the routine education of all professional educators, including principals and administrators, and those service personnel having direct contact with students on warning signs and resources to assist in suicide prevention under guidelines established by the state board. The education may be accomplished through self-review of suicide prevention materials and resources approved by the state board.

(c) On or before September 1, 2020, and each year thereafter, a public middle and high school administrator shall disseminate and provide opportunities to discuss suicide prevention awareness information to all middle and high school students. The information may be obtained from the Bureau for Behavioral Health and Health Facilities or from a commercially developed suicide prevention training program approved by the State Board of Education in consultation with the bureau to assure the accuracy and appropriateness of the information.

(d) The provisions of this section shall be known as Jamie's Law.

§18-2-41. Education and Prevention of the Sexual Abuse of Children.

(a) Education of children in grades K-12 — Beginning July 1, 2019, children in grades K-12 shall receive body age-appropriate safety information at least once per academic school year, with a preference for four times per academic year. To facilitate this process and develop resources, the state board shall propose a legislative rule for promulgation, in accordance with §29A-3b-1 *et seq.* of this code, by December 31, 2018. The rule shall provide for at least the following:

- (1) Developmentally appropriate education and resources;
- (2) Social media usage and content;
- (3) Implementation of best practices;
- (4) Differing county and school sizes, demographics, etc. relating to implementation

strategies;

(5) Strategies for dealing with disclosures after student education;

(6) Rules informed by family voice;

(7) Offender dynamics;

(8) Child-on-child scenarios;

(9) Rules on development of supplementary materials, including posting of the child abuse hotline, to embed into the school climate;

(10) Protocols for local crisis response in conjunction with §18-9F-9 of this code.

(b) Training of public school employees upon their employment and then again every three years. The state board shall propose by December 31, 2018 a legislative rule for promulgation in accordance with §29A-3b-1 *et seq.* of this code, and if necessary may promulgate an emergency rule in accordance with said article, for the establishment of standards for training requirements of all public school employees focused on developing skills, knowledge, and capabilities related to preventing child sexual abuse and recognizing and responding to suspected abuse and neglect. The rule shall provide for at least the following:

(1) This required training shall include comprehensive instruction and information to better equip schools and their employees, including how to:

(A) Recognize sexually offending behaviors in adults, questionable behaviors such as boundary violations, and signs in adults that might indicate they pose a sexual risk to children;

(B) Recognize, appropriately respond to, and prevent sexually inappropriate, coercive, or abusive behaviors among children and youth served by schools;

(C) Recognize behaviors and verbal cues that might indicate a child or youth has been a victim of abuse or neglect;

(D) Support the healthy development of children and youth and the building of protective factors to mitigate against their sexual victimization by adults or peers; ^{[[[]]]} §18-9F-9

(E) Recognize and appropriately respond to student infatuations and flirtations with adults in schools;

(F) Recognize appropriate and inappropriate social media usage by adults and children;

(G) Provide consistent and standard protocols for responding to disclosures of sexual abuse or reports of boundary-violating behaviors by adults or children in a supportive and appropriate manner which meet mandated reporting requirements;

(H) Provide adequate understanding of the age-appropriate, comprehensive, evidence-informed child sexual abuse prevention education which will be offered to their students; and

(1) Reflect the research on Adverse Childhood Experiences (ACEs) and trauma-informed care.

(2) The rule shall contain provisions to ensure public school employees complete the required training every ~~two~~ three years.

(A) The required training shall be at least a cumulative four hours (half day) of instruction on the elements identified in this section.

(B) A skills renewal is required every ~~two~~ three years thereafter.

(C) The mode of delivery for the trainings may include in-person or e-learning instruction and may include a series of trainings or modules.

(D) The state board shall provide certificates of satisfactory completion for the employee and the employer documenting the employee completed the required training.

ARTICLE 2C. HARASSMENT, INTIMIDATION OR BULLYING PROHIBITION.

§18-2C-5. Policy training and education.

(a) Schools and county boards are encouraged, but not required, to form bullying prevention task forces, programs and other initiatives involving school staff, students, teachers, administrators, volunteers, parents, law enforcement and community members.

(b) To the extent state or federal funds are appropriated for these purposes, each school district shall:

(1) Provide training on the harassment, intimidation or bullying policy to school employees upon employment and volunteers who have direct contact with students; and

(2) Develop a process for educating students on the harassment, intimidation or bullying policy.

(c) Information regarding the county board policy against harassment, intimidation or bullying shall be incorporated into each school's current employee training program upon employment and renewed every three years thereafter.

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-15a. Study of multicultural education for school personnel.

County boards of education shall ~~annually~~ upon employment and every three years thereafter, provide a program, during at least one noninstructional day of the school term, for the study of multicultural education for all school personnel as defined in subsection (a), section one, article one, chapter eighteen-a of this code. The study provided shall be in compliance with regulations to be developed by the state Board of 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.

ARTICLE 9F. SCHOOL ACCESS SAFETY ACT.

§18-9F-10. School safety requirements.

In addition to any other requirement contained in this article or the Crisis Response Plan required by §18-9F-9 of this code, each county board of education shall implement a school safety program before September 1, 2019, that at a minimum, requires:

(1) Room numbers to be placed on exterior walls or windows of school buildings, so rooms with exterior walls can be identified by law enforcement, first responders, and State Fire Marshals from the outside;

(2) Providing updated floor plans of the school to first responders, local law enforcement, and State Fire Marshals by September 1 of each school year;

(3) First aid training, that includes blood borne pathogen information, for all school personnel upon employment ~~and students each school year~~; and

(4) Active shooter training for all school personnel and students at the beginning of each school year.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 8F. SPECIAL PROTECTIONS FOR DISABLED CHILDREN ACT OF 2022.

§61-8F-6. Specific directives to enhance the safety of disabled children.

(a) The West Virginia Department of Education in collaboration with the Secretary of ~~Health and Human Resources~~ Human Services shall:

(1) On or before January 1, 2023, develop, produce, and disseminate an eight-hour education program for people employed in or to be employed in the care, housing, and education of disabled children as well as their supervisory personnel and administrators. The program shall include, but not be limited to, the legal duties of persons so employed, the behavioral characteristics associated with different disabling conditions, symptoms of disabling conditions, ~~and~~ appropriate interventions necessary to support a child in a particular setting, ~~and the process of mandatory reporting of abuse~~. Successful completion of the program shall be mandatory for state, county, and municipal employees engaged in the care, housing, and education of disabled children as well as their supervisory personnel and administrators ~~on and after July 1, 2023~~ upon employment and every three years after ; and

(2) On or before January 1, 2023, investigate the availability and implementation cost of a program for public schools and government operated programs for disabled children which allows parents, guardians, and custodians to remotely view classrooms and other areas where disabled

children are taught, housed, or cared for and provide copies of the findings and proposals to the President of the Senate and the Speaker of the House of Delegates prior to the first day of the 2023 Regular Session of the Legislature.

(3) To the extent practicable the program shall consider and include input from family members and caregiving of disabled children.

(b) On or before January 1, 2023, the West Virginia Prosecuting Attorney's Institute in collaboration with the Law Enforcement Professional Standards subcommittee on the Governor's Committee on Crime Delinquency and Correction shall develop a three-hour mandatory educational program for prosecuting attorneys and law enforcement officers that offers education:

(1) As to the provisions of this article; and

(2) In the investigation and prosecution of crimes against disabled children including mandatory reporting of all abuse.

(3) To the extent practicable the program shall consider and include input from family members and caregiving of disabled children.

(c) The State Board of Education shall create a database which identifies school employees who are under active investigation for misconduct towards children into which county boards of education shall report and review when considering employing a person with previous experience in the education system.

House Bill 4832: Relating to state superintendent’s reports regarding the finances of school districts.

Effective: Passed March 4, 2024; Effective 90 days from passage

Code Reference: W. Va. Code § 18-9B-21 (Amended)

WVDE Contact: Office of School Operations

Summary: This Act provides the State Superintendent of Schools the discretion to reduce state aid school funding to county boards of education that fail to submit statutorily required financial information.

Enrolled Bill: **ENROLLED House Bill 4832**
BY DELEGATES ELLINGTON, TONEY, STATLER, AND KIMBLE

AN ACT to amend and reenact §18-9B-21 of the Code of West Virginia, 1931, as amended, relating to state superintendent's reports regarding the finances of school districts.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9B. STATE BOARD OF SCHOOL FINANCE.

§18-9B-21. Reports by state superintendent.

The state superintendent shall make an annual report to the ~~Governor and to the Legislature~~ Legislative Oversight Commission on Education Accountability ~~pertaining to the work of the state superintendent and~~ regarding the finances of each school ~~districts~~ district. Any school district that fails to report its finances to the state superintendent may be subject to a reduction of its state funding as authorized in §18-9B-19 of this code. The state superintendent shall make such special reports as the ~~Governor or the Legislature~~ Legislative Oversight Commission on Education Accountability may request.

House Bill 4838: Require county boards of education to provide long-term substitute teachers, upon hiring, with certain information.

Effective: Passed March 1, 2024; Effective 90 days from passage

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

WVDE Contact: Office of Special Education
Office of Certification & Educator Preparation

Summary: This Act requires county boards of education, upon hiring, to provide certain information to persons hired as a long-term substitute teacher. Specifically, teachers must be informed on the uses and implementation of IEP Plans (Individual Education Plan) and 504 Plans (§504/Federal Rehabilitation Act of 1973).

Enrolled Bill: **ENROLLED House Bill 4838**
BY DELEGATES HOLSTEIN, STATLER, DITTMAN, SHAMBLIN, BARNHART, E. PRITT, HOUSEHOLDER, HORNBY, MAZZOCCHI, FORSHT, AND CANNON

AN ACT to amend and reenact §18A-2-3 of the Code of West Virginia, 1931, as amended, relating to requiring county boards of education to inform persons, who are hired as long-term substitute teachers, about IEP and 504 plans, detailing their uses and what those long-term substitute teachers should do to implement these plans upon their hiring.

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 ~~section one, article one of this chapter~~ §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.

~~(e)~~ (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 ~~article seven-a, chapter eighteen~~ §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.

(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.

(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.

House Bill 4860: Providing that a general education teacher may not be responsible for accommodation logs.

Effective: Passed March 4, 2024; Effective 90 days from passage

Code Reference: W. Va. Code § 18-20-1c (AMENDED)

WVDE Contact: Office of Special Education

Summary: This Act provides that a general education teacher is not responsible for daily accommodation logs for students with exceptionalities but is responsible for acknowledging at the end of each grading period that all accommodations required by the Individual Education Plan (IEP) were met; however, a student's parent or guardian may request a daily accommodation log be maintained. Additionally, the Act specifies that it is the special education instructor's responsibility to monitor the student's progress.

Enrolled Bill: **ENROLLED House Bill 4860**
BY DELEGATES E. PRITT, ELLINGTON, TONEY, CAMPBELL, WILLIS, DITTMAN, STEPHENS, FOGGIN, DEVAULT, AND ROSS

AN ACT to amend and reenact §18-20-1c of the Code of West Virginia, 1931, as amended, relating to education of exceptional children in an integrated classroom; and providing that the general education teacher shall utilize the supplementary services documentation sheet on days when accommodations were made.

Be it enacted by the Legislature of West Virginia:

ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.

§18-20-1c. Integrated classrooms serving students with exceptional needs; and requirements as to the assistance, training and information to be provided to the affected classroom teacher.

(a) The regular classroom teacher is entitled to the following when placing a student with exceptional needs into an integrated classroom when the student's individualized education program requires an adjustment in either the curriculum, instruction or service to be provided by the regular classroom teacher:

(1) Training provided pursuant to the integrated classroom program and additional individualized training, pursuant to the rules developed by the State Board of Education, if requested by the regular classroom teacher to prepare the teacher to meet the exceptional needs of

individual students. Whenever possible, the training shall be provided prior to the placement. Where prior training is not possible, the training shall be commenced no later than 10 days following the placement of the student into the regular classroom. Unavoidable delays in the provision of training may not result in the exclusion of a special needs student from any class if the training cannot be provided in 10 days;

(2) A signed copy of the individualized education program for the special education student prior to the placement of the student into the regular classroom. The receiving and referring teachers shall participate in the development of that student's individualized education program and shall also sign the individualized education program as developed. In all cases the teacher shall receive a copy of the individualized education program for the special education student prior to or at the time of the placement of the student into the regular classroom. Any teacher disagreeing with the individualized education program committee's recommendation shall file a written explanation outlining his or her disagreement or recommendation;

(3) Participation by referring teachers in all eligibility committees and participation by referring and receiving teachers in all individualized education program committees which involve possible placement of an exceptional student in an integrated classroom;

(4) Opportunity to reconvene the committee responsible for the individualized education program of the student with special needs assigned to the regular classroom teacher. The meeting shall include all persons involved in a student's individualized education program and shall be held within 21 days of the time the request is made; and

(5) Assistance from persons trained or certified to deal with a student's exceptional needs whenever assistance is part of the student's individualized education program as necessary to promote accomplishment of the program's goals and objectives: *Provided*, That aides in the area of special education cannot be reassigned to more than one school without the employee's consent.

(b) Except teachers already required to participate in the development of a student's individualized education program and sign it as provided in subdivision (2) of this section, all other teachers in whose class or program a student with exceptional needs is enrolled shall:

(1) Participate in the meeting to develop the student's individualized education program, or read and sign a copy of the student's individualized education program plan acknowledging that he or she has read and understands it; and

(2) Make accommodations and modifications for the student, if needed or identified, to help the student succeed in the class or program: *Provided*, That the general education teacher shall not be responsible for daily accommodation logs. The general education teacher shall only be

responsible for acknowledging, at the end of each grading period, that each accommodation as required by the IEP has been met. All accommodations of the students shall be discussed before placement and it is the responsibility of the special education instructor to monitor progress: *Provided further, That parents and guardians may request daily accommodation logs.*

This requirement includes, but is not limited to, teachers of music, musical education, art, driver education and other instruction offered.

House Bill 4863: Patriotic Access to Students in Schools Act.

Effective: Passed March 9, 2024; Effective 90 days from passage

Code Reference: W. Va. Code § 18-2-44 (NEW)

WVDE Contact: Office of Leadership Development

Summary: This Act requires school principals to allow representatives of a patriotic society the opportunity to speak to, and recruit, students to participate in their organization during school hours. Student participation is voluntary and must not interfere with instructional learning.

The Act also requires the patriotic society to notify and receive approval from the local board of education of its intent to speak with students. Additionally, it is the school principal's responsibility to notify the patriotic society of the specific date and time the society is authorized to address students.

Enrolled Bill: **ENROLLED House Bill 4863**
BY DELEGATES ESPINOSA, HOUSEHOLDER, HORNBY, HITE, HARDY, W. CLARK, HILLENBRAND, AND CHIARELLI

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-44, relating to the creation of the Patriotic Access to Students in Schools Act; defining patriotic societies; and providing for the opportunity to speak and recruit at public schools.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE BOARD OF EDUCATION. §18-2-44. Patriotic societies; opportunity to speak and recruit at public schools. (a) As used in this section, "patriotic society" means any youth group listed in Title 36 of the United States Code.

(b) Beginning with the 2024-2025 school year, the principal of each public school in the state shall allow representatives of a patriotic society the opportunity to speak with and recruit school students to participate in their organization during school hours to inform the students of how the patriotic society may further the students' educational interests and civic involvement to better their schools, communities, and themselves. Participation of students is voluntary and must not interfere with instructional learning.

(c) The patriotic society must notify the board of education of its intent to speak to the students. Upon approval from the board the patriotic society shall provide verbal or written notice to the principal. The principal shall provide verbal or written approval of the specific day and time.

for the society to address the students.

House Bill 4883: Relating to increasing annual salaries of certain employees of the state.

Special Note: This Act contains salary increases for the West Virginia State Police, teachers, and school service personnel; however, only the provisions pertaining to public education are included herein.

Effective: Passed March 9, 2024; Effective July 1, 2024

Code Reference: W. Va. Code § 18A-4-2 (Amended)
§ 18A-4-8a (Amended)

WVDE Contact: Office of School Finance
Office of Human Services

Summary: This Act increases the State Minimum Salary Schedule for teachers by \$2,460 annually and the State Minimum Salary Schedule for school service personnel by \$140 monthly.

Enrolled Bill: **ENROLLED Committee Substitute for House Bill 4883**
BY DELEGATES HANSHAW (MR. SPEAKER), HORNBUCKLE, HOWELL, PUSHKIN, VANCE, NESTOR, AND YOUNG.

AN ACT to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §18A-4-2 of said code; and to amend and reenact §18A-4-8a of said code, all relating to increasing annual salaries of certain employees of the state; increasing the salaries of members of the West Virginia State Police and certain personnel thereof; increasing annual salaries of public school teachers; increasing annual salaries of school service personnel; and providing an effective date for these increases.

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.

§18A-4-2. State minimum salaries for teachers.

(a) For school year ~~2023-2024~~ 2024-2025, and continuing thereafter, each teacher shall receive the amount prescribed in the State Minimum Salary Schedule as set forth in this section, specific additional amounts prescribed in this section or article, and any county supplement in effect in a county pursuant to §18A-4-5a of this code during the contract year.

STATE MINIMUM SALARY SCHEDULE

Years Exp	4th Class	3rd Class	2nd Class	A.B.	A.B. 15	M.A.	M.A. 15	M.A. 30	M.A.	Doctorate
0	36,597	37,286	37,552	38,995	39,756	41,523	42,284	43,045	43,806	44,841
1	36,925	37,614	37,880	39,513	40,274	42,042	42,803	43,563	44,324	45,359
2	37,254	37,942	38,208	40,032	40,793	42,560	43,321	44,082	44,843	45,878
3	37,582	38,270	38,536	40,551	41,311	43,079	43,840	44,600	45,361	46,396
4	38,154	38,842	39,108	41,313	42,074	43,842	44,603	45,363	46,124	47,159
5	38,482	39,170	39,436	41,832	42,593	44,360	45,121	45,882	46,643	47,678
6	38,810	39,498	39,764	42,350	43,111	44,879	45,640	46,400	47,161	48,196
7	39,138	39,827	40,092	42,869	43,630	45,397	46,158	46,919	47,680	48,715
8	39,466	40,155	40,421	43,387	44,148	45,916	46,677	47,437	48,198	49,233
9	39,794	40,483	40,749	43,906	44,667	46,434	47,195	47,956	48,717	49,752
10	40,123	40,811	41,077	44,426	45,186	46,954	47,715	48,476	49,236	50,271
11	40,451	41,139	41,405	44,944	45,705	47,473	48,233	48,994	49,755	50,790
12	40,779	41,467	41,733	45,463	46,223	47,991	48,752	49,513	50,273	51,308
13	41,107	41,795	42,061	45,981	46,742	48,510	49,270	50,031	50,792	51,827
14	41,435	42,123	42,389	46,500	47,260	49,028	49,789	50,550	51,310	52,345
15	41,763	42,451	42,717	47,018	47,779	49,547	50,307	51,068	51,829	52,864
16	42,091	42,779	43,045	47,537	48,297	50,065	50,826	51,587	52,347	53,382
17	42,419	43,108	43,373	48,055	48,816	50,584	51,345	52,105	52,866	53,901
18	42,747	43,436	43,702	48,574	49,335	51,102	51,863	52,624	53,385	54,420
19	43,075	43,764	44,030	49,092	49,853	51,621	52,382	53,142	53,903	54,938
20	43,403	44,092	44,358	49,611	50,372	52,139	52,900	53,661	54,422	55,457
21	43,732	44,420	44,686	50,129	50,890	52,658	53,419	54,179	54,940	55,975
22	44,060	44,748	45,014	50,648	51,409	53,176	53,937	54,698	55,459	56,494
23	44,388	45,076	45,342	51,167	51,927	53,695	54,456	55,216	55,977	57,012
24	44,716	45,404	45,670	51,685	52,446	54,214	54,974	55,735	56,496	57,531
25	45,044	45,732	45,998	52,204	52,964	54,732	55,493	56,254	57,014	58,049
26	45,372	46,060	46,326	52,722	53,483	55,251	56,011	56,772	57,533	58,568
27	45,700	46,388	46,654	53,241	54,001	55,769	56,530	57,291	58,051	59,086
28	46,028	46,717	46,982	53,759	54,520	56,288	57,048	57,809	58,570	59,605
29	46,356	47,045	47,311	54,278	55,038	56,806	57,567	58,328	59,088	60,123
30	46,684	47,373	47,639	54,796	55,557	57,325	58,085	58,846	59,607	60,642
31	47,013	47,701	47,967	55,315	56,076	57,843	58,604	59,365	60,125	61,160

32	47,341	48,029	48,295	55,833	56,594	58,362	59,123	59,883	60,644	61,679
33	47,669	48,357	48,623	56,352	57,113	58,880	59,641	60,402	61,163	62,198
34	47,997	48,685	48,951	56,870	57,631	59,399	60,160	60,920	61,681	62,716
35	48,325	49,013	49,279	57,389	58,150	59,917	60,678	61,439	62,200	63,235

<u>Years Exp</u>	<u>4th Class</u>	<u>3rd Class</u>	<u>2nd Class</u>	<u>A.B.</u>	<u>A.B. 15</u>	<u>M.A.</u>	<u>M.A. 15</u>	<u>M.A. 30</u>	<u>M.A. 45</u>	<u>Doctorate</u>
<u>0</u>	<u>39,057</u>	<u>39,746</u>	<u>40,012</u>	<u>41,455</u>	<u>42,216</u>	<u>43,983</u>	<u>44,744</u>	<u>45,505</u>	<u>46,266</u>	<u>47,301</u>
<u>1</u>	<u>39,385</u>	<u>40,074</u>	<u>40,340</u>	<u>41,973</u>	<u>42,734</u>	<u>44,502</u>	<u>45,263</u>	<u>46,023</u>	<u>46,784</u>	<u>47,819</u>
<u>2</u>	<u>39,714</u>	<u>40,402</u>	<u>40,668</u>	<u>42,492</u>	<u>43,253</u>	<u>45,020</u>	<u>45,781</u>	<u>46,542</u>	<u>47,303</u>	<u>48,338</u>
<u>3</u>	<u>40,042</u>	<u>40,730</u>	<u>40,996</u>	<u>43,011</u>	<u>43,771</u>	<u>45,539</u>	<u>46,300</u>	<u>47,060</u>	<u>47,821</u>	<u>48,856</u>
<u>4</u>	<u>40,614</u>	<u>41,302</u>	<u>41,568</u>	<u>43,773</u>	<u>44,534</u>	<u>46,302</u>	<u>47,063</u>	<u>47,823</u>	<u>48,584</u>	<u>49,619</u>
<u>5</u>	<u>40,942</u>	<u>41,630</u>	<u>41,896</u>	<u>44,292</u>	<u>45,053</u>	<u>46,820</u>	<u>47,581</u>	<u>48,342</u>	<u>49,103</u>	<u>50,138</u>
<u>6</u>	<u>41,270</u>	<u>41,958</u>	<u>42,224</u>	<u>44,810</u>	<u>45,571</u>	<u>47,339</u>	<u>48,100</u>	<u>48,860</u>	<u>49,621</u>	<u>50,656</u>
<u>7</u>	<u>41,598</u>	<u>42,287</u>	<u>42,552</u>	<u>45,329</u>	<u>46,090</u>	<u>47,857</u>	<u>48,618</u>	<u>49,379</u>	<u>50,140</u>	<u>51,175</u>
<u>8</u>	<u>41,926</u>	<u>42,615</u>	<u>42,881</u>	<u>45,847</u>	<u>46,608</u>	<u>48,376</u>	<u>49,137</u>	<u>49,897</u>	<u>50,658</u>	<u>51,693</u>
<u>9</u>	<u>42,254</u>	<u>42,943</u>	<u>43,209</u>	<u>46,366</u>	<u>47,127</u>	<u>48,894</u>	<u>49,655</u>	<u>50,416</u>	<u>51,177</u>	<u>52,212</u>
<u>10</u>	<u>42,583</u>	<u>43,271</u>	<u>43,537</u>	<u>46,886</u>	<u>47,646</u>	<u>49,414</u>	<u>50,175</u>	<u>50,936</u>	<u>51,696</u>	<u>52,731</u>
<u>11</u>	<u>42,911</u>	<u>43,599</u>	<u>43,865</u>	<u>47,404</u>	<u>48,165</u>	<u>49,933</u>	<u>50,693</u>	<u>51,454</u>	<u>52,215</u>	<u>53,250</u>
<u>12</u>	<u>43,239</u>	<u>43,927</u>	<u>44,193</u>	<u>47,923</u>	<u>48,683</u>	<u>50,451</u>	<u>51,212</u>	<u>51,973</u>	<u>52,733</u>	<u>53,768</u>
<u>13</u>	<u>43,567</u>	<u>44,255</u>	<u>44,521</u>	<u>48,441</u>	<u>49,202</u>	<u>50,970</u>	<u>51,730</u>	<u>52,491</u>	<u>53,252</u>	<u>54,287</u>
<u>14</u>	<u>43,895</u>	<u>44,583</u>	<u>44,849</u>	<u>48,960</u>	<u>49,720</u>	<u>51,488</u>	<u>52,249</u>	<u>53,010</u>	<u>53,770</u>	<u>54,805</u>
<u>15</u>	<u>44,223</u>	<u>44,911</u>	<u>45,177</u>	<u>49,478</u>	<u>50,239</u>	<u>52,007</u>	<u>52,767</u>	<u>53,528</u>	<u>54,289</u>	<u>55,324</u>
<u>16</u>	<u>44,551</u>	<u>45,239</u>	<u>45,505</u>	<u>49,997</u>	<u>50,757</u>	<u>52,525</u>	<u>53,286</u>	<u>54,047</u>	<u>54,807</u>	<u>55,842</u>
<u>17</u>	<u>44,879</u>	<u>45,568</u>	<u>45,833</u>	<u>50,515</u>	<u>51,276</u>	<u>53,044</u>	<u>53,805</u>	<u>54,565</u>	<u>55,326</u>	<u>56,361</u>
<u>18</u>	<u>45,207</u>	<u>45,896</u>	<u>46,162</u>	<u>51,034</u>	<u>51,795</u>	<u>53,562</u>	<u>54,323</u>	<u>55,084</u>	<u>55,845</u>	<u>56,880</u>
<u>19</u>	<u>45,535</u>	<u>46,224</u>	<u>46,490</u>	<u>51,552</u>	<u>52,313</u>	<u>54,081</u>	<u>54,842</u>	<u>55,602</u>	<u>56,363</u>	<u>57,398</u>
<u>20</u>	<u>45,863</u>	<u>46,552</u>	<u>46,818</u>	<u>52,071</u>	<u>52,832</u>	<u>54,599</u>	<u>55,360</u>	<u>56,121</u>	<u>56,882</u>	<u>57,917</u>
<u>21</u>	<u>46,192</u>	<u>46,880</u>	<u>47,146</u>	<u>52,589</u>	<u>53,350</u>	<u>55,118</u>	<u>55,879</u>	<u>56,639</u>	<u>57,400</u>	<u>58,435</u>
<u>22</u>	<u>46,520</u>	<u>47,208</u>	<u>47,474</u>	<u>53,108</u>	<u>53,869</u>	<u>55,636</u>	<u>56,397</u>	<u>57,158</u>	<u>57,919</u>	<u>58,954</u>
<u>23</u>	<u>46,848</u>	<u>47,536</u>	<u>47,802</u>	<u>53,627</u>	<u>54,387</u>	<u>56,155</u>	<u>56,916</u>	<u>57,676</u>	<u>58,437</u>	<u>59,472</u>
<u>24</u>	<u>47,176</u>	<u>47,864</u>	<u>48,130</u>	<u>54,145</u>	<u>54,906</u>	<u>56,674</u>	<u>57,434</u>	<u>58,195</u>	<u>58,956</u>	<u>59,991</u>
<u>25</u>	<u>47,504</u>	<u>48,192</u>	<u>48,458</u>	<u>54,664</u>	<u>55,424</u>	<u>57,192</u>	<u>57,953</u>	<u>58,714</u>	<u>59,474</u>	<u>60,509</u>
<u>26</u>	<u>47,832</u>	<u>48,520</u>	<u>48,786</u>	<u>55,182</u>	<u>55,943</u>	<u>57,711</u>	<u>58,471</u>	<u>59,232</u>	<u>59,993</u>	<u>61,028</u>

<u>27</u>	<u>48,160</u>	<u>48,848</u>	<u>49,114</u>	<u>55,701</u>	<u>56,461</u>	<u>58,229</u>	<u>58,990</u>	<u>59,751</u>	<u>60,511</u>	<u>61,546</u>
<u>28</u>	<u>48,488</u>	<u>49,177</u>	<u>49,442</u>	<u>56,219</u>	<u>56,980</u>	<u>58,748</u>	<u>59,508</u>	<u>60,269</u>	<u>61,030</u>	<u>62,065</u>
<u>29</u>	<u>48,816</u>	<u>49,505</u>	<u>49,771</u>	<u>56,738</u>	<u>57,498</u>	<u>59,266</u>	<u>60,027</u>	<u>60,788</u>	<u>61,548</u>	<u>62,583</u>
<u>30</u>	<u>49,144</u>	<u>49,833</u>	<u>50,099</u>	<u>57,256</u>	<u>58,017</u>	<u>59,785</u>	<u>60,545</u>	<u>61,306</u>	<u>62,067</u>	<u>63,102</u>
<u>31</u>	<u>49,473</u>	<u>50,161</u>	<u>50,427</u>	<u>57,775</u>	<u>58,536</u>	<u>60,303</u>	<u>61,064</u>	<u>61,825</u>	<u>62,585</u>	<u>63,620</u>
<u>32</u>	<u>49,801</u>	<u>50,489</u>	<u>50,755</u>	<u>58,293</u>	<u>59,054</u>	<u>60,822</u>	<u>61,583</u>	<u>62,343</u>	<u>63,104</u>	<u>64,139</u>
<u>33</u>	<u>50,129</u>	<u>50,817</u>	<u>51,083</u>	<u>58,812</u>	<u>59,573</u>	<u>61,340</u>	<u>62,101</u>	<u>62,862</u>	<u>63,623</u>	<u>64,658</u>
<u>34</u>	<u>50,457</u>	<u>51,145</u>	<u>51,411</u>	<u>59,330</u>	<u>60,091</u>	<u>61,859</u>	<u>62,620</u>	<u>63,380</u>	<u>64,141</u>	<u>65,176</u>
<u>35</u>	<u>50,785</u>	<u>51,473</u>	<u>51,739</u>	<u>59,849</u>	<u>60,610</u>	<u>62,377</u>	<u>63,138</u>	<u>63,899</u>	<u>64,660</u>	<u>65,695</u>

(b) Six hundred dollars shall be paid annually to each classroom teacher who has at least 20 years of teaching experience. The payments: (i) Shall be in addition to any amounts prescribed in the applicable State Minimum Salary Schedule; (ii) shall be paid in equal monthly installments; and (iii) shall be considered a part of the state minimum salaries for teachers.

(c) Effective July 1, 2019, each classroom teacher providing math instruction in the teacher’s certified area of study for at least 60 percent of the time the teacher is providing instruction to students shall be considered to have three additional years of experience only for the purposes of the salary schedule set forth in subsection (a) of this section: *Provided*, That for any classroom teacher who satisfies these requirements and whose years of experience plus the three additional years due to them exceeds the years of experience provided for on the salary schedule shall be paid the additional amount equivalent to three additional years of experience notwithstanding the maximum experience provided on the salary schedule.

(d) Effective July 1, 2019, each classroom teacher certified in special education and employed as a full-time special education teacher, as defined by the State Superintendent, shall be considered to have three additional years of experience only for the purposes of the salary schedule set forth in subsection (a) of this section: *Provided*, That for any classroom teacher who satisfies these requirements and whose years of experience plus the three additional years due to them exceeds the years of experience provided for on the salary schedule shall be paid the additional amount equivalent to three additional years of experience notwithstanding the maximum experience provided on the salary schedule.

(e) In accordance with §18A-4-5 of this code, each teacher shall be paid the supplement amount as applicable for his or her classification of certification or classification of training and years of experience as follows, subject to the provisions of that section:

(1) For "4th Class" at zero years of experience, \$1,781. An additional \$38 shall be paid for each year of experience up to and including 35 years of experience;

(2) For "3rd Class" at zero years of experience, \$1,796. An additional \$67 shall be paid for each year of experience up to and including 35 years of experience;

(3) For "2nd Class" at zero years of experience, \$1,877. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(4) For "A.B." at zero years of experience, \$2,360. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(5) For "A.B. + 15" at zero years of experience, \$2,452. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(6) For "M.A." at zero years of experience, \$2,644. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(7) For "M.A. + 15" at zero years of experience, \$2,740. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(8) For "M.A. + 30" at zero years of experience, \$2,836. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(9) For "M.A. + 45" at zero years of experience, \$2,836. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience; and

(10) For "Doctorate" at zero years of experience, \$2,927. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience.

These payments: (i) Shall be in addition to any amounts prescribed in the applicable State Minimum Salary Schedule, any specific additional amounts prescribed in this section and article and any county supplement in effect in a county pursuant to §18A-4-5a of this code; (ii) shall be paid in equal monthly installments; and (iii) shall be considered a part of the state minimum salaries for teachers.

§18A-4-8a. Service personnel minimum monthly salaries.

(a) Effective ~~July 1, 2023~~ July 1, 2024, the minimum monthly pay for each service employee shall be as follows:

(1) For school year ~~2023-2024~~ 2024-2025 and continuing thereafter, the minimum monthly pay for each service employee whose employment is for a period of more than three and one-half hours a day shall be at least the amounts indicated in the State Minimum Pay Scale Pay Grade Schedule set forth in this subdivision and the minimum monthly pay for each service employee whose employment is for a period of three and one-half hours or less a day shall be at least one-half

the amount indicated in the State Minimum Pay Scale Pay Grade Schedule set forth in this subdivision.

STATE MINIMUM PAY SCALE PAY GRADE SCHEDULE								
Years	PAY GRADE							
Exp.	A	B	C	D	E	F	G	H
0	2,237	2,258	2,300	2,353	2,406	2,469	2,501	2,574
1	2,269	2,291	2,332	2,385	2,439	2,502	2,533	2,607
2	2,302	2,323	2,365	2,418	2,471	2,534	2,566	2,639
3	2,334	2,356	2,398	2,451	2,504	2,567	2,599	2,672
4	2,367	2,389	2,430	2,483	2,536	2,600	2,631	2,706
5	2,400	2,421	2,463	2,516	2,569	2,632	2,664	2,738
6	2,432	2,454	2,497	2,549	2,602	2,665	2,697	2,771
7	2,466	2,486	2,529	2,581	2,634	2,698	2,729	2,804
8	2,499	2,519	2,562	2,614	2,667	2,730	2,762	2,836
9	2,531	2,552	2,595	2,648	2,700	2,763	2,794	2,869
10	2,564	2,585	2,627	2,680	2,732	2,797	2,828	2,902
11	2,597	2,618	2,660	2,713	2,765	2,829	2,861	2,934
12	2,629	2,651	2,692	2,746	2,799	2,862	2,893	2,967
13	2,662	2,683	2,725	2,778	2,831	2,894	2,926	3,000
14	2,695	2,716	2,758	2,811	2,864	2,927	2,959	3,032
15	2,727	2,749	2,790	2,843	2,896	2,960	2,991	3,065
16	2,760	2,781	2,823	2,876	2,929	2,992	3,024	3,098
17	2,792	2,814	2,857	2,909	2,962	3,025	3,057	3,131
18	2,825	2,847	2,889	2,941	2,994	3,058	3,089	3,164
19	2,859	2,879	2,922	2,974	3,027	3,090	3,122	3,196
20	2,891	2,912	2,955	3,008	3,060	3,123	3,155	3,230
21	2,924	2,944	2,987	3,040	3,092	3,156	3,187	3,264
22	2,957	2,978	3,020	3,073	3,125	3,189	3,221	3,296
23	2,989	3,011	3,053	3,106	3,159	3,223	3,255	3,330
24	3,022	3,043	3,085	3,138	3,191	3,257	3,288	3,364
25	3,055	3,076	3,118	3,171	3,225	3,289	3,322	3,396
26	3,087	3,109	3,150	3,205	3,259	3,323	3,354	3,430

27	3,120	3,141	3,183	3,237	3,291	3,355	3,388	3,463
28	3,153	3,174	3,217	3,271	3,325	3,389	3,422	3,497
29	3,185	3,208	3,250	3,303	3,358	3,423	3,454	3,531
30	3,219	3,240	3,284	3,337	3,391	3,455	3,488	3,564
31	3,252	3,274	3,318	3,371	3,425	3,489	3,522	3,597
32	3,286	3,307	3,350	3,404	3,457	3,523	3,554	3,631
33	3,320	3,340	3,384	3,438	3,491	3,555	3,588	3,664
34	3,352	3,374	3,418	3,472	3,525	3,589	3,622	3,697
35	3,386	3,408	3,450	3,504	3,557	3,623	3,655	3,731
36	3,420	3,441	3,484	3,538	3,592	3,656	3,689	3,763
37	3,452	3,475	3,518	3,572	3,626	3,690	3,722	3,797
38	3,486	3,507	3,550	3,604	3,658	3,723	3,755	3,831
39	3,520	3,541	3,584	3,638	3,692	3,756	3,789	3,863
40	3,552	3,575	3,617	3,671	3,726	3,790	3,822	3,897

STATE MINIMUM PAY SCALE PAY GRADE SCHEDULE								
<u>Years</u>	<u>PAY GRADE</u>							
<u>Exp.</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
0	2,377	2,398	2,440	2,493	2,546	2,609	2,641	2,714
1	2,409	2,431	2,472	2,525	2,579	2,642	2,673	2,747
2	2,442	2,463	2,505	2,558	2,611	2,674	2,706	2,779
3	2,474	2,496	2,538	2,591	2,644	2,707	2,739	2,812
4	2,507	2,529	2,570	2,623	2,676	2,740	2,771	2,846
5	2,540	2,561	2,603	2,656	2,709	2,772	2,804	2,878
6	2,572	2,594	2,637	2,689	2,742	2,805	2,837	2,911
7	2,606	2,626	2,669	2,721	2,774	2,838	2,869	2,944
8	2,639	2,659	2,702	2,754	2,807	2,870	2,902	2,976
9	2,671	2,692	2,735	2,788	2,840	2,903	2,934	3,009
10	2,704	2,725	2,767	2,820	2,872	2,937	2,968	3,042
11	2,737	2,758	2,800	2,853	2,905	2,969	3,001	3,074
12	2,769	2,791	2,832	2,886	2,939	3,002	3,033	3,107
13	2,802	2,823	2,865	2,918	2,971	3,034	3,066	3,140

<u>14</u>	<u>2,835</u>	<u>2,856</u>	<u>2,898</u>	<u>2,951</u>	<u>3,004</u>	<u>3,067</u>	<u>3,099</u>	<u>3,172</u>
<u>15</u>	<u>2,867</u>	<u>2,889</u>	<u>2,930</u>	<u>2,983</u>	<u>3,036</u>	<u>3,100</u>	<u>3,131</u>	<u>3,205</u>
<u>16</u>	<u>2,900</u>	<u>2,921</u>	<u>2,963</u>	<u>3,016</u>	<u>3,069</u>	<u>3,132</u>	<u>3,164</u>	<u>3,238</u>
<u>17</u>	<u>2,932</u>	<u>2,954</u>	<u>2,997</u>	<u>3,049</u>	<u>3,102</u>	<u>3,165</u>	<u>3,197</u>	<u>3,271</u>
<u>18</u>	<u>2,965</u>	<u>2,987</u>	<u>3,029</u>	<u>3,081</u>	<u>3,134</u>	<u>3,198</u>	<u>3,229</u>	<u>3,304</u>
<u>19</u>	<u>2,999</u>	<u>3,019</u>	<u>3,062</u>	<u>3,114</u>	<u>3,167</u>	<u>3,230</u>	<u>3,262</u>	<u>3,336</u>
<u>20</u>	<u>3,031</u>	<u>3,052</u>	<u>3,095</u>	<u>3,148</u>	<u>3,200</u>	<u>3,263</u>	<u>3,295</u>	<u>3,370</u>
<u>21</u>	<u>3,064</u>	<u>3,084</u>	<u>3,127</u>	<u>3,180</u>	<u>3,232</u>	<u>3,296</u>	<u>3,327</u>	<u>3,404</u>
<u>22</u>	<u>3,097</u>	<u>3,118</u>	<u>3,160</u>	<u>3,213</u>	<u>3,265</u>	<u>3,329</u>	<u>3,361</u>	<u>3,436</u>
<u>23</u>	<u>3,129</u>	<u>3,151</u>	<u>3,193</u>	<u>3,246</u>	<u>3,299</u>	<u>3,363</u>	<u>3,395</u>	<u>3,470</u>
<u>24</u>	<u>3,162</u>	<u>3,183</u>	<u>3,225</u>	<u>3,278</u>	<u>3,331</u>	<u>3,397</u>	<u>3,428</u>	<u>3,504</u>
<u>25</u>	<u>3,195</u>	<u>3,216</u>	<u>3,258</u>	<u>3,311</u>	<u>3,365</u>	<u>3,429</u>	<u>3,462</u>	<u>3,536</u>
<u>26</u>	<u>3,227</u>	<u>3,249</u>	<u>3,290</u>	<u>3,345</u>	<u>3,399</u>	<u>3,463</u>	<u>3,494</u>	<u>3,570</u>
<u>27</u>	<u>3,260</u>	<u>3,281</u>	<u>3,323</u>	<u>3,377</u>	<u>3,431</u>	<u>3,495</u>	<u>3,528</u>	<u>3,603</u>
<u>28</u>	<u>3,293</u>	<u>3,314</u>	<u>3,357</u>	<u>3,411</u>	<u>3,465</u>	<u>3,529</u>	<u>3,562</u>	<u>3,637</u>
<u>29</u>	<u>3,325</u>	<u>3,348</u>	<u>3,390</u>	<u>3,443</u>	<u>3,498</u>	<u>3,563</u>	<u>3,594</u>	<u>3,671</u>
<u>30</u>	<u>3,359</u>	<u>3,380</u>	<u>3,424</u>	<u>3,477</u>	<u>3,531</u>	<u>3,595</u>	<u>3,628</u>	<u>3,704</u>
<u>31</u>	<u>3,392</u>	<u>3,414</u>	<u>3,458</u>	<u>3,511</u>	<u>3,565</u>	<u>3,629</u>	<u>3,662</u>	<u>3,737</u>
<u>32</u>	<u>3,426</u>	<u>3,447</u>	<u>3,490</u>	<u>3,544</u>	<u>3,597</u>	<u>3,663</u>	<u>3,694</u>	<u>3,771</u>
<u>33</u>	<u>3,460</u>	<u>3,480</u>	<u>3,524</u>	<u>3,578</u>	<u>3,631</u>	<u>3,695</u>	<u>3,728</u>	<u>3,804</u>
<u>34</u>	<u>3,492</u>	<u>3,514</u>	<u>3,558</u>	<u>3,612</u>	<u>3,665</u>	<u>3,729</u>	<u>3,762</u>	<u>3,837</u>
<u>35</u>	<u>3,526</u>	<u>3,548</u>	<u>3,590</u>	<u>3,644</u>	<u>3,697</u>	<u>3,763</u>	<u>3,795</u>	<u>3,871</u>
<u>36</u>	<u>3,560</u>	<u>3,581</u>	<u>3,624</u>	<u>3,678</u>	<u>3,732</u>	<u>3,796</u>	<u>3,829</u>	<u>3,903</u>
<u>37</u>	<u>3,592</u>	<u>3,615</u>	<u>3,658</u>	<u>3,712</u>	<u>3,766</u>	<u>3,830</u>	<u>3,862</u>	<u>3,937</u>
<u>38</u>	<u>3,626</u>	<u>3,647</u>	<u>3,690</u>	<u>3,744</u>	<u>3,798</u>	<u>3,863</u>	<u>3,895</u>	<u>3,971</u>
<u>39</u>	<u>3,660</u>	<u>3,681</u>	<u>3,724</u>	<u>3,778</u>	<u>3,832</u>	<u>3,896</u>	<u>3,929</u>	<u>4,003</u>
<u>40</u>	<u>3,692</u>	<u>3,715</u>	<u>3,757</u>	<u>3,811</u>	<u>3,866</u>	<u>3,930</u>	<u>3,962</u>	<u>4,037</u>

(2) Each service employee shall receive the amount prescribed in the State Minimum Pay Scale Pay Grade in accordance with the provisions of this subsection according to their class title and pay grade as set forth in this subdivision:

CLASS TITLE	PAY GRADE
Accountant I	D
Accountant II	E
Accountant III	F
Accounts Payable Supervisor	G
Aide I	A
Aide II	B
Aide III	C
Aide IV	D
Aide V - Temporary Authorization	E
Aide V	F
Aide VI - Temporary Authorization	E
Aide VI	F
Audiovisual Technician	C
Auditor	G
Autism Mentor	F
Braille Specialist	E
Bus Operator	D
Buyer	F
Cabinetmaker	G
Cafeteria Manager	D
Carpenter I	E
Carpenter II	F
Chief Mechanic	G
Clerk I	B
Clerk II	C
Computer Operator	E
Cook I	A
Cook II	B
Cook III	C
Crew Leader	F
Custodian I	A
Custodian II	B
Custodian III	C
Custodian IV	D
Director or Coordinator of Services	H
Draftsman	D
Early Childhood Classroom Assistant Teacher I	E

Early Childhood Classroom Assistant Teacher II	E
Early Childhood Classroom Assistant Teacher III	F
Educational Sign Language Interpreter I	F
Educational Sign Language Interpreter II	G
Electrician I	F
Electrician II	G
Electronic Technician I	F
Electronic Technician II	G
Executive Secretary	G
Food Services Supervisor	G
Foreman	G
General Maintenance	C
Glazier	D
Graphic Artist	D
Groundsman	B
Handyman	B
Heating and Air Conditioning Mechanic I	E
Heating and Air Conditioning Mechanic II	G
Heavy Equipment Operator	E
Inventory Supervisor	D
Key Punch Operator	B
Licensed Practical Nurse	F
Locksmith	G
Lubrication Man	C
Machinist	F
Mail Clerk	D
Maintenance Clerk	C
Mason	G
Mechanic	F
Mechanic Assistant	E
Office Equipment Repairman I	F
Office Equipment Repairman II	G
Painter	E
Paraprofessional	F
Payroll Supervisor	G
Plumber I	E
Plumber II	G
Printing Operator	B

Printing Supervisor	D
Programmer	H
Roofing/Sheet Metal Mechanic	F
Sanitation Plant Operator	G
School Bus Supervisor	E
Secretary I	D
Secretary II	E
Secretary III	F
Sign Support Specialist	E
Supervisor of Maintenance	H
Supervisor of Transportation	H
Switchboard Operator-Receptionist	D
Truck Driver	D
Warehouse Clerk	C
Watchman	B
Welder	F
WVEIS Data Entry and Administrative Clerk	B

(b) An additional \$12 per month is added to the minimum monthly pay of each service person who holds a high school diploma or its equivalent.

(c) An additional \$11 per month also is added to the minimum monthly pay of each service person for each of the following:

(1) A service person who holds 12 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(2) A service person who holds 24 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(3) A service person who holds 36 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(4) A service person who holds 48 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(5) A service employee who holds 60 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(6) A service person who holds 72 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(7) A service person who holds 84 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(8) A service person who holds 96 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(9) A service person who holds 108 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(10) A service person who holds 120 college hours or comparable credit obtained in a trade or vocational school as approved by the state board.

(d) An additional \$40 per month also is added to the minimum monthly pay of each service person for each of the following:

(1) A service person who holds an associate's degree;

(2) A service person who holds a bachelor's degree;

(3) A service person who holds a master's degree;

(4) A service person who holds a doctorate degree.

(e) An additional \$11 per month is added to the minimum monthly pay of each service person for each of the following:

(1) A service person who holds a bachelor's degree plus 15 college hours;

(2) A service person who holds a master's degree plus 15 college hours;

(3) A service person who holds a master's degree plus 30 college hours;

(4) A service person who holds a master's degree plus 45 college hours; and

(5) A service person who holds a master's degree plus 60 college hours.

(f) Each service person is paid a supplement, as set forth in §18A-4-5 of this code, of \$164 per month, subject to the provisions of that section. These payments: (i) Are in addition to any amounts prescribed in the applicable State Minimum Pay Scale Pay Grade, any specific additional amounts prescribed in this section and article and any county supplement in effect in a county pursuant to §18A-4-5b of this code; (ii) are paid in equal monthly installments; and (iii) are considered a part of the state minimum salaries for service personnel.

(g) When any part of a school service person's daily shift of work is performed between the hours of 6:00 p. m. and 5:00 a. m. the following day, the employee is paid no less than an additional \$10 per month and one half of the pay is paid with local funds.

(h) Any service person required to work on any legal school holiday is paid at a rate one and one-half times the person's usual hourly rate.

(i) Any full-time service personnel required to work in excess of their normal working day during any week which contains a school holiday for which they are paid is paid for the additional hours or fraction of the additional hours at a rate of one and one-half times their usual hourly rate

and paid entirely from county board funds.

(j) A service person may not have his or her daily work schedule changed during the school year without the employee's written consent and the person's required daily work hours may not be changed to prevent the payment of time and one-half wages or the employment of another employee.

(k) The minimum hourly rate of pay for extra duty assignments as defined in §18A-4-8b of this code is no less than one seventh of the person's daily total salary for each hour the person is involved in performing the assignment and paid entirely from local funds: *Provided*, That an alternative minimum hourly rate of pay for performing extra duty assignments within a particular category of employment may be used if the alternate hourly rate of pay is approved both by the county board and by the affirmative vote of a two-thirds majority of the regular full-time persons within that classification category of employment within that county: *Provided, however*, That the vote is by secret ballot if requested by a service person within that classification category within that county. The salary for any fraction of an hour the employee is involved in performing the assignment is prorated accordingly. When performing extra duty assignments, persons who are regularly employed on a one-half day salary basis shall receive the same hourly extra duty assignment pay computed as though the person were employed on a full-day salary basis.

(l) The minimum pay for any service personnel engaged in the removal of asbestos material or related duties required for asbestos removal is their regular total daily rate of pay and no less than an additional \$3 per hour or no less than \$5 per hour for service personnel supervising asbestos removal responsibilities for each hour these employees are involved in asbestos-related duties. Related duties required for asbestos removal include, but are not limited to, travel, preparation of the work site, removal of asbestos, decontamination of the work site, placing and removal of equipment and removal of structures from the site. If any member of an asbestos crew is engaged in asbestos-related duties outside of the employee's regular employment county, the daily rate of pay is no less than the minimum amount as established in the employee's regular employment county for asbestos removal and an additional \$30 per each day the employee is engaged in asbestos removal and related duties. The additional pay for asbestos removal and related duties shall be payable entirely from county funds. Before service personnel may be used in the removal of asbestos material or related duties, they shall have completed a federal Environmental Protection Act-approved training program and be licensed. The employer shall provide all necessary protective equipment and maintain all records required by the Environmental Protection Act.

(m) For the purpose of qualifying for additional pay as provided in §18A-5-8 of this code, an aide is considered to be exercising the authority of a supervisory aide and control over pupils if the aide is required to supervise, control, direct, monitor, escort, or render service to a child or children when not under the direct supervision of a certified professional person within the classroom, library, hallway, lunchroom, gymnasium, school building, school grounds, or wherever supervision is required. For purposes of this section, "under the direct supervision of a certified professional person" means that certified professional person is present, with and accompanying the aide.

House Bill 4945: Relating generally to Hope Scholarship Program.

Effective: Passed March 9, 2024; Effective 90 days from passage

Code Reference: W. Va. Code § 18-8-12 (AMENDED)
§ 18-9A-25 (AMENDED)
§ 18-31-2 (AMENDED)
§ 18-31-2a (NEW)
§ 18-31-3 (AMENDED)
§ 18-31-4 (AMENDED)
§ 18-31-5 (AMENDED)
§ 18-31-6 (AMENDED)
§ 18-31-7 (AMENDED)
§ 18-31-8 (AMENDED)
§ 18-31-10 (AMENDED)
§ 18-31-11 (AMENDED)
§ 18-31-14 (NEW)

WVDE Contact: Office of Student Enrichment
Office of School Finance

Summary: This Act makes several modifications to the Hope Scholarship Program. Specifically, the Act:

- 1) Provides that funding under the Public School Support Plan (PSSP) be based on an estimated number of applications required to be certified by the Hope Scholarship Board and provided to the WVDE by December 10th annually;
- 2) Amends the definition of “Curriculum” and “Individualized Instructional Program”;
- 3) Includes a new section establishing educational privileges and programs for Hope Scholarship participants including exemption from compulsory school attendance requirements and entitlement to the same privileges and access as other students exempt from compulsory school attendance such as PROMISE, ACE, work permits, etc.;
- 4) Modifies the membership and powers of the Hope Scholarship Board including authorizing the Board to take matters relating to student participation in public charter schools to the WV Professional Charter School Board and requesting information from the WVDE and the various county boards of education necessary to facilitate the Hope Scholarship Board completing its responsibilities;
- 5) Requires parents to notify the Hope Scholarship Board

immediately if the participating student reenrolls in a public school, graduates, or completes a secondary school program;

6) Exempts all records of the Hope Scholarship Board that contains personally identifying information of a student, applicant or parent from disclosure under the Freedom of Information Act (FOIA);

7) Authorizes public charter schools to invoice Hope Scholarship students for services rendered by the schools;

8) Provides that students do not have to reapply if they are continuing in the program from school year to school year;

9) Requires the Hope Scholarship Board verify with WVDE annually that the Hope Scholarship student has taken standardized achievement tests in reading, language, and mathematics, and also science and social studies when appropriate according to the student's grade level;

10) Establishes a list of requirements parents must meet to ensure their child's continued participation in the Hope Scholarship Program;

11) Modifies auditing requirements;

12) Requires background checks for education service providers that includes certifying that the background check did not reveal a felony conviction involving violence to a person or that they are not on a federal or state sex offender registry;

13) Prohibits education service providers (ESPs) from requiring a Hope Scholarship student to paying tuition, costs, or fees above, or in addition to, the provider's regular tuition or fee schedule; and,

14) Requires the Hope Scholarship Board to submit an annual report to LOCEA beginning on or before December 31, 2026.

Enrolled Bill:

ENROLLED House Bill 4945

BY DELEGATES ESPINOSA, HORNBY, CHIARELLI, HOUSEHOLDER, MAZZOCCHI, W. CLARK, HITE, SMITH, HARDY, STATLER, AND ELLINGTON

AN ACT to amend and reenact §18-8-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-9A-25 of said code; to amend and reenact §18-31-2, §18-31-3, §18-31-4, §18-31-5, §18-31-6, §18-31-7, §18-31-8, §18-31-10, and §18-31-11 of said code; and to amend said code by adding thereto two new sections, designated §18-31-2a and §18-31-14, all relating generally to the Hope Scholarship Program; providing that microschoools, learning pods, and individualized instructional programs have the authority to issue

secondary school diplomas; providing that the annual Hope Scholarship Program appropriation calculation will be based on the estimated number of participating students instead of the number of participating students in the prior year; defining terms; providing that Hope Scholarship students have certain educational privileges made available to other nonpublic school students; permitting the State Treasurer to appear by designee at Hope Scholarship Board meetings; modifying qualifications for certain Board members for future appointments; clarifying that the Hope Scholarship Board may take issues involving Hope Scholarship students in charter schools to the West Virginia Professional Charter School Board; authorizing the Hope Scholarship Board to request certain information from county superintendents and county boards of education; clarifying that Hope Scholarship funds may only be utilized for expenses incurred in a kindergarten through secondary school education; requiring a year-round application and awards process; requiring parental agreement to include provisions requiring parents to notify the board if a student reenrolls in public school or graduates from a secondary school program; clarifying that all records and personally identifying information of a Hope Scholarship student, applicant, or parent is confidential and not subject to disclosure pursuant to the West Virginia Freedom of Information Act; clarifying that a kindergarten-level applicant's Hope Scholarship participation does not commence if the student does not begin kindergarten-level education that school year; clarifying that a public charter school may invoice a Hope Scholarship student for educational services; modifying qualifying expenses for Hope Scholarship accounts; authorizing the Board to adopt rules and procedures regarding Hope Scholarship student receipt of services from a public school or school district; requiring the Board to promulgate legislative rules permitting certain providers to compensate employees who are parents of Hope Scholarship students; authorizing the Board to adopt certain reimbursement procedures; clarifying annual renewal process for Hope Scholarship parents and students; modifying annual academic assessment requirements for certain grade levels; authorizing the Board to propose legislative rules related to audit of education service providers; requiring education service providers conducting background screenings of employees and other persons in contact with students to certify screening results to the board; clarifying that providers may not assess increased or additional fees against Hope Scholarship students based on participation in the program; and adding reporting requirements.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.

§18-8-12. Issuance of a diploma or other appropriate credential by public, private, home school, microschool, or learning pod administrator.

A person who administers a program of secondary education at a public ~~school, private school, or home school,~~ microschool, learning pod, or individualized instructional program pursuant to the Hope Scholarship Act that meets the requirements of this chapter may issue a diploma or other appropriate credential to a person who has completed the program of secondary education. Such diploma or credential is legally sufficient to demonstrate that the person meets the definition of having a high school diploma or its equivalent. No state agency or institution of higher learning in this state may reject or otherwise treat a person differently solely on the grounds of the source of such a diploma or credential. Nothing in this section prevents an institution, once a student has been fully admitted, from administering placement tests or other assessments to determine the appropriate placement of students into college-level course sequences or to assess the content thereof for the purposes of determining whether a person meets other requirements for a specific program.

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-25. Funding for Hope Scholarship Program.

(a) Notwithstanding any other provision of this article to the contrary, for fiscal year 2023 and each fiscal year thereafter, in addition to all other amounts required by this article, the Department of Education shall include in its budget request, and the Governor shall include in each budget bill submitted to the Legislature, an appropriation to the Department of Education for the greater of an amount not less than two percent of net public school enrollment adjusted for state aid purposes or the total number of ~~eligible Hope Scholarship applications received by the Hope Scholarship Board, if available~~ estimated Hope Scholarship applications for the fiscal year, multiplied by the prior year's statewide average net state aid allotted per pupil. The Hope Scholarship Board shall certify the estimated number of Hope Scholarship applications for the fiscal year to the Department of Education by December 10 of each year. The amount appropriated shall be transferred by the Department of Education to the Hope Scholarship Board to be used solely to meet the Hope Scholarship Program obligations set forth in §18-31-1 *et seq.* of this code except as otherwise provided in this section. The Governor shall also provide in each budget for the reappropriation for expenditure during the ensuing fiscal year the unused accumulated balance in the Hope Scholarship Fund, ~~to the Department of Education that was not transferred to the Hope Scholarship Board due to an accumulated balance from prior years as provided under subsection~~

~~(b) of this section.~~

~~(b) Each fiscal year, the amount required to be requested and included in the budget bill for appropriation under subsection (a) of this section shall be reduced by the sum of:~~

~~(1) Any unused accumulated amounts transferred to the Hope Scholarship Board for these purposes from previous years. and~~

~~(2) Any unused appropriations made to the Department of Education for these purposes that were not transferred to the Hope Scholarship Board due to an accumulated balance from prior years.~~

(b) Each fiscal year, the amount required to be requested and included in the budget bill for appropriation under subsection (a) of this section shall be reduced by an amount equal to the unused accumulated amounts transferred to the Hope Scholarship Board for these purposes from previous years.

ARTICLE 31. HOPE SCHOLARSHIP PROGRAM.

§18-31-2. Definitions.

The following words have the meanings ascribed to them unless the context clearly indicates a different meaning:

(1) "Account" or "scholarship" means a Hope Scholarship account, awarded pursuant to this article, to which funds are allocated by the board to the parent or parents of an eligible Hope Scholarship student in order to pay qualifying elementary and secondary education expenses to educate the student pursuant to the requirements and conditions of this article;

(2) "Board" means the Hope Scholarship Board created pursuant to §18-31-3 of this code;

(3) "Curriculum" means a complete course of study for a particular elementary or secondary education content area or grade level including, but not limited to, textbooks; workbooks; student and teacher curriculum kits; activity, learning, or study guides; or any supplemental materials required by the curriculum;

(4) "Education service provider" means a person or organization that receives payments from Hope Scholarship accounts to provide educational goods and services to Hope Scholarship students;

(5) "Eligible recipient" means a child who:

(A) Is a resident of this state; and

(B) Is enrolled full-time and attending a public elementary or secondary school program in this state for at least 45 calendar days during an instructional term at the time of application and until an award letter is issued by the board under §18-31-5(c) of this code, or enrolled full-time in a

public elementary or secondary school program in this state for the entire instructional term the previous year, or is eligible at the time of application to enroll in a kindergarten program in this state pursuant to §18-8-1a of this code, except that if on July 1, 2024, the participation rate of the combined number of students in the Hope Scholarship Program and students eligible who have applied to participate in the Hope Scholarship program during the previous school year is less than five percent of net public school enrollment adjusted for state aid purposes for the previous school year, then, effective July 1, 2026, a child is considered to meet the requirements of this paragraph if he or she is enrolled, eligible to be enrolled, or required to be enrolled in a kindergarten program or public elementary or secondary school program in this state at the time of application;

(6) "Hope scholarship funds" means the moneys deposited in a Hope Scholarship student's account in accordance with the requirements of this article:

(7) "Hope scholarship student" means a student who receives a scholarship pursuant to this article;

(8) "Individualized Instructional Program (IIP)" means a customized educational experience that takes place either at home or another location. Hope Scholarship students participating in an IIP are not enrolled in a participating school and shall be governed by the requirements of this article, unless otherwise stated, and not any other compulsory school attendance exemption requirements;

~~(8)~~ (9) "Parent" means a biological parent, legal guardian, custodian, or other person with legal authority to act on behalf of an eligible recipient or Hope Scholarship student;

~~(9)~~ (10) "Participating school" means any private school that provides education to elementary and/or secondary students and has notified the board of its intention to participate in the program and comply with the program's requirements;

~~(10)~~ (11) "Resident school district" means the county school district in which the student resides; and

~~(11)~~ (12) "Treasurer" means the West Virginia State Treasurer.

§18-31-2a. Educational privileges and programs available to Hope Scholarship students.

(a) Notwithstanding any provision of this code to the contrary, a Hope Scholarship student that pursues an individualized instructional program is exempt from the requirements of compulsory school attendance pursuant to §18-8-1(m) of this code and shall be subject to the requirements of this article unless otherwise stated: *Provided, That* a Hope Scholarship student that pursues an individualized instructional program shall have the same privileges and access to programs that this code makes available to students exempt from compulsory school attendance

pursuant to §18-8-1(c) of this code including, but not limited to:

(1) The ability to receive a diploma from the student's secondary educational program administrator according to the requirements of §18-8-12 of this code;

(2) The ability to receive the PROMISE scholarship according to the requirements of §18C-7-1 et seq. of this code;

(3) The ability to receive a work permit without prior review by a school administrator pursuant to §21-6-3 of this code; and

(4) The ability to participate in an ACE program according to the requirements in §18-2E-11 of this code.

(b) Notwithstanding any provision of this code to the contrary, a Hope Scholarship student that attends a participating school shall have the same privileges and access to programs available to students exempt from compulsory school attendance pursuant to §18-8-1 of this code by virtue of attendance of a nonpublic school including, but not limited to:

(1) The ability to receive a diploma from the student's school administrator according to the requirements of §18-8-12 of this code;

(2) The ability to receive the PROMISE scholarship according to the requirements of §18C-7-1 et seq. of this code; and

(3) The ability to participate in an ACE program according to the requirements in §18-2E-11 of this code.

(c) Nothing in this section may be construed as subjecting homeschool students or nonpublic school students not participating in the Hope Scholarship Program to the requirements of this article.

§18-31-3. West Virginia Hope Scholarship Board; members; terms; compensation; proceedings generally.

(a) The West Virginia Hope Scholarship Program shall be administered by the West Virginia Hope Scholarship Board.

(b) The board shall consist of nine members and include the following:

(1) The State Treasurer, or his or her designee;

(2) The State Auditor, or his or her designee;

(3) The State Attorney General, or his or her designee;

(4) The State Superintendent of Schools, or his or her designee;

(5) The Chancellor of Higher Education, or his or her designee;

(6) The Director of the Herbert Henderson Office of Minority Affairs, or his or her designee;

and

(7) Three members appointed by the Governor with the advice and consent of the Senate who are parents of Hope Scholarship students, or for the initial appointments of board members following the effective date of this article, parents who intend to apply for the Hope Scholarship on behalf of eligible recipients, to be appointed as follows:

(A) Only state residents are eligible for appointment to the board;

(B) The parent members shall reside in geographically diverse areas of the state;

~~(C) Members shall be initially appointed to staggered terms as follows:~~

~~(i) One member appointed by the Governor to a one-year term;~~

~~(ii) One member appointed by the Governor to a two-year term; and~~

~~(iii) One member each appointed by the Governor to a three-year term.~~

(C) For appointments made after July 1, 2024, the parent members shall represent parents of students engaged in a diverse range of educational options, such as microschools or other individualized instruction;

The Governor shall make appointments necessary to satisfy the requirements of subdivision (7) of this section to staggered terms as determined by the Governor. After the initial staggering of terms, appointed parent board members shall serve for three-year terms and are eligible for reappointment at the expiration of their terms; and

(D) If there is a vacancy among appointed members, the vacancy shall be filled by appointment to the unexpired term of a person meeting the requirements of this section by the Governor with the advice and consent of the Senate. Members of the board shall serve until the later of the expiration of the term for which the member was appointed or the appointment of his or her successor.

(c) Members of the board shall serve without compensation. The board may reimburse members for all reasonable and necessary expenses, including travel expenses, actually incurred by board members in the conduct of their official duties. Any expense reimbursements shall be made from the West Virginia Hope Scholarship Program Expense Fund at the same rate paid to state employees.

(d) The Treasurer is the chairman and presiding officer of the board. The Treasurer may provide office space and staff to the board upon request of the board.

(e) The State Superintendent of Schools may provide staff to the board, upon request of the board.

(f) A majority of the members of the board constitutes a quorum for the transaction of the

business of the board.

(g) Members of the board are subject to the ethical standards and financial disclosure requirements of the West Virginia Governmental Ethics Act in §6B-1-1 *et seq.* of this code.

§18-31-4. Powers of the board.

The board is authorized to take any action necessary to effectuate the provisions of this article and to successfully administer the Hope Scholarship Program, subject to applicable state and federal law including, but not limited to, the following:

(1) Adopt and amend bylaws;

(2) Execute contracts and other instruments for necessary goods and services, employ necessary personnel and engage the services of private consultants, actuaries, auditors, counsel, managers, trustees, and any other contractor or professional needed for rendering professional and technical assistance and advice: *Provided*, That election of these services is not subject to the provisions of §5A-3-1 *et seq.* of this code;

(3) Implement the program through the use of financial organizations as account depositories and managers;

(4) Develop and impose requirements, policies, procedures, and guidelines to implement and manage the program;

(5) Determine whether an expenditure of Hope Scholarship funds is or was a qualifying expense to educate a Hope Scholarship student pursuant to §18-31-7 of this code. The board may approve or deny expenditures by a majority vote;

(6) Review any appeals made pursuant to §18-31-10(b) and §18-31-10(d) of this code;

(7) Establish the method by which moneys in the Hope Scholarship Expense Fund shall be allocated to pay for administrative costs and assess, collect and expend administrative fees, charges, and penalties;

(8) Authorize the assessment, collection, and retention of fees and charges against the amounts paid into and the earnings on the Hope Scholarship funds by a financial institution, investment manager, fund manager, West Virginia Investment Management Board, West Virginia Board of Treasury Investments, or other professional managing or investing the Hope Scholarship funds and accounts;

(9) Invest and reinvest any of the funds and accounts under the board's control with a financial institution, an investment manager, a fund manager, the West Virginia Investment Management Board, West Virginia Board of Treasury Investments, or other professionals investing the funds and accounts: *Provided*, That investments made under this article shall be made in

accordance with the provisions of §44-6C-1 *et seq.* of this code; ~~and~~

(10) Solicit and accept gifts, including bequests and other testamentary gifts made by will, trust, or other disposition; grants; loans; aid; and property, real or personal of any nature and from any source, or to participate in any other way in any federal, state, or local governmental programs in carrying out the purposes of this article: *Provided*, That the board shall use the property received to effectuate the desires of the donor, and shall convert the property received into cash within 180 days of receipt;

(11) Take any issues relating to Hope Scholarship student participation in established public charter schools to the West Virginia Professional Charter School Board; and

(12) Request such information from the Department of Education and the county boards as is necessary for the completion of the board's responsibilities pursuant to this article.

§18-31-5. Award of Hope Scholarships.

(a) The Hope Scholarship Program is established to provide the option for a parent to better meet the individual elementary and secondary education needs of his or her eligible child. The program shall be operational no later than July 1, 2022.

(b) The board shall create a standard application form that a parent can submit to establish his or her student's eligibility for the award of Hope Scholarship funds, to be placed in a personal education savings account to be used for qualifying education expenses on behalf of the eligible recipient as provided for in §18-31-7 of this code. Information about scholarship funds and the application process shall be made available on the board's website.

(c) The board shall ~~make such applications available no later than March 1, 2022 and shall begin accepting applications immediately thereafter~~ process, accept, and make available Hope Scholarship applications and awards at any time during the calendar year. The board may update the application as needed. The board shall issue an award letter to eligible recipients within 45 days of receipt of a completed application and all required documentation.

(d) The board shall approve an application for a Hope Scholarship if all of the following circumstances are met:

(1) A parent submits an application for a Hope Scholarship in accordance with the legislative rules promulgated by the board;

(2) A student on whose behalf the parent is applying is an eligible recipient, as provided ~~for~~ in §18-31-2(5) of this code;

(3) The parent signs an agreement with the board, promising to do all of the following:

(A) To provide an education for the eligible recipient in at least the subjects of reading,

language, mathematics, science, and social studies;

(B) To use the Hope Scholarship funds exclusively for qualifying expenses incurred in providing the student an elementary or secondary education as provided for in §18-31-7 of this code;

(C) To comply with the rules and requirements of the Hope Scholarship Program; ~~and~~

(D) To afford the Hope Scholarship student opportunities for educational enrichment such as organized athletics, art, music, or literature; and

(E) To notify the Hope Scholarship Board immediately and cease use of Hope Scholarship funds upon the student's reenrollment in a public school or when the student graduates from or otherwise successfully completes a secondary school program;

(4) The board confirms with the West Virginia Department of Education that the student satisfies §18-31-2(5) of this code: *Provided*, That if the department does not reply within 30 days, this criteria is considered satisfied.

(e) ~~An application for a Hope Scholarship is~~ All records accepted or maintained by the board containing personally identifying information of a Hope Scholarship student, applicant, or parent are confidential and not a public record subject to release pursuant to the West Virginia Freedom of Information Act, as codified in §29B-1-1 *et seq.* of this code.

§18-31-6. Funding of Hope Scholarships; program and expense funds.

(a) There is hereby created in the State Treasury a special revenue fund designated and known as the West Virginia Hope Scholarship Program Fund. The fund shall be administered by the Treasurer and shall consist of funds transferred by the Department of Education in accordance with §18-9A-25 of this code. All interest and other returns derived from the deposit and investment of moneys in the Hope Scholarship Fund shall be credited to the fund. Any balance, including accrued interest and other returns, remaining in the fund at the end of each fiscal year shall not revert to the General Revenue Fund but shall remain in the fund and be expended as provided by this section.

(b) The amount of Hope Scholarship funds made available to an eligible recipient on a yearly basis shall be equal to 100 percent of the prior year's statewide average net state aid share allotted per pupil based on net enrollment adjusted for state aid purposes, subject to the provisions of subsection (c) of this section: *Provided*, That the amount of the funding to an eligible recipient who is awarded a Hope Scholarship account for less than a full fiscal year shall be prorated based on the portion of the fiscal year the eligible recipient is awarded the Hope Scholarship account. On or prior to the submission of the Department of Education's budget request each year, the board shall notify the Department of Education of ~~the total number of eligible Hope Scholarship~~

~~applications received by the board~~ the estimated number of Hope Scholarship applications for the fiscal year for purposes of facilitating the necessary transfer of moneys pursuant to §18-9A-25 of this code.

(c) Expenditures from the Hope Scholarship Fund shall be limited to the purposes set forth in this article: *Provided*, That an amount not to exceed five percent of the fund shall be transferred annually to the West Virginia Hope Scholarship Program Expense Fund established in subsection (h) of this section to cover the annual administrative costs of the Hope Scholarship Program. If the number of Hope Scholarship accounts increases significantly after any fiscal year, the Treasurer may request an appropriation by the Legislature to the West Virginia Hope Scholarship Program Expense Fund in an amount equal to the administrative costs associated with the increase in Hope Scholarship accounts.

(d) The first deposit of Hope Scholarship funds into an eligible recipient account shall be subject to the execution of the parental agreement required by §18-31-5 of this code. Upon execution of the required parental agreement, and subject to the provisions of §18-31-9(e) of this code, one half of the total annually required deposit shall be made no later than August 15 of every year into an eligible recipient's Hope Scholarship account, and one half of the total annually required deposit shall be made no later than January 15 of every year. Any funds remaining in a Hope Scholarship account at the end of the fiscal year may be carried over to the next fiscal year upon successful renewal of the account.

(e) Funds deposited in a student's Hope Scholarship account, other than those funds expended on transportation services pursuant to §18-31-7(11) of this code, do not constitute taxable income to the parent or the Hope Scholarship student.

(f) The board shall continue to make deposits into an eligible recipient's Hope Scholarship account in accordance with the provisions of this section unless any of the following conditions have occurred:

(1) A parent of an eligible recipient fails to renew a Hope Scholarship account or withdraws from the Hope Scholarship Program;

(2) The board determines that a student is no longer eligible for a Hope Scholarship;

(3) The board suspends or revokes participation in the Hope Scholarship Program for failure to comply with the requirements of this article;

(4) The Hope Scholarship student successfully completes a secondary education program or does not commence kindergarten-level education in the year that eligibility is based on the student's kindergartener status; or

(5) The Hope Scholarship student reaches 21 years of age.

(g) If any of the conditions in subsection (f) of this section occur, the board shall notify the parent that the eligible recipient's account will be closed in 45 calendar days. If a parent fails to adequately address the condition or conditions upon which closure is based or does not respond within 30 calendar days of receipt of notice, the board shall close the account and any remaining moneys shall be returned to the state.

(h)(1) There is hereby created in the State Treasury a special revenue fund designated and known as the West Virginia Hope Scholarship Program Expense Fund. The account shall consist of moneys received pursuant to this section; moneys, if any, transferred from special revenue funds administered by the Treasurer; or any governmental or private grants and any state general fund appropriations, if any, for the Hope Scholarship Program. All interest and other returns derived from the deposit and investment of moneys in the Hope Scholarship Program Expense Fund shall be credited to the fund. Any balance, including accrued interest and other returns, remaining in the fund at the end of each fiscal year shall not revert to the General Revenue Fund but shall remain in the fund and be expended as provided by this section.

(2) All expenses incurred by the Treasurer or the board in developing and administering the Hope Scholarship Program shall be payable from the West Virginia Hope Scholarship Expense Fund.

§18-31-7. Qualifying expenses for Hope Scholarship accounts.

(a) Parents of a Hope Scholarship student shall agree to use the funds deposited in their student's Hope Scholarship account only for the following qualifying expenses to educate the student:

(1) Ongoing services provided by a public school district pursuant to §18-31-8(f) of this code, including without limitation, individual classes and extracurricular activities and programs: Provided, That notwithstanding the provisions of §18-5G-3 of this code, a public charter school may invoice a Hope Scholarship student's account for said services;

(2) Tuition and fees at a participating school;

(3) Tutoring services provided by an individual or a tutoring facility: *Provided*, That such tutoring services are not provided by a member of the Hope Scholarship student's immediate family;

(4) Fees for nationally standardized assessments, advanced placement examinations, any examinations related to college or university admission, and tuition and/or fees for preparatory courses for the aforementioned exams;

(5) Tuition and fees for programs of study or the curriculum of courses that lead to an industry-recognized credential that satisfies a workforce need;

(6) Tuition and fees for nonpublic online learning programs including, but not limited to, online curriculum courses and tutorial programs;

(7) Tuition and fees for alternative education programs;

(8) Fees for after-school or summer education programs;

(9) Educational services and therapies including, but not limited to, occupational, behavioral, physical, speech-language, and audiology therapies;

(10) Curriculum as defined in §18-31-2 of this code;

(11) Instruments or equipment required as part of a music education course or curriculum;

~~(11)~~ (12) Fees for transportation paid to a fee-for-service transportation provider for the student to travel to and from an education service provider; and

~~(12)~~ (13) Any other qualified qualifying expenses as approved by the board established pursuant to §18-31-3 of this code: *Provided, That the board may adopt rules and procedures for Hope Scholarship students who want to continue to receive services provided by a public school or district.*

(b) Hope Scholarship funds may only be used for educational purposes in accordance with subsection (a) of this section. Nothing in this section requires that a Hope Scholarship student be enrolled, full- or part-time, in either a private school or nonpublic online school.

(c) Hope Scholarship funds may not be refunded, rebated, or shared with a parent or student in any manner: *Provided, That the Hope Scholarship Board shall promulgate legislative rules to ensure that an education service provider with 15 or more students can provide compensation to employees of the provider in the provider's regular course of business, notwithstanding the fact that an employee's child receives services from the education service provider.*

(d) The board may adopt procedures for establishing a reimbursement process for any qualifying expenses not available for purchase by a Hope Scholarship parent through the existing online Hope Scholarship Program portal. Any refund or rebate for goods or services purchased with Hope Scholarship funds shall be credited directly to a student's Hope Scholarship account.

(e) Nothing in this section prohibits the parents of a Hope Scholarship student from making payments for the costs of educational goods and services not covered by the funds in their student's Hope Scholarship account. However, personal deposits into a Hope Scholarship account are not permitted.

§18-31-8. Renewal Annual continuation of Hope Scholarship accounts; participation in public school system.

(a) A parent must renew an eligible recipient's Hope Scholarship on an annual basis. Notwithstanding any changes in eligibility, effective January 1, 2025, a Hope Scholarship student who has previously qualified for a Hope Scholarship account remains eligible to apply for renewal may continue participation in the program from school year to school year without reapplying for the program until one of the conditions set forth in §18-31-6(f) occurs: *Provided*, That the board shall verify with the Department of Education the following information by July 1 of every year:

(1) A list of all active Hope Scholarship accounts;

(2) The resident school district of each Hope Scholarship student;

(3) For a Hope Scholarship student who chooses to attend a participating school, annual confirmation of his or her continued attendance at a nonpublic school that complies with all requirements that other nonpublic school students must comply with; and

(4) For a Hope Scholarship student who chooses an individualized instructional program:

(A) (i) He or she has annually taken a nationally normed standardized achievement test of academic achievement in the subject areas of reading, language, and mathematics, and when available for the student's grade-level, science and social studies;

(ii) The mean of the child's overall test results in the subject areas of reading, language, mathematics, science, and social studies tested for any single year is within or above the fourth stanine or, if below the fourth stanine, show improvement from the previous year's results; and

(iii) The mean of the child's overall test results are reported to the county superintendent;

or

(B) (i) A certified teacher conducts a review of the student's academic work annually;

(ii) The certified teacher determines that the student is making academic progress commensurate with his or her age and ability; and

(iii) The certified teacher's determination is reported to the county superintendent.

(b) As a condition of continued participation in the Hope Scholarship Program from one school year to the next, a parent must annually meet the following requirements, according to the deadlines and procedures established by the Board:

(1) The parent must submit proof of the student's continued West Virginia residency;

(2) The parent must execute the parent agreement with the Board described in §18-31-5(d)(3) of this code ahead of each school year; and

(3) The parent must report to the county superintendent of the student's county of residence that the student has complied with all attendance and academic requirements in accordance with subsection (a) of this section for the most recent school year.

(b) ~~(c)~~ Each county superintendent shall submit the test results and determinations reported to him or her pursuant to subsection (a) of this section to the board and the Department of Education each year on or before June 15.

(c) ~~(d)~~ If a parent fails to renew an eligible recipient's Hope Scholarship meet the annual conditions for continued participation in the Hope Scholarship Program described in subsection (b) of this section, the board shall notify the parent that the eligible recipient's account will be closed in 45 calendar days. If a parent chooses not to renew or declines continued participation in the program or does not respond within 30 calendar days of receipt of notice, the board shall close the account and any remaining moneys shall be returned to the state.

(d) ~~(e)~~ If an eligible recipient decides to return to the Hope Scholarship Program after failing to renew meet the conditions for continued participation described in subsection (b) of this section, they must reapply.

(e) The board, in consultation with the Department of Education, may adopt rules and policies to provide the least disruptive process for Hope Scholarship students who desire to stop receiving Hope Scholarship payments and return full-time to a public school.

(f) The board, in consultation with the Department of Education, may adopt rules and policies for Hope Scholarship students who want to continue to receive services provided by a public school or district, including individual classes and extracurricular programs, in combination with an individualized instructional program. The board, in consultation with the Department of Education, shall ensure that any public school or school district providing such services receives the appropriate pro rata share of a student's Hope Scholarship funds based on the percentage of total instruction provided to the student by the public school or school district. County boards and charter school governing boards shall charge tuition to Hope Scholarship students who enroll for services in a public school within the county or in a public charter school. Hope Scholarship students who enroll for services part-time in public school shall not be included in net enrollment for state aid funding purposes under §18-9A-2 of this code. Nothing in this subsection prohibits a Hope Scholarship student from using the funds deposited in his or her account on both services provided by a public school or district and other qualifying expenses as provided for in §18-31-7 of this code.

(g) The board, in consultation with the Department of Education, may adopt rules and

policies to provide the least disruptive process for Hope Scholarship students who desire to stop receiving Hope Scholarship payments and return full-time to a public school.

§18-31-10. Auditing of Hope Scholarship Program; suspension of accounts and providers.

(a) The board may propose legislative rules for approval pursuant to §29A-3-1 *et seq.* of this code for the auditing of individual Hope Scholarship accounts and shall conduct or contract for the random auditing of individual Hope Scholarship accounts as needed to ensure compliance with the requirements of this article and rules promulgated pursuant to this article.

(b) As part of the auditing process, the board may remove a parent or eligible recipient from the Hope Scholarship Program and close a Hope Scholarship account for failure to comply with the terms of the parental agreement required by §18-31-5 of this code, failure to comply with the applicable laws, failure of the student to remain eligible, or intentional and fraudulent misuse of Hope Scholarship funds: *Provided*, That the board shall create procedures to ensure that a fair process exists to determine the removal of a parent or eligible recipient from the Hope Scholarship Program and a parent or Hope Scholarship student may appeal the decision to make the student ineligible for funds to the board.

~~(c) The board may conduct or contract for the audit of education service providers accepting payments from Hope Scholarship accounts. if it determines that the education service provider has:~~

~~(1) Intentionally and substantially misrepresented information or failed to refund any overpayments in a timely manner; or~~

~~(2) Routinely failed to provide students with promised educational goods or services.~~

(c) The board may propose legislative rules for approval pursuant to §29A-3-1 *et seq.* of this code for the auditing of education service providers and shall conduct or contract for the random auditing of individual providers as needed to ensure compliance with the requirements of this article and rules promulgated pursuant to this article.

(d) If the board determines that an education service provider has intentionally and substantially misused Hope Scholarship funds, the board may bar the education service provider from continuing to receive payments. The board shall create procedures to ensure that a fair process exists to determine whether an education service provider may be barred from receiving payment from Hope Scholarship accounts and an education service provider may appeal a decision to bar it from receiving payments to the board. If the board bars an education service provider from receiving payments from Hope Scholarship accounts, it shall notify parents and students of its decision as quickly as possible.

(e) If the board obtains evidence of potential fraudulent use of Hope Scholarship funds, it may refer suspected cases to the State Auditor for purposes of investigation, collection, and potential criminal investigation.

§18-31-11. Requirements for and rights of education service providers.

(a) To be eligible to accept payments from a Hope Scholarship account, an education service provider shall:

(1) Submit notice to the board that they wish to participate in the Hope Scholarship Program;

(2) Provide participating parents with a receipt for all qualifying educational expenses for the Hope Scholarship student;

(3) Agree not to refund, rebate, or share Hope Scholarship funds with parents or students in any manner, except that funds may be remitted or refunded to a Hope Scholarship account in accordance with §18-31-7(c) of this code;

(4) Certify that it will not discriminate on any basis prohibited by 42 U.S.C. 1981;

(5) ~~Agree to~~ Submit any employee or other person who will have contact with Hope Scholarship students receiving services from the provider to a criminal background check; and certify that said background check does not indicate conviction of a felony involving violence to the person and that the employee or other person is not on a federal or state sex offender registry; and

(6) In the case of a participating school, provide notice of each Hope Scholarship student's enrollment annually to the county superintendent of any student for which a student's tuition is being paid through the Hope Scholarship Program.

(b) This article does not limit the independence or autonomy of an education service provider or make the actions of an education service provider the actions of the state government.

(c) Education service providers shall be given maximum freedom to provide for the educational needs of Hope Scholarship students without governmental control.

(d) A participating school or education service provider is not required to alter its creed, practices, admission policy, hiring policy or curriculum in order to accept eligible recipients whose parents pay tuition or fees from a Hope Scholarship account pursuant to this article: Provided, That an education service provider is prohibited from requiring a student or family to pay tuition, costs, or fees above or in addition to the provider's regular tuition or fee schedule based in whole or in part upon a student or family member's participation in the Hope Scholarship Program.

(e) This article does not expand the regulatory authority of the state, its officers, or any

school district to impose any additional regulation of education service providers beyond those necessary to enforce the requirements of the program.

§18-31-14. Reporting.

(a) The board shall provide a comprehensive report on the status of the Hope Scholarship Program to the Legislative Oversight Commission on Education Accountability on or before December 31, 2026, and annually on or before December 31 of each year thereafter, addressing the progress of the program throughout the state. As part of the annual report, the board, in collaboration with the state and county boards of education, shall survey participating Hope Scholarship families to determine:

(1) The types of educational services chosen by Hope Scholarship students;

(2) Demographic and geographic data of participating students;

(3) Number of students participating with special needs;

(4) For Hope Scholarship students who withdrew from a public school, the stated reason for withdrawing;

(5) County superintendent and board compliance with Hope Scholarship reporting requirements; and

(6) Parent satisfaction with the Hope Scholarship Program.

(b) The board shall use only aggregate, nonidentifying evaluation data when compiling any such public report.

House Bill 4951: To facilitate the interstate practice of School Psychology in educational or school settings.

Effective: Passed March 9, 2024; Effective 90 days from passage

Code Reference: W. Va. Code § 18-10R-1 *et. seq.* (NEW)

WVDE Contact: Office of Student Support & Well-Being
Office of Certification & Educator Preparation

Summary: This Act authorizes the participation in an interstate compact agreement for the practice of school psychologists. Specifically, the Act provides definitions; establishes licensure compact commission; facilitates information exchange; provides that participation is effective on the same day as this Act; authorizes withdrawal from the compact; provides for oversight, dispute resolution and enforcement; includes a construction and severability clause; and, addresses conflicts with other participating states.

Enrolled Bill: **ENROLLED Committee Substitute for House Bill 4951**
BY DELEGATES W. CLARK, E. PRITT, KUMP, FERRELL, FOGGIN, AND WILLIS

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §18-10R-1, §18-10R-2, §18-10R-3, §18-10R-4, §18-10R-5, §18-10R-6, §18-10R-7, §18-10R-8, §18-10R-9, §18-10R-10, §18-10R-11, §18-10R-12, and §18-10R-13, relating to the Interstate Compact for School Psychologists; stating purpose; defining terms; providing for state and school psychologists' participation in compact; determining home state for active military members and their spouses; providing for discipline by the state; establishment of school psychologist interstate licensure compact commission and providing its powers and duties; facilitating information exchange; providing for oversight, dispute resolution and enforcement; providing an effective date, and process for withdrawal of a state and amendments; providing for construction and severability; and providing for consistent state laws with the compact superseding any laws in conflict with the compact.

Be it enacted by the Legislature of West Virginia:

Article 10R. Interstate Compact for School Psychologists. §18-10R-1. Interstate Compact for School Psychologists; purpose.(a) The purpose of this compact is to facilitate the interstate practice of school psychology in educational or school settings, and in so doing to improve the availability of school psychological services to the public. This compact is intended to establish a pathway to allow school psychologists to obtain equivalent licenses to provide school psychological

services in any member state. In this way, this compact shall enable the member states to ensure that safe and effective school psychological services are available and delivered by appropriately qualified professionals in their educational settings.

(b) To facilitate the objectives described in subsection (a) of this section, this compact:

(1) Enables school psychologists who qualify for receipt of an equivalent license to practice in other member states without first satisfying burdensome and duplicative requirements;

(2) Promotes the mobility of school psychologists between and among the member states in order to address workforce shortages and to ensure that safe and reliable school psychological services are available in each member state;

(3) Enhances the public accessibility of school psychological services by increasing the availability of qualified, licensed school psychologists through the establishment of an efficient and streamlined pathway for licensees to practice in other member states;

(4) Preserves and respects the authority of each member state to protect the health and safety of its residents by ensuring that only qualified, licensed professionals are authorized to provide school psychological services within that state;

(5) Requires school psychologists practicing within a member state to comply with the scope of practice laws present in the state where the school psychological services are being provided;

(6) Promotes cooperation between the member states in regulating the practice of school psychology within those states; and

(7) Facilitates the relocation of military members and their spouses who are licensed to provide school psychological services.

§18-10R-2. Definitions.

“Active Military Member” means any person with full-time duty status in the armed forces of the United States, including members of the National Guard and Reserve.

“Adverse Action” means disciplinary action or encumbrance imposed on a license by a state licensing authority.

“Alternative Program” means a non-disciplinary, prosecutorial diversion, monitoring, or practice remediation process entered into in lieu of an adverse action which is applicable to a school psychologist and approved by the state licensing authority of a member state in which the participating school psychologist is licensed. This includes, but is not limited to, programs to which licensees with substance abuse or addiction issues may be referred in lieu of an adverse action.

“Commissioner” means the individual appointed by a member state to serve as the

representative to the commission for that member state.

“Compact” means this School Psychologist Interstate Licensure Compact.

“Continuing Professional Education” means a requirement, imposed by a member state as a condition of license renewal to provide evidence of successful participation in professional educational activities relevant to the provision of school psychological services.

“Criminal Background Check” means the submission of fingerprints or other biometric information for a license applicant for the purpose of obtaining that applicant’s criminal history record information, as defined in 28 C.F.R. § 20.3(d), and the state’s criminal history record repository as 81 defined in 28 C.F.R. § 20.3(f).

“Doctoral Level Degree” means a graduate degree program that consists of at least 90 graduate semester hours in the field of school psychology including a supervised internship.

“Encumbered License” means a license that a state licensing authority has limited in any way other than through an alternative program, including temporary or provisional licenses.

“Executive committee” means the commission’s chair, vice chair, secretary and treasurer and any other commissioners as may be determined by commission rule or bylaw.

“Equivalent License” means a license to practice school psychology which a member state has identified as a license which may be provided to school psychologists from other member states pursuant to this compact.

“Home state” means the member state that issued the home state license to the licensee and is the licensee’s primary state of practice.

“Home state License” means the license that is not an encumbered license issued by the home state to provide school psychological services.

“School Psychological Services” means academic, mental and behavioral health services including assessment, prevention, consultation and collaboration, intervention, and evaluation provided by a school psychologist in a school, as outlined in applicable professional standards as determined by commission rule.

“License” means a current license, certification, or other authorization granted by a member state’s licensing authority that permits an individual to provide school psychological services.

“Licensee” means an individual who holds a license from a member state to provide school psychological services.

“Licensing Authority” means a member state’s regulatory body responsible for issuing licenses or otherwise overseeing the practice of school psychology.

“Member State” means a state that has enacted the compact and been admitted to the commission in accordance with the provisions of this article and commission rules.

“Model Compact” means the model language for the School Psychologist Interstate Licensure Compact on file with the Council of State Governments or other entity as designated by the commission.

“Practice of School Psychology” means the delivery school psychological services.

“School Psychologist Interstate Licensure Compact Commission” or “Commission” means the joint government agency established by this compact whose membership consists of representatives from each member state that has enacted the compact, and as further described in section seven of this article.

“Specialist-Level Degree” means a degree program that requires at least 60 graduate semester hours or their equivalent in the field of school psychology including a supervised internship.

“Qualifying National Exam” means a national licensing examination endorsed by the National Association of School Psychologists and any other exam as approved by the rules of the commission.

“Qualifying School Psychologist Education Program” means an education program which awards a Specialist-Level or Doctoral-Level degree or equivalent upon completion and is approved by the rules of the commission as meeting the necessary minimum educational standards to ensure that its graduates are ready, qualified, and able to engage in the practice of school psychology.

“Remote State” means a member state other than the home state where a licensee holds a license through the compact.

“Rule” means a regulation promulgated by an entity, including but not limited to the commission and the state licensing authority of each member state, that has the force of law.

“School Psychologist” means an individual who has met the requirements to obtain a home state license that legally conveys the professional title of school psychologist, or its equivalent as determined by the rules of the commission.

“Scope of Practice” means the procedures, actions, and processes a school psychologist licensed in a state is permitted to undertake in that state and the circumstances under which that licensee is permitted to undertake those procedures, actions, and processes. The procedures, actions, and processes, and the circumstances under which they may be undertaken, may be established through means including, but not limited to, statute, rules, case law, and other processes available to the state licensing authority or other government agency.

“State” means any state, commonwealth, district, or territory of the United States of America.

“State Licensing Authority” means an agency, whether the Department of Education or otherwise, or other entity operating as an arm of a state that is responsible for the licensing and regulation of school psychologists.

“State Specific Requirement” means a requirement for licensure covered in coursework or examination that includes content of unique interest to the state.

“Unencumbered License” means a license that authorizes a licensee to engage in the full and unrestricted practice of school psychology.

§18-10R-3. State participation in the compact.(a) To be eligible to join this compact, and to maintain eligibility as a member state, a state shall:

(1) Enact a compact statute that is not materially different from the model compact as defined in the commission’s rules;

(2) Participate in the sharing of information with other member states as reasonably necessary to accomplish the objectives of this compact, and as further defined in section eight of this article;

(3) Identify and maintain with the commission a list of equivalent licenses available to licensees who hold a home state license under this compact;

(4) Have a mechanism in place for receiving and investigating complaints about licensees;

(5) Notify the commission, in compliance with the terms of the compact and the commission’s rules, of any adverse action taken against a licensee, or of the availability of investigative information which relates to a licensee or applicant for licensure;

(6) Require that applicants for a home state license have;

(A) Taken and passed a qualifying national exam as defined by the rules of the commission;

(B) Completed a minimum of 1200 hours of supervised internship, of which at least 600 have been completed in a school, prior to being approved for licensure;

(C) Graduated from a qualifying school psychologist education program; and

(7) Comply with the terms of this compact and the rules of the commission.

(b) Each member state shall grant an equivalent license to practice school psychology in that state upon application by a licensee who satisfies the criteria of §18-10R-4(a) of this code. Each member state shall grant renewal of the equivalent license to a licensee who satisfies the criteria of §18-10R-4(b) of this code.

(c) Member states may set and collect a fee for granting an equivalent license. §18-10R-4.

School psychologist participant in the compact.(a) To obtain and maintain an equivalent license from a receiving state under this compact, a licensee must:

(1) Hold and maintain an active home state license;

(2). Satisfy any applicable state ppecific requirements established by the member state after an equivalent license is granted;

(3) Complete any administrative or application requirements which the commission may establish by rule, and pay any associated fees;

(4) Complete any requirements for renewal in the home state, including applicable continuing professional education requirements. and

(5) Upon their application to receive a license under this compact, undergo a criminal background check in the member state in which the equivalent license is sought in accordance with the laws and regulations of such member state.

(b) To renew an equivalent license in a member state other than the home state, a licensee must only apply for renewal, complete a background check, and pay renewal fees as determined by the licensing authority.

§18-10R-5. Active military members or their spouses.

A licensee who is an active military member or is the spouse of an active military member shall be considered to hold a home state license in any of the following locations:

(a) The licensee's permanent residence;

(b). A member state that is the licensee's primary state of practice; or

(c). A member state where the licensee has relocated pursuant to a permanent change of station (PCS).

§18-10R- 6. Discipline; adverse actions.

(a) Nothing in this compact shall be considered or construed to limit the authority of a member state to investigate or impose disciplinary measures on licensees according to the state's practice laws.

(b) Member states may receive, and shall provide, files and information regarding the investigation and discipline, if any, of licensees in other member states upon request. Any member state receiving such information or files shall protect and maintain the security and confidentiality thereof, in at least the same manner that it maintains its own investigatory or disciplinary files and information. Prior to disclosing any disciplinary or investigatory information received from another member state, the disclosing state shall communicate its intention and purpose for such disclosure to the member state which originally provided that information.

§18R-10-7. Establishment of the School Psychologist Interstate Licensure Compact Commission.

(a) The member states hereby create and establish a joint government agency whose membership consists of all member states that have enacted the compact, and this agency shall be known as the School Psychologist Interstate Licensure Compact Commission. The commission is an instrumentality of the member states acting jointly and not an instrumentality of any one state. The commission shall come into existence on or after the effective date of the compact as set forth in §18-10R-11 of this code.

(b) Membership, Voting, and Meetings.

(1) Each member state shall have and be limited to one delegate selected by that member state's licensing authority.

(2) The delegate shall be the primary administrative officer of the member state licensing authority or his or her designee who is an employee of the member state licensing authority.

(3) The commission shall by rule or bylaw establish a term of office for delegates and may by rule or bylaw establish term limits.

(4) The commission may recommend removal or suspension of any delegate from office.

(5) A member state's licensing authority shall fill any vacancy of its delegate occurring on the commission within 60 days of the vacancy.

(6) Each delegate has one vote on all matters before the commission requiring a vote by commission delegates.

(7) A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates to meet by telecommunication, videoconference, or other means of communication.

(8) The commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The commission may meet by telecommunication, video conference or other similar electronic means.

(c) The powers, duties, and responsibilities of the commission include:

(1) Establishing the fiscal year of the commission;

(2) Establishing code of conduct and conflict of interest policies;

(3) Establishing and amending rules and bylaws;

(4) Establishing the procedure through which a licensee may change his or her home state;

(5) Maintaining its financial records in accordance with the bylaws;

(6) Meeting and taking such actions as are consistent with the provisions of this compact, the commission's rules, and the bylaws;

(7) Initiating and concluding legal proceedings or actions in the name of the commission, provided that the standing of any member state licensing authority to sue or be sued under applicable law shall not be affected;

(8) Maintaining and certifying records and information provided to a member state as the authenticated business records of the commission, and designating an agent to do so on the commission's behalf;

(9) Purchasing and maintaining insurance and bonds;

(10) Borrowing, accepting, or contracting for services of personnel, including, but not limited to, employees of a member state;

(11) Conducting an annual financial review;

(12) Hiring employees, electing or appointing officers, fixing compensation, defining duties, granting such individuals appropriate authority to carry out the purposes of the compact, and establishing the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

(13) Assessing and collecting fees;

(14) Accepting any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials, and services, and receiving, using, and disposing of the same; provided that at all times the commission shall avoid any appearance of impropriety and/or conflict of interest;

(15) Leasing, purchasing, retaining, owning, holding, improving, or using any property, real, personal, or mixed, or any undivided interest therein;

(16) Selling, conveying, mortgaging, pledging, leasing, exchanging, abandoning, or otherwise disposing of any property real, personal, or mixed;

(17) Establishing a budget and making expenditures;

(18) Borrowing money;

(19) Appointing committees, including standing committees, composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;

(20) Providing and receiving information from, and cooperating with, law enforcement agencies;

(21) Establishing and electing an executive committee, including a chair and a vice chair;

(22) Determining whether a state's adopted language is materially different from the model compact language such that the state would not qualify for participation in the compact; and

(23) Performing any other functions necessary or appropriate to achieve the purposes of this compact.

(d) The Executive committee may act on behalf of the commission according to the terms of this compact. The powers, duties, and responsibilities of the executive committee include:

(1) Overseeing of the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its rules and bylaws, and other such duties as considered necessary;

(2) Recommending to the commission changes to the rules or bylaws, changes to this compact legislation, fees charged to member states, fees charged to licensees, and other fees;

(3) Ensuring compact administration services are appropriately provided, including by contract;

(4) Preparing and recommending the budget;

(5) Maintaining financial records on behalf of the commission;

(6) Monitoring compact compliance of member states and provide compliance reports to the commission;

(7) Establishing additional committees as necessary;

(8) Exercising the powers and duties of the commission during the interim between commission meetings, except for adopting or amending Rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the commission by rule or bylaw; and

(9) Performing other duties as provided in the rules or bylaws of the commission.

(e) The executive committee shall be composed of up to seven members:

(1) The chair and vice chair of the commission shall be voting members of the executive committee; and

(2) The commission shall elect five voting members from the current membership of the commission.

(f) The commission may remove any member of the executive committee as provided in the commission's bylaws.

(g) The executive committee shall meet at least annually.

(1) Executive committee meetings shall be open to the public, except that the executive committee may meet in a closed, non-public meeting as provided in subdivision four, subsection (h) of this section.

(2) The executive committee shall give 30 days' notice of its meetings, posted on its website and as determined to provide notice to persons with an interest in the business of the commission.

(3) The executive committee may hold a special meeting in accordance with subsection subdivision three, subsection (h) of this section.

(4) The commission shall adopt and provide to the member states an annual report.

(h) Meetings of the commission.

(1) All meetings shall be open to the public, except that the commission may meet in a closed, non-public meeting as provided subdivision four, subsection (h) of this section.

(2) Public notice for all meetings of the full commission of meetings shall be given in the same manner as required under the rulemaking provisions in §18-10R-9 of this code, except that the commission may hold a special meeting as provided subsection subdivision three, subsection (h) of this section.

(3) The commission may hold a special meeting when it must meet to conduct emergency business by giving 48 hours' notice to all commissioners, on the commission's website, and other means as provided in the commission's rules. The commission's legal counsel shall certify that the commission's need to meet qualifies as an emergency.

(4) The commission or the executive committee or other committees of the commission may convene in a closed, non-public meeting for the commission or executive committee or other committees of the commission to receive legal advice or to discuss:

(i) Non-compliance of a member state with its obligations under the compact;

(1) The employment, compensation, discipline or other matters, practices or procedures related to specific employees;

(2) Current or threatened discipline of a Licensee by the commission or by a member state's licensing authority;

(3) Current, threatened, or reasonably anticipated litigation;

(4) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

(5) Accusing any person of a crime or formally censuring any person;

(6) Trade secrets or commercial or financial information that is privileged or confidential;

(7) Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(8) Investigative records compiled for law enforcement purposes;

(9) Information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination

of compliance issues pursuant to the compact;

(10) Matters specifically exempted from disclosure by federal or Member state law; or

(11) Other matters as promulgated by the commission by rule.

(j) If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.

(k) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.

(l) Financing of the commission.

(1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The commission may accept any and all appropriate revenue sources as provided in subsection subdivision 14, subsection (c) of this section.

(3) The commission may levy on and collect an annual assessment from each member state and impose fees on licensees practicing in the member states under an equivalent license to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for member states shall be allocated based upon a formula that the commission shall promulgate by rule.

(4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

(5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the financial review and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the commission.

(j) Qualified Immunity, Defense, and Indemnification.

(1) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing in this subdivision shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the commission shall not in any way compromise or limit the immunity granted hereunder.

(2) The Commission shall defend any member, officer, executive director, employee, and representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or as determined by the commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing in this subdivision shall be construed to prohibit that person from retaining their own counsel at their own expense; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

(4) Nothing in this section shall be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable state laws.

(5) Nothing in this compact shall be interpreted to waive or otherwise abrogate a member state's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other state or federal antitrust or anticompetitive law or regulation.

(6) Nothing in this compact shall be construed to be a waiver of sovereign immunity by the Member states or by the commission.

§18-10R-8. Facilitating information exchange.

(a) The commission shall provide for facilitating the exchange of information to administer and implement the provisions of this compact in accordance with the rules of the commission, consistent with generally accepted data protection principles.

(b). Notwithstanding any other provision of state law to the contrary, a member state shall agree to provide for the facilitation of the following Licensee information as required by the Rules of the commission, including:

(1) Identifying information;

(2) Licensure data;

(3). Adverse actions against a license and information related thereto;

(c) Non-confidential information related to alternative program participation, the beginning and ending dates of such participation, and other information related to such participation not made confidential under member state law;

(1) Any denial of application for licensure, and the reasons for such denial;

(2) The presence of investigative information; and

(3) Other information that may facilitate the administration of this compact or the protection of the public, as determined by the rules of the commission.

(d) Nothing in this compact shall be considered or construed to alter, limit, or inhibit the power of a member state to control and maintain ownership of its licensee information or alter, limit, or inhibit the laws or regulations governing Licensee information in the member state.

§18-10R-9. Rulemaking.

(a) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this interstate compact and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

(b) The commission shall promulgate reasonable rules to achieve the intent and purpose of this interstate compact. In the event the commission exercises its rulemaking authority in a manner that is beyond purpose and intent of this interstate compact, or the powers granted hereunder, then such an action by the commission shall be invalid and have no force and effect of law in the member states.

(c) If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four (4) years of the

date of adoption of the rule, then such rule shall have no further force and effect in any member state.

(d) Rules or amendments to the Rules shall be adopted or ratified at a regular or special meeting of the commission in accordance with commission rules and Bylaws.

(e) Prior to promulgation and adoption of a final rule or rules by the commission, and at least thirty (30) days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

(1) On the website of the commission or other publicly accessible platform; and

(2) On the website of each member state licensing authority or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

(f) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule with 48 hours' notice, with opportunity to comment, provided that the usual rulemaking procedures shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

(1) Meet an imminent threat to public health, safety, or welfare.

(2) Prevent a loss of commission or member state funds.

(3) Meet a deadline for the promulgation of an administrative Rule that is established by federal law or rule; or

(4) Protect public health and safety.

§18-10R-10. Oversight, dispute resolution, and enforcement.

(a) Oversight;

(1) The executive and judicial branches of the State government in each member state shall enforce this compact and take all actions necessary and appropriate to implement the compact.

(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing in this subdivision shall affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct or any such similar matter.

(3) The commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the commission service of process shall

render a judgment or order void as to the commission, this compact, or promulgated rules.

(b) Default, Technical Assistance, and Termination;

(1) If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall provide written notice to the defaulting state. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the commission may take, and shall offer training and specific technical assistance regarding the default.

(2) The commission shall provide a copy of the notice of default to the other member states.

(c) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a supermajority of the delegates of the member states, and all rights, privileges and benefits conferred on that state by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(d) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting State's legislature, the defaulting state's licensing authority and each of the member states' licensing authorities.

(e) A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(f) Upon the termination of a state's membership from this compact, that state shall immediately provide notice to all Licensees within that state of such termination. The terminated state shall continue to recognize all licenses granted pursuant to this compact for a minimum of six (6) months after the date of said notice of termination.

(g) The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

(h) The defaulting state may appeal the action of the commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

(i) Dispute Resolution;

(1) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and non-member states.

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(j) Enforcement:

(1) By majority vote as provided by rule, the commission may initiate legal action against a member state in default in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees. The remedies in this subdivision shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or the defaulting member state's law.

(2) A member state may initiate legal action against the commission in the U.S. District Court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

(3) No person other than a member state shall enforce this compact against the Commission.

§18-10R- 11. Effective date, withdrawal, and amendment.

(a) The compact shall come into effect on the date on which the compact statute is enacted into law in the seventh member state.

(1) On or after the effective date of the compact specified in subsection (a) of this section, the commission shall convene and review the enactment of each of the charter member states to determine if the statute enacted by each such charter member state is materially different than the model compact statute.

(A) A charter member state whose enactment is found to be materially different from the model compact statute shall be entitled to the default process set forth in §18-10R-10 of this code.

(B) If any member state is later found to be in default, or is terminated or withdraws from the compact, the commission shall remain in existence and the compact shall remain in effect even

if the number of member states should be less than seven.

(2) Member states enacting the compact subsequent to the charter member states shall be subject to the process set forth in §18-10R-7(C)(21) to determine if their enactments are materially different from the model compact statute and whether they qualify for participation in the compact.

(3) All actions taken for the benefit of the commission or in furtherance of the purposes of the administration of the compact prior to the effective date of the compact or the commission coming into existence shall be considered to be actions of the commission unless specifically repudiated by the commission.

(A) Any state that joins the compact subsequent to the commission's initial adoption of the Rules and bylaws shall be subject to the rules and bylaws as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

(B) Any member state may withdraw from this compact by enacting a statute repealing the same.

(C) A member state's withdrawal shall not take effect until 180 days after enactment of the repealing statute.

(D) Withdrawal shall not affect the continuing requirement of the withdrawing state's licensing authority to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.

(E) Upon the enactment of a statute withdrawing from this compact, a state shall immediately provide notice of such withdrawal to all licensees within that state. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing state shall continue to recognize all licenses granted pursuant to this compact for a minimum of six (6) months after the date of such notice of withdrawal.

(i) Nothing contained in this compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a member state and a non-member state that does not conflict with the provisions of this compact.

(ii) This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

§18-10R-12. Construction and severability.

(a) This compact and the commission's rulemaking authority shall be liberally construed so as to effectuate the purposes, and the implementation and administration of the compact.

Provisions of the compact expressly authorizing or requiring the promulgation of rules shall not be construed to limit the commission's rulemaking authority solely for those purposes.

(b) The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is held by a court of competent jurisdiction to be contrary to the constitution of any Member state, a State seeking participation in the compact, or of the United States, or the applicability thereof to any government, agency, person or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this compact and the applicability thereof to any other government, agency, person or circumstance shall not be affected thereby.

(c) Notwithstanding subsection B of this section, the commission may deny a state's participation in the compact or, in accordance with the requirements of §18-10R-10.B of this code, terminate a member state's participation in the compact, if it determines that a constitutional requirement of a Member state is a material departure from the compact. Otherwise, if this compact shall be held to be contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the Member state affected as to all severable matters.

§18-10R-13. Consistent effect and conflict with other state laws.

(a) Nothing in this article shall prevent or inhibit the enforcement of any other law of a member state that is not inconsistent with the compact.

(b) Any laws, statutes, regulations, or other legal requirements in a member state in conflict with the compact are superseded to the extent of the conflict.

(c) All permissible agreements between the commission and the member states are binding in accordance with their terms.

House Bill 4986: Relating to computer science and cybersecurity instruction for adult learners.

Effective: Passed March 6, 2024; Effective 90 days from passage

Code Reference: W. Va. Code § 18-5-19e (NEW)

WVDE Contact: Office of Adult Education

Summary: This Act requires the State Superintendent to seek grants for the purpose of providing computer science and cybersecurity instruction to adult learners. It also provides a list of non-profit entities that are authorized to receive funding secured for this purpose and caps the award amount at \$300,000 per recipient.

Enrolled Bill: **ENROLLED Committee Substitute for House Bill 4986**
BY DELEGATES ROHRBACK, WARNER, STATLER, ELLINGTON, TONEY, FOGGIN,
MAZZOCCHI, LONGANACRE, FERRELL, JENNINGS, AND HORNBY

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-19e, relating to providing computer science and cybersecurity instruction for adult learners.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-19e. Computer science and cybersecurity instruction for adult learners.

(a) The State Superintendent of Schools, or designee, shall seek, apply for, and if received, administer, and distribute through the division of PK through 12 Adult Instruction & Career Engagement, any grants or other financial assistance that the Federal government and other public or private sources shall make available for purposes of providing computer science and cybersecurity instruction to adults.

(b) The State Superintendent of Schools, or designee, shall use or distribute any grants or other financial assistance received from the Federal government, and other public or private sources for purposes of providing computer science and cybersecurity instruction to adults, to school districts, public charter schools, area career and technology centers, job service and West Virginia Workforce centers, public libraries, adult education centers, and learning centers that qualify as non-profit entities under 26 U.S.C.S. §501(c)(3), not to exceed \$300,000 per recipient. This shall occur on a biennium basis beginning on July 1, 2024, and ending June 30, 2026.

(c) School districts, public charter schools, public libraries, area career and technology centers, job service and West Virginia Workforce centers, adult education centers, and learning

centers that qualify as non-profit entities under 26 U.S.C.S. §501(c)(3) shall use all or part of the grant money or financial assistance received to cover the expenditures, including instruction compensation, incurred in providing computer science and cybersecurity courses to adults.

(d) The State Superintendent of Schools shall have authority to provide for the suitable coordination and supervision necessary to implement the purposes of this section.

(e) All computer science and cybersecurity instruction for adult learners established under this section shall be under regulations of the State Department of Education.

House Bill 5056: Relating to substitute service personnel positions.

Effective: Passed March 6, 2024; Effective 90 days from passage

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

WVDE Contact: Office of Certification & Educator Preparation

Summary: This Act authorizes service personnel to substitute on a day-to-day basis in a position outside their regular full-time position if a qualified substitute is not available to fill the shift, the shift does not interfere with their regular duties or responsibilities, and the employee assuming the shift is properly certified and trained to fill the position.

Enrolled Bill: **ENROLLED Committee Substitute for House Bill 5056**
BY DELEGATES TONEY, STATLER, BURKHAMMER, AND ELLINGTON

AN ACT to amend and reenact §18A-4-8h of the Code of West Virginia, 1931, as amended, relating to allowing for service personnel to serve as substitute workers under certain conditions.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.

§18A-4-8h. Limitation on number of school service personnel positions to be held by an employee.

(a) Upon the effective date of this section, no school service personnel shall be permitted to become employed in more than one regular full-day position, nor more than two one-half day positions at the same time: *Provided*, That nothing herein shall be construed to prohibit a school service personnel from holding an extracurricular assignment or assignments, as provided in section sixteen of this article, or summer positions, as provided in section thirty-nine, article five, chapter eighteen of this code, nor from performing extra-duty assignments, as provided in section eight-b of this article, in addition to his or her regular position.

(b) Due to the shortages of substitutes in service personnel positions, a service personnel may substitute on a day-to-day basis in a position outside of their regular full-time position: *Provided*, That a service personnel may not substitute in another position if:

(a) A qualified substitute is available to fill the shift;

(b) The shift interferes with their regular duties and or responsibilities; and

(c) The service personnel assuming the shift is not properly certified and trained for that position.

House Bill 5158: Relating to making technical corrections to the special education code.

Effective: Passed March 9, 2024; Effective 90 days from passage

Code Reference: W. Va. Code § 18-1-1 (AMENDED)
§ 18-10N-2 (AMENDED)
§ 18-20-1 (AMENDED)
§ 18-20-1a (AMENDED)
§ 18-20-1b (AMENDED)
§ 18-20-1c (AMENDED)
§ 18-20-1d (AMENDED)
§ 18-20-2 (AMENDED)
§ 18-20-3 (AMENDED)
§ 18-20-4 (AMENDED)
§ 18-20-5 (AMENDED)
§ 18-20-6 (AMENDED)
§ 18-20-7 (AMENDED)
§ 18-20-8 (AMENDED)
§ 18-20-9 (AMENDED)
§ 18-20-10 (AMENDED)
§ 18-20-11 (AMENDED)

WVDE Contact: Office of Special Education

Summary: This Act makes several amendments to state law relating to students with exceptionalities for compliance with federal laws and regulations. Additionally, the Act also includes that a general education teacher is not responsible for daily accommodation logs for students with exceptionalities but is responsible for acknowledging at the end of each grading period that all accommodations required by the Individual Education Plan (IEP) were met; however, a student’s parent or guardian may request a daily accommodation log be maintained. The Act also provides that it is the special education instructor’s responsibility to monitor the special education student’s progress.

Additionally, the Act requires that data supporting the decision to place a student with exceptionalities into an integrated classroom must be part of the Individualized Education Plan (IEP) and that nothing in the section may be construed to interfere with the Individuals with Disabilities Education Act (IDEA), due process or complaint procedures. The Act includes a stipulation that if a teacher provides a series of documentation within a 45-day grading period that show that the student is not in their least restrictive environment to a degree that the student is not making appropriate progress, the teacher:

- 1) Cannot be penalized for advocating for the student;

- 2) May work with the family or guardian to recommend local advocates, share information, and inform them of their due process rights; and,
- 3) May call an IEP meeting to address concerns and adjust the IEP.

Enrolled Bill:

ENROLLED Committee Substitute for House Bill 5158

BY DELEGATES TONEY, ELLINGTON, STATLER, AND VANCE

AN ACT to amend and reenact §18-1-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-10N-2 of said code; to amend and reenact §18-20-1 and §18-20-1a of said code; to repeal §18-20-1b of said code; and to amend and reenact §18-20-1c, §18-20-1d, §18-20-2, §18-20-3, §18-20-4, §18-20-5, §18-20-6, §18-20-7, §18-20-8, §18-20-9, §18-20-10, and §18-20-11, all relating to updating statutory provisions regarding the special education code; defining local educational agency; clarifying that districts and county boards subsumed under the local educational agency; updating definitions; updating terminology used in education of exceptional children; clarifying local educational agencies special educational programs include services outside the school environment; requiring state board's rules assuring exceptional students receive an education in accordance with state and federal laws include students in foster care and correctional facilities; clarifying services required by local educational agency that must be provided until age of majority; requiring preschool programs, special education and related services for students with disabilities or developmental delays begin services by student's 3rd birthday; clarifying preschool programs for students with disabilities or developmental delays are available to such students in mental health facilities, residential institutions, and private entities who have entered into an agreement with a local educational agency; repealing outdated code section; clarifying provisions regarding assistance, training and information to be provided to integrated classroom teachers; allowing any teacher to request an IEP meeting in certain instance; prohibiting a teacher from being penalized for advocating for his or her student; allowing the teacher to work with the family or guardian; providing that the general education teacher is not responsible for daily accommodation logs; requiring that data to support the decision to place a student into an integrated classroom be included in the Individualized Education Plan; updating terminology for individualized education programs; clarifying minimum training for autism mentor and allowing for partial or full reimbursement of tuition for training as autism mentor; updating terminology regarding reports; requiring local educational agencies to maintain a continuum of services, including integrated classrooms and out of school environments; requiring training to integrated

education and submission of annual reports; updating terminology regarding examination and reports by medical or other specialists; updating language regarding powers and duties of superintendent; updating language regarding advisory council for the education of exceptional children; updating requirements of exceptional children monitoring and accountability review teams; updating terminology regarding interagency plan for exceptional children and advisory council; updating terminology regarding gifted education caseload review; and updating language regarding video cameras in self-contained classrooms.

Be it enacted by the Legislature of West Virginia:

CHAPTER 18. EDUCATION.

ARTICLE 1. DEFINITIONS; LIMITATIONS OF CHAPTER; GOALS FOR EDUCATION.

§18-1-1. Definitions.

The following words used in this chapter and in any proceedings pursuant thereto have the meanings ascribed to them unless the context clearly indicates a different meaning:

(a) "School" means the students and teachers assembled in one or more buildings, organized as a unit;

(b) "Local educational agency" means a public board of education or other public authority legally constituted within the State of West Virginia for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of the State, as authorized by West Virginia Code, including county school districts, schools and facilities under the supervision of the West Virginia Board of Education (WVBE), and public charter schools;

~~(b)~~ (c) "District" means county school district and is subsumed under the category of local educational agency;

~~(e)~~ (d) "State board" means the West Virginia Board of Education;

~~(d)~~ (e) "County board" or "board" means a county board of education and is subsumed under the category of local educational agency;

~~(e)~~ (f) "State superintendent" means the state superintendent of free Schools;

~~(f)~~ (g) "County superintendent" or "superintendent" means a county local educational agency superintendent of schools;

~~(g)~~ (h) "Teacher" means a teacher, supervisor, principal, superintendent, public school librarian or any other person regularly employed for instructional purposes in a public school in this state;

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

~~(i)~~ (j) "Social worker" means a nonteaching school employee who, at a minimum, possesses an undergraduate degree in social work from an accredited institution of higher learning and who provides various professional social work services, activities or methods as defined by the state board for the benefit of students;

~~(j)~~ (k) "Regular full-time employee" means any person employed by a local educational agency county board who has a regular position or job throughout his or her employment term, without regard to hours or method of pay;

~~(k)~~ (l) "Career clusters" means broad groupings of related occupations;

~~(l)~~ (m) "Work-based learning" means a structured activity that correlates with and is mutually supportive of the school-based learning of the student and includes specific objectives to be learned by the student as a result of the activity;

~~(m)~~ (n) "School-age juvenile" means any individual who is entitled to attend or who, if not placed in a residential facility, would be entitled to attend public schools in accordance with: (1) Section five, article two of this chapter; (2) sections fifteen and eighteen, article five of this chapter; or (3) section one, article twenty of this chapter;

~~(n)~~ (o) "Student with a disability" means an exceptional child, other than gifted and exceptional gifted, pursuant to section one, article twenty of this chapter;

~~(o)~~ (p) "Casual deficit" means a deficit of not more than three percent of the approved levy estimate or a deficit that is nonrecurring from year to year; and

~~(p)~~ (q) "Athletic director" means a person employed by a local educational agency county board to work in a school's athletic program pursuant to section one-a, article two, chapter eighteen-a of this code.

ARTICLE 10N. INFORMATION TECHNOLOGY ACCESS FOR THE BLIND AND VISUALLY IMPAIRED.

§18-10N-2. Definitions.

The following words have the meanings indicated:

(a) "Access" means the ability to receive, use and manipulate data and operate controls

included in information technology.

(b) "Blind or visually impaired individual" means an individual who:

~~(1) Has a visual acuity of 20/200 or less in the better eye with corrective lenses or has a limited field of vision so that the widest diameter of the visual field subtends an angle no greater than twenty degrees;~~

~~(2) Has a medically indicated expectation of visual deterioration; or~~

~~(3) Has a medically diagnosed limitation in visual functioning that restricts the individual's ability to read and write standard print at levels expected of individuals of comparable ability.~~

Has a visual impairment that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

(c) "Information technology" means all electronic information processing hardware and software, including telecommunications.

(d) "Nonvisual" means synthesized speech, Braille and other output methods not requiring sight.

(e) "State agency" means the state or any of its departments, agencies or boards or commissions.

(f) "Telecommunications" means the transmission of information, voice, or data by radio, video or other electronic or impulse means.

ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.

§18-20-1. Establishment of special programs and teaching services for ~~exceptional children students with exceptionalities.~~ modified diploma graduation

~~(a) In accordance with the following provisions, county boards of education throughout the state shall establish and maintain for all exceptional children between five and twenty one years of age special educational programs, including, but not limited to special schools or classes, regular classroom programs, home teaching or visiting teacher services for any type or classification as the state board shall approve. Special educational programs shall continue to be provided to those children who are at least twenty one years of age and enrolled in the above mentioned special education program prior to September 1, 1991, until they reach twenty three years of age. Provisions shall be made for educating exceptional children (including the handicapped and the gifted who differ from the average or normal in physical, mental or emotional characteristics, or in communicative or intellectual deviation characteristics, or in both communicative and intellectual deviation characteristics, to the extent that they cannot be educated safely or profitably in the regular classes of the public schools or to the extent that they need special educational provisions~~

~~within the regular classroom in order to educate them in accordance with their capacities, limitations and needs *Provided*, That for the school year beginning on July 1, 1990, provisions shall be made for educating exceptional children, including the handicapped, the gifted in grades one through eight, the pupils enrolled on July 1, 1989, in the gifted program in grades nine through twelve and the exceptional gifted in grades nine through twelve. The term "exceptional gifted" means those students in grades nine through twelve identified as gifted and at least one of the following: Behavior disorder, specific learning disabilities, psychological adjustment disorder, underachieving or economically disadvantaged. Exceptional gifted children shall be referred for identification pursuant to recommendation by a school psychologist, school counselor, principal, teacher, parent or by self-referral, at which time the placement process, including development of an individualized education program, and attendant due-process rights, shall commence. Exceptional gifted children, for purposes of calculating adjusted enrollment pursuant to section two, article nine-a of this chapter, shall not exceed one percent of net enrollment in grades nine through twelve. Nothing herein shall be construed to limit the number of students identified as exceptional gifted and who receive appropriate services. Each county board of education is mandated to provide gifted education to its students according to guidelines promulgated by the state board and consistent with the provisions of this chapter. Upon the recommendation of a principal, counselor, teacher and parent, a student who does not meet the gifted eligibility criteria may participate in any school program deemed appropriate for the student provided that classroom space is available. In addition, county boards of education may establish and maintain other educational services for exceptional children as the State Superintendent of Schools may approve.~~

(a) In accordance with the following provisions, local educational agencies (LEAs), including all county boards of education, schools and facilities under the supervision of the State board, and public charter schools acting as their own local educational agency (LEA) throughout the state shall establish and maintain special education services for all exceptional school-age students between five and twenty-one years of age, including, but not limited to, services provided in general education classrooms, co-teaching classrooms, special education resource classes, self-contained classes, homebound services, and other placements determined appropriate to meet the unique needs of students with disabilities as determined by Individualized Education Program (IEP) teams. Special education programs must be provided to students until the end of the school year in which they reach the age of 21 years or until the student earns a regular high school diploma, whichever occurs first. Provisions shall be made for educating exceptional students (including students with

disabilities and students identified as gifted or exceptionally gifted who differ from their non-disabled peers to the extent that they need specially designed instruction in order to access the curriculum and receive a free appropriate public education. The term "gifted" means exceptional intellectual abilities and potential for achievement that requires specially designed instruction and/or services beyond those normally provided in the general classroom instruction. The term "exceptional gifted" means those students in grades nine through twelve meeting the criteria for gifted with at least one of the additional criteria as identified in State Board Policy 2419. Exceptional gifted students shall be referred for identification pursuant to state board policy. Each local education agency (LEA) is mandated to provide gifted education to its students according to guidelines promulgated by the state board and consistent with the provisions of this chapter. In addition, county boards of education may establish and maintain other educational services for exceptional students as the State Superintendent of Schools may approve.

~~(b) County boards of education~~ Each local educational agency (LEA) shall establish and maintain these special educational programs including, but not limited to, special schools classes, regular class programs, home-teaching and visiting teacher services. The special education programs shall include home-teaching or visiting teacher services for children which include services outside the school environment for students who are homebound due to injury or who for any other reason as certified by a licensed physician are homebound for a period that has lasted or will last more than three weeks. The state board shall adopt rules to advance and accomplish this program and to assure that all exceptional children students in the state, including children students in mental health facilities, residential institutions, foster care, correctional facilities, and private schools, will receive an education in accordance with the mandates of state and federal laws. *Provided*, That commencing with the school year beginning on July 1, 1991, all exceptional children in the state in foster care and correctional facilities will receive an education in accordance with the mandates of state and federal laws.

~~(c) Each county board of education~~ local educational agency (LEA) shall adopt a policy that allows a student with disabilities, whose individualized education program provides for a modified an alternate diploma to participate in the graduation ceremony of his or her with their same-grade classmates if requested in writing by his or her their parent or legal guardian, or the student who is subject to this request if the student is of the age of majority. The county board local educational agency (LEA) shall also permit the student to continue receiving his or her special education services after the graduation ceremony until the end of the school year in which the student reaches the age of 21 years. The county board local educational agency (LEA) may not terminate,

deny, or declare the student ineligible for post-graduation ceremony special education services due to ~~his or her~~ their participation in the graduation ceremony.

§18-20-1a. Preschool programs for ~~severely disabled children~~ students with disabilities or developmental delays; rules and regulations.

(a) ~~During the school year beginning on July 1, 1985, each county board of education~~ Each local educational agency (LEA) shall develop a coordinated service delivery plan in accordance with standards for preschool programs for ~~severely disabled children to be developed by the State Board of Education and begin services where plans are already developed~~ students with disabilities or developmental delays and begin services where plans are already developed with IEPs in place by the student's 3rd birthday.

(b) ~~Only in any year in which funds are made available by legislative appropriation, and only to the extent of such funding, each county board of education~~ Each local educational agency (LEA) shall establish and maintain a special educational program, including, but not limited to, ~~special classes and home teaching and visiting teacher services for all severely disabled children between the ages of three and five according to the following schedule~~ universal Pre-K classes which integrate students with disabilities, special classes and services provided in out-of-school environments for all students with disabilities three through five years of age.

(1) ~~By the school year beginning on July 1, 1986, and thereafter, for severely disabled children who are age four before September 1, 1986;~~

(2) ~~By the school year beginning on July 1, 1987, and thereafter, for severely disabled children who are age three before September 1, 1987.~~

(c) As used in this section, the term "~~severely disabled children~~" "students with disabilities" means those ~~children~~ eligible individuals who fall in any one of the ~~following~~ disability categories as ~~defined or to be defined in the State Board of Education standards for the education of exceptional children: Severe behavioral disorders, severely speech and language impaired, deaf-blind, deafness or hearing difficulties, autistic, physically handicapped, disabled profoundly intellectually disabled, trainable intellectually disabled or visually impaired~~ as defined in federal or state special education regulations. Special education and related services for eligible students with a developmental delay will be provided as of the student's third birthday when eligibility is determined prior to the third birthday.

(d) This programming is available to all such students in the state, including in mental health facilities, residential institutions, and private entities who have entered into an agreement for collaborative programming with a local educational agency (LEA).

§18-20-1b. Preschool programs for handicapped children; rules and regulations.

[Repealed.]

§18-20-1c. Integrated classrooms serving students with exceptional needs; and requirements as to the assistance, training and information to be provided to ~~the affected classroom teacher~~ integrated classroom teachers.

(a) The ~~regular~~ general education classroom teacher is entitled to the following when ~~placing a student~~ a student with exceptional needs is placed into an integrated classroom ~~when and~~ the student's individualized education program (IEP) requires ~~an adjustment in either the curriculum~~ modifications, including delivery of, ~~instruction or service~~ instruction or services and accommodations to be provided by the regular classroom teacher:

(1) Training provided ~~pursuant to the integrated classroom program and additional individualized training~~, pursuant to the rules developed by the State Board of Education, if requested by the regular classroom teacher to prepare the teacher to meet the exceptional needs of individual students. Whenever possible, the training shall be provided prior to the placement. Where prior training is not possible, the training shall be commenced no later than ten days following the placement of the student into the ~~regular~~ integrated classroom. Unavoidable delays in the provision of training may not result in the exclusion of a ~~special needs~~ student with exceptional needs from any class if the training cannot be provided in ten days;

(2) A signed copy of the individualized education program for the special education student prior to the placement of the student into the regular classroom. ~~The~~ When possible, the receiving and referring teachers shall participate in the development of that student's individualized education program and shall also sign the individualized education program as developed. In all cases the teacher shall receive a copy of the individualized education program for the ~~special education~~ student with exceptional needs prior to or at the time of the placement of the student into the regular classroom. Any teacher or other member of the IEP team disagreeing with the individualized education program ~~committee's~~ team's recommendation shall file a written explanation outlining his or her disagreement or recommendation;

(3) Participation by referring teachers in all eligibility committees and participation by referring and receiving teachers in all individualized education program committees which involve possible placement of ~~an exceptional~~ a student with exceptional needs in an integrated classroom;

(4) Opportunity to reconvene the committee responsible for the individualized education program of the student with ~~special~~ exceptional needs assigned to the regular classroom teacher. Any teacher may request an IEP meeting if the data after 45 days shows that a student is

not in the least restrictive environment for academic growth. The meeting shall include all persons involved in a student's individualized education program and shall be held within twenty-one days of the time the request is made. If changes are made to a student's IEP, affecting services and/or placement, the services shall be available immediately upon the change in placement; and

(5) A teacher may not be penalized in any way for advocating for his or her student and the teacher may work with the family or guardian of the student to recommend local advocates, share documentation and information, inform the guardians of his or her due process rights, and may call for an IEP meeting to review the information gathered from documentation to best address the student's special education needs; and

~~(5) (6)~~ Assistance from persons trained or certified to ~~deal with~~ address a student's exceptional needs whenever assistance is part of the student's individualized education program as necessary to promote accomplishment of the program's goals and objectives: *Provided*, That aides in the area of special education cannot be reassigned to more than one school without the employee's consent.

(b) Except teachers already required to participate in the development of a student's individualized education program and sign it as provided in subdivision (2) of this section, all other teachers in whose class or program a student with exceptional needs is enrolled shall:

(1) Participate in the meeting to develop the student's individualized education program, or read and sign a copy of the student's individualized education program plan acknowledging that he or she has read and understands it; and

(2) Make appropriate accommodations and modifications for the student, if needed or identified, to help the student succeed in the class or program, and document, at minimum, the provision of these accommodations and modifications: *Provided*, That the general education teacher shall not be responsible for daily accommodation logs. The general education teacher shall only be responsible for acknowledging, at the end of each grading period, that each accommodation as required by the IEP has been met. All accommodations of the students shall be discussed before placement and it is the responsibility of the special education instructor to monitor progress: *Provided further*, That parents and guardians may request daily accommodation logs.

(3) Data to support the decision to place a student into an integrated classroom shall be included in the Individualized Education Plan.

(4) Nothing in this section may be construed as interfering with or limiting access to the Federal Individuals with Disabilities Education Act, and regulatory Due Process and complaint procedures available to students, families, and personnel.

(c) This requirement includes, but is not limited to, ~~teachers of music,~~ musical education, art, driver education, health, foreign language, and other instruction offered.

(d) If the teacher provides a series of documentation within a 45-day grading period that shows that the student is not in their least restrictive environment, to the point that his or her placement does not ensure the student with exceptionalities makes appropriate progress toward meeting the student's annual goals, the teacher may begin all available Federal and State process and complaint procedures. The teacher may not be penalized in any way for advocating for his or her student and the teacher may work with the family or guardian of the student to recommend local advocates, share documentation and information, inform the guardians of his or her due process rights, and may call for an IEP meeting to review the information gathered from documentation and address the concerns to best adjust the IEP, as necessary, to best address the student's special education needs.

§18-20-1d. Adoption of a state model for individualized education program.

The state board shall adopt a basic model for individualized education programs to be used by all special education teachers throughout the public schools of the state when preparing individualized education programs for students with exceptional needs.

The model achieved through the online IEP platform shall comply with, but may not exceed, all state laws and federal laws, policies, rules, and regulations relating to providing education services to students with exceptional needs ~~and shall include instructions for adapting the model to specific exceptionalities~~ and shall allow for the individualization of programming based on the unique needs of each student.

No professional educator may be required to prepare or implement an individualized education program which exceeds the requirements of federal and state laws, policies, rules or regulations.

§18-20-2. Providing suitable educational facilities, equipment and services.

(a) Each county board shall provide suitable educational facilities, special equipment and special services that are necessary to implement the IEP of each student with a disability. Special services include provisions and procedures for finding and enumerating exceptional ~~children~~ students of each type, diagnosis by appropriate specialists who will certify the ~~child's~~ student's need and eligibility for special education and make recommendations for treatment and prosthesis as ~~may alleviate~~ may accommodate the disability, ~~special teaching by qualified and specially trained~~ such as specially designed instruction by qualified teachers, transportation, ~~lunches and remedial~~ therapeutic related services. Qualifications of teachers and therapists shall be in accordance with

standards prescribed or approved by the state board.

(b) A county board may provide for educating resident exceptional children by contracting with other counties or other educational agencies which maintain special education facilities. Fiscal matters shall follow policies approved by the state board.

(c) The county board shall provide a four-clock-hour program of training for any teacher aide employed to assist teachers in providing services to exceptional children under this article prior to the assignment. The program shall consist of training in areas specifically related to the education of exceptional children, pursuant to rules of the state board. The training shall occur during normal working hours and an opportunity to be trained shall be provided to a service person prior to filling a vacancy in accordance with the provisions of section eight-b, article four, chapter eighteen-a of this code.

(d) The county board annually shall make available during normal working hours to all regularly employed teachers' aides twelve hours of training that satisfies the continuing education requirements for the aides regarding:

(1) Providing services to ~~children~~ students who have displayed ~~violent~~ challenging or aggressive behavior or have demonstrated the potential for ~~violent~~ challenging or aggressive behavior; and

(2) Providing services to children diagnosed as ~~autistic~~ or with autism spectrum disorder. This training shall be structured to permit the employee to qualify as an autism mentor after a ~~minimum of four years of training~~ thirty hours of staff development related to providing instructional support to students with autism including prevention and de-escalation techniques with alternative to restraint. The county board shall:

(A) Notify in writing all teachers' aides of the location, date and time when training will be offered for qualification as an autism mentor; and

(B) ~~Reimburse~~ Consider partial or full reimbursement of tuition for any regularly employed or substitute teacher's aide who elects to attend this training ~~for one half of the cost of the tuition~~.

(e) For any student whose individualized education plan (IEP) or education plan established pursuant to Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. §794, requires the services of a sign support specialist or an educational sign language interpreter I or II:

(1) Any educational sign language interpreter I or II assigned to assist that student is a related service provider member of the education team who participates in IEP meetings and works with the team to implement the IEP;

(2) A sign support specialist may be assigned to a student with an exceptionality other than

deaf or hard of hearing if it is determined that the student needs signs to support his or her expressive communication; and

(3) A sign support specialist may be assigned to a student who is deaf or hard of hearing in lieu of an interpreter only if an educational sign language interpreter I or II is unavailable, and the sign support specialist is executing a professional development plan while actively seeking certification as an educational sign language interpreter I or II. After two years the sign support specialist may remain in the assignment only if an educational sign language interpreter I or II remains unavailable, and with an approved waiver by the West Virginia Department of Education. An employee in this situation is entitled to full payment of the costs of certification acquisition or renewal pursuant to the certification renewal provisions of section four, article two, chapter eighteen-a of this code.

(f) Every teacher of a student for whom a school or ~~county board of education~~ local educational agency (LEA) prepares a plan of accommodation pursuant to Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. §794, shall receive specific instruction from the school regarding the contents and requirements of the plan and, ~~if the plan is prepared in writing,~~ the teacher shall receive a copy of the written plan and every update thereto and the teacher shall sign an acknowledgment of receipt of each plan and update.

§18-20-3. ~~County~~ Local educational agency reports.

(a) Each ~~county~~ local educational agency (LEA) shall, after having received from the faculty Senates in its schools, the strategic plans mandated by subsection (13), section five, article five-a of this chapter, develop a ~~county local educational agency (LEA)~~ strategic plan to manage which includes the integration of special-needs students with exceptional needs into the regular classroom to the maximum extent appropriate and addresses steps to improve proficiency in all subgroups, including the students with disabilities subgroup, and submit said strategic plan to the State Superintendent of Schools ~~prior to October 1, 1995~~ annually.

~~Counties maintaining special schools, classes, regular class programs, integrated classroom strategic plans and training related to integrated education, basic and specialized health care procedures including the administration of medications, home teaching or visiting services and receiving or requesting reimbursement from state appropriated funds shall file with the State Superintendent of Schools on forms supplied by his office, applications, annual reports and such other reports as he may require.~~

(b) Each local educational agency (LEA) must maintain a continuum of services for students with disabilities including, but not limited to, general education full-time, which encompasses the

integrated classroom and services in out of school environments. Relevant training shall be provided related to integrated education, basic and specialized health care procedures including the administration of medications, receiving or requesting reimbursement from state appropriated funds, and submitting annual reports and such other reports as the State Superintendent of Schools may require.

§18-20-4. Examination and report by medical or other specialists.

~~Each child student prior to enrolling in receiving a special education program shall be examined evaluated by an appropriate medical specialist~~ a qualified professional, including but not limited to, a psychologist, or educational specialist (reading specialist, speech and language clinician, or other specialists as required by the state Board of Education for specific areas of exceptionality) who shall report to the county local educational agency (LEA) superintendent of schools. The specialists' report shall carry recommendation for eligibility and placement in regular school or in the special education facility, indicate the nature and extent of disability, and advise with reference to treatment and prosthesis for alleviating the child's disability include relevant data and recommendations for individualized interventions.

~~No educationally exceptional child shall be excluded from attending public or other suitable schools~~ student eligible for a free appropriate public education shall be excluded from attending public schools.

§18-20-5. Powers and duties of state superintendent.

(a) The State Superintendent of Schools shall organize, promote, administer and be responsible for:

(1) ~~Stimulating and assisting county boards of education~~ Providing leadership and support to local educational agencies (LEA) in establishing, organizing and maintaining special schools, classes, regular class programs, home teaching and visiting teacher services a continuum of services for exceptional children students with exceptionalities.

(2) Cooperating with all other public and private agencies engaged in ~~relieving, caring for, curing, educating and rehabilitating exceptional children~~ providing medical, mental health, educational, or respite services for students with exceptionalities, and in helping coordinate the services of such agencies.

(3) (A) Preparing the necessary rules, policies, and formulas for distribution of available appropriated funds, reporting forms and procedures necessary to define minimum standards in providing suitable facilities for education of ~~exceptional children~~ students with exceptionalities and ensuring the employment, certification and approval of qualified teachers and therapists subject to

approval by the State Board of Education: *Provided*, That no state rule, policy or standard under this article or any county board rule, policy or standard governing special education may exceed the requirements of federal law or regulation.

(B) A separate appropriation shall be made to the Department of Education to be disbursed to county boards and public charter schools authorized pursuant to §18-5G-1 *et seq.* of this code to assist them with serving exceptional ~~children~~ students with high cost/high acuity ~~special~~ exceptional needs that exceed the capacity of ~~county~~ the local educational agency (LEA) to provide with funds available. Each ~~county board and public charter school~~ local educational agency (LEA) shall apply to the state superintendent to receive this funding in a manner set forth by the state superintendent that assesses and takes into account varying acuity levels of the ~~exceptional~~ students with exceptionalities. Any remaining funds at the end of a fiscal year from the appropriation shall be carried over to the next fiscal year. When possible, federal funds shall be disbursed to ~~county boards and public charter schools~~ local educational agencies (LEAs) for this purpose before any of the state appropriation is disbursed. The state board shall promulgate a rule in accordance with the provisions of §29A-3B-1 *et seq.* of this code that implements the provisions of this subdivision relating to disbursing the funds to the ~~county boards and public charter schools~~ local educational agencies (LEAs). The rule at least shall include a definition for “children with high acuity needs”.

(4) Receiving from ~~county boards and public charter schools~~ local educational agencies (LEAs), their applications, annual reports and claims for reimbursement from such moneys as are appropriated by the Legislature, auditing such claims, and preparing vouchers to reimburse said ~~counties~~ local educational agencies the amounts reimbursable to them.

(5) Assuring that all ~~exceptional children~~ students with exceptionalities in the state, including ~~children~~ students in mental health facilities, residential institutions, private schools receiving public funds and correctional facilities as provided in §18-2-13f of this code receive an education in accordance with state and federal laws: *Provided*, That the state superintendent shall also assure that adults in correctional facilities and regional jails receive an education to the extent funds are provided therefor and to the extent that those adult students are still eligible to receive a free appropriate public education (FAPE).

(6) Performing other duties and assuming other responsibilities in connection with this program as needed.

(b) Nothing contained in this section shall be construed to prevent any ~~county board of education~~ local education agency (LEA) from establishing and maintaining ~~special schools, classes,~~

~~regular class programs, home teaching or visiting teacher services for exceptional children a full continuum of services for students with exceptionalities~~ out of funds available from local revenue.

§18-20-6. Advisory council for the education of exceptional children.

In accordance with the Individuals with Disabilities Education Act, there shall be an advisory council for the education of ~~exceptional children~~ students with exceptionalities which shall advise and consult with the state Board of Education on matters pertinent thereto. The advisory council shall be composed of twelve members appointed by the state superintendent of ~~free~~ schools, four of which shall be parents of ~~exceptional children~~ students with exceptionalities utilizing or eligible for the services of the special educational programs established hereunder. Other members of the advisory council shall include at least one ~~handicapped~~ individual with a disability, teacher of ~~exceptional children~~ students with exceptionalities, state education official, local education official, and an administrator of programs for ~~exceptional children~~ students with exceptionalities. No more than two officers and employees of the state may be eligible for appointment to the advisory council. Members shall be appointed for terms of three years except for initial terms which may be for one, two or three years. Each year the terms of office of one third of the advisory council shall expire. The members of the advisory council shall be citizens and residents of this state, who by reason of their training, education or experience are qualified to carry out the functions of the advisory council under this article.

~~The first term of office for the newly appointed members shall begin June 30, 1978.~~

~~At its first meeting, to be held the second Wednesday in July, 1978, the advisory council shall elect a chairman from among its members, who shall preside over its meetings until the second Wednesday in July of the next year. Thereafter, the advisory council shall elect a chairman on the second Wednesday in May of each year.~~

The advisory council shall elect a chairperson annually.

All members shall be eligible for reappointment. A member shall, unless sooner removed, continue to serve until ~~his or her~~ the member's term expires and ~~his~~ the member's successor has been appointed and has qualified. A vacancy caused by the death, resignation or removal of a member prior to the expiration of ~~his~~ the member's term shall be filled only for the remainder of such term.

For the purpose of carrying out its functions under this article, six members of the advisory council shall constitute a quorum. The advisory council shall meet at least four times each year ~~at least two of which shall be held at a building in the State Capitol complex~~ and at a time designated by the chairperson. Additional meetings may be held when called by the chairperson or when

requested by six members of the advisory council.

The time and place of all meetings and agenda items must be publicly announced and available to the public upon request at least ten days prior to the meeting, and meetings must be open to the public. Official minutes must be kept of all council meetings and shall be made available to the public upon request.

Members of the council shall not receive any compensation for their services on the council, but shall be reimbursed any actual expenses incurred by them in carrying out their duties from funds appropriated to the Department of Education.

The council shall:

(a) Consult with the state Board of Education concerning and comment publicly upon any rules and regulations formulated by such board regarding the education of ~~handicapped children~~ students with exceptionalities;

(b) Consult with and advise the state board and superintendent and the Legislature concerning any problems presented to the council including unmet needs within the state in the education of ~~handicapped children~~ students with exceptionalities;

(c) Hold public meetings at such times and places as the advisory council deems appropriate;

(d) Periodically review and comment publicly upon the state plan for special programs and make any recommendations it may have concerning changes it may deem proper. ~~By July 1, of each year~~ Annually, the advisory council shall submit an annual report of its activities and suggestions to the state Board of Education and the superintendent, and shall make such report available to the public.

§18-20-7. Exceptional children program compliance ~~review~~ monitoring and accountability review teams.

The state board shall establish exceptional children program compliance monitoring and accountability review teams to conduct ~~random unannounced~~ cyclical on-site reviews of such programs at least every four years in each ~~county~~ local educational agency (LEA) for the purpose of reviewing identification procedures, complying with any or all applicable laws and policies, delivering services, verifying enrollment and attendance reports, recommending changes, providing support for continuous improvement, and fulfilling such other duties as may be established by the state board.

Each monitoring and accountability review team unit shall consist of ~~five members~~ including one member of an exceptional children advocacy group who is not an employee of any

~~county or state government agency, one teacher of exceptional children in the specific category or categories to be reviewed, one person certified to interpret psycho-educational assessments, one school finance official and one financial Auditor who shall not be an employee of any county board, all appointed by the state superintendent~~ individuals with expertise in state and federal laws applicable to the education of students with disabilities, as well as the identification and delivery of special education services to students with disabilities.

§18-20-8. Interagency plan for exceptional children; advisory council.

(a) The state departments of ~~health~~, human services and education shall enter into a collaborative agreement for the purpose of developing a statewide plan of coordinating comprehensive, multidisciplinary interagency programs providing appropriate early intervention services to all developmentally delayed and at-risk children, ages birth through five years, and their families ~~to be phased in by the school year 1990-99.~~

This comprehensive, coordinated statewide plan shall include, at a minimum:

- (1) Specification of the population to be served;
- (2) The development of regulations and procedural safeguards;
- (3) The development of procedures for administration, supervision and monitoring;
- (4) The identification and coordination of all available resources; and
- (5) The development of formal interagency agreements that define the financial responsibility of each agency and all additional components necessary to ensure meaningful cooperation and coordination.

(b) To assist in the development of such a plan, an advisory council consisting of twelve members shall be created. The departments of health, human services and education shall each appoint four members, and each shall include in such appointments one parent of ~~an exceptional child~~ a child with a disability under the age of six; one public or private provider of early intervention services for developmentally delayed and at-risk children; one individual involved in the education training of personnel who work with preschool ~~handicapped~~ special needs; and one other person.

The functions of the council shall include the following:

- (1) Meet at least quarterly;
- (2) Solicit information and opinions from concerned agencies, groups and individuals; and
- (3) Advise and assist the departments of health, human services and education in the development of the statewide plan herein required.

Following the submission of the advisory council's first annual report, the joint committee

on education is authorized and empowered to disband the council or alter its functions as it deems advisable.

The members of the council may be reimbursed for actual and necessary expenses incurred in the performance of their official duties in accordance with state law from appropriations to the departments of health, human services and education or available federal funds.

§18-20-9. Gifted education caseload review.

Notwithstanding any other provision of this code to the contrary, the teacher-student ratio for gifted, honors, and advanced placement education in grades nine through twelve shall be the same as regular classroom education and not as required for special education of ~~exceptional children~~ students with exceptionalities: *Provided*, That this shall not apply to education of exceptional gifted, as defined in section one, article twenty of this chapter. ~~The state board shall review class sizes and enrollment percentages of students in gifted, exceptional gifted, honors, and advanced placement programs in grades nine through twelve and report its findings to the standing education committees of the Senate and House of Delegates by January 10, 1991.~~

§18-20-10. Dyslexia and dyscalculia defined.

(a) The Legislature finds as follows:

(1) Reading difficulties are the most common cause of academic failure and underachievement;

(2) There are many students who demonstrate significant weaknesses with reading, writing and mathematics that are influenced by specific learning disabilities, including dyslexia, dyscalculia, and related learning difficulties. Of those who are referred to special education services in public schools, the majority are referred because of problems with language, reading, writing, or a combination of each;

(3) Teaching reading effectively, especially to students experiencing difficulty, requires considerable knowledge and skill. Informed and effective classroom instruction, especially in the early grades, can prevent and relieve the severity of language difficulties, and significantly improve literacy development;

(4) For those students with specific learning disabilities, including dyslexia and dyscalculia, who need specialized instruction, competent intervention can lessen the impact of the disorder and help the student overcome the most debilitating symptoms;

(5) While programs for specific learning disabilities, including dyslexia and dyscalculia, that certify or support teachers, clinicians or specialists differ in their preparation methodologies, teaching approaches and organizational purposes, they should ascribe to a common set of

professional standards for the benefit of the students they serve. Compliance with such standards can assure the public that individuals who serve students with specific learning disabilities in public schools are prepared to implement scientifically based and clinically proven practices;

(6) The International Dyslexia Association (IDA) offers widely-adopted and consistent standards to guide the preparation, certification, and professional development for teachers of reading and related literacy skills in classroom, remedial and clinical settings; and

(7) The basis of ascribing to common standards to benefit students with specific learning disabilities, including dyslexia and dyscalculia, requires recognizing common characteristics of the disabilities. The Legislature finds that the definitions of dyslexia and dyscalculia prescribed by the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, Text Revision (DSM-5-TR) are the appropriate measures for recognizing characteristics of dyslexia and dyscalculia in students.

(b) The Legislature recognizes the following regarding dyslexia and dyscalculia:

(1) Dyslexia and dyscalculia are conditions that may be considered under the specific learning disability category, and their definitions are consistent with IDEA and state board policy. State board policy provides that "specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia;

(2) Dyslexia is an alternative term used to refer to a pattern of learning difficulties characterized by problems with accurate or fluent word recognition, poor decoding, and poor spelling abilities. If dyslexia is used to specify this particular pattern of difficulties, it is important also to specify any additional difficulties that are present, such as difficulties with reading comprehension or math reasoning; and

(3) Dyscalculia is an alternative term used to refer to a pattern of learning difficulties characterized by problems processing numerical information, learning arithmetic facts, and performing accurate or fluent calculations. If dyscalculia is used to specify this particular pattern of mathematic difficulties, it is important also to specify any additional difficulties that are present, such as difficulties with math reasoning or word reasoning accuracy.

(c) The state board shall:

(1) Develop a list of appropriate screeners, early assessments, and professional development that address and ensure that all students receive the necessary and appropriate

screenings, evaluations, and early assessments for specific learning disabilities, including dyslexia and dyscalculia which contain information related to the following:

(A) Appropriate literacy and numeracy screening tools for identifying students who are at risk for academic difficulty in reading and/or math, including dyslexia and dyscalculia, and who require tiered intervention;

(B) Appropriate diagnostic assessment components that can be used to help identify and diagnose;

(C) Appropriate evidence-based instruction and intervention strategies for students who are at risk for academic difficulty in reading and/or mathematics, including students who exhibit possible indicators of risk for dyslexia and/or dyscalculia;

(D) Appropriate accommodations for students who exhibit possible indicators of risk for, or who have been diagnosed with, dyslexia, dyscalculia, and/or other specific learning disabilities;

(E) Connecting a multi-tiered system of support framework to specific learning disability identification; and

(F) The use of the terms "dyslexia" and "dyscalculia" in Individualized Education Programs, and in evaluation reports by professionals qualified to render these diagnoses; and

(2) Explore options to assist any LEA local educational agency (LEA) with acquiring approved literacy and/or numeracy screening tools: *Provided*, That the local educational agency is unable to acquire its own literacy and/or numeracy screening tools that are consistent with state educational agency recommendations;

(3) Adopt and make publicly available guidelines for including dyslexia diagnostic evaluation components in comprehensive assessments for special education and related services. These guidelines shall:

(A) Recommend at least one person on each multidisciplinary evaluation team be knowledgeable about dyslexia and be able to recognize when a dyslexia diagnostic component should be requested in the evaluation process;

(B) Recommend that a diagnosis of dyslexia be given when the data from the comprehensive evaluation components indicate such a diagnosis is appropriate;

(C) Include recommendations for how to document a dyslexia diagnosis in an IEP; and

(D) Include that a Section 504 Plan be considered if a student has a dyslexia diagnosis but does not qualify for special education services;

(4) Adopt and make publicly available a list of approved diagnostic assessment components that can be used to help identify and diagnose dyslexia during comprehensive multidisciplinary

evaluations;

(5) Adopt and make publicly available guidelines and a list of resources for dyslexia intervention practices that are evidence-based, including practices consistent with the Science of Reading and Structured Literacy, that are explicit, direct, sequential, systematic, and multisensory;

(6) Adopt and make publicly available a list of recommended accommodations and instructional practices to be used with students who exhibit signs of dyslexia or have been diagnosed with dyslexia. These shall reflect contemporary research and guidelines of the Science of Reading related to dyslexia. These recommendations shall include, but are not limited to, structured literacy approaches that are explicit, direct, sequential, systematic, and multisensory;

(7) Adopt and make publicly available a list of available professional development resources that support evidence-based intervention for struggling readers, including the Science of Reading and Structured Literacy. This list shall be made publicly available and include resources endorsed or espoused by technical assistance centers, research organizations, and professional associations that support the Science of Reading and Structured Literacy regarding dyslexia, including the International Dyslexia Association; and

(8) Develop and make publicly available informational materials related to dyslexia for parents and guardians that include information about the multidisciplinary evaluation process, updated regularly.

(d) The local education agency shall:

(1) Develop a system for parents and guardians to annually receive digital and print informational materials related to dyslexia;

(2) Ensure at least one educator at each school is trained to administer, score, and interpret the data from the literacy screening instrument or instruments, and to recognize signs of dyslexia;

(3) Notify parents of the results of these literacy screeners while emphasizing that not all students who perform poorly on these screening instruments have dyslexia. Also, not all students with dyslexia will perform poorly on the screeners;

(4) Provide evidence-based reading intervention to students who exhibit academic risk in future reading performance, including indicators of dyslexia;

(5) Conduct comprehensive assessments to determine eligibility for special education services when a ~~child~~ student does not respond or only minimally responds to intervention strategies and/or when there is a suspected disability of dyslexia. If a determination is made through the evaluation process that a student needs to be assessed for dyslexia, provide assessment and diagnosis as necessary per West Virginia Department of Education guidelines;

(6) Employ appropriate accommodations and instructional practices recommended by the West Virginia Department of Education based upon the students' needs. When those needs are related to dyslexia, these accommodations and instructional techniques or strategies shall also meet the West Virginia Department of Education-approved guidelines for dyslexia accommodations and instructional practices;

(7) Require all elementary educators, special educators, reading interventionists or specialists, and other personnel determined appropriate by the local education agency to receive professional development on the possible signs of dyslexia and the related classroom accommodations and instructional practices approved by the West Virginia Department of Education;

(8) Administer a literacy screening instrument or instruments to students in grades 3-5 who transfer from a local education agency where literacy screening instruments were not administered. If the literacy screening instrument indicates a deficit in reading, the school will provide intervention according to current policy. If a student does not respond or only minimally responds to intervention, a referral for multidisciplinary evaluation shall be made; and

(9) Require all appropriate personnel, as determined by the local education agency, to annually receive professional development relating to the possible indicators for dyslexia and dyscalculia, accommodations and modifications in the classroom environment, proper instructional practices for educating students who exhibit possible indicators of risk for, or who have been, diagnosed with dyslexia, dyscalculia, and/or other specific learning disabilities. Local education agencies may create more than one module to satisfy the requirements of this subdivision.

(e) The state board shall promulgate a rule pursuant to §29A-3B-1 *et seq.* of this code to implement this section. In addition to other provisions to implement this section, the rule shall at least include the following:

(1) If a student is reading substantially below grade level according to formal and/or informal assessments, including benchmark assessments, and has never been evaluated for special education, a request may be made by a school, parent, or teacher for the administration of an age- or grade-appropriate West Virginia Department of Education-approved literacy screening instrument or instruments. These points of data may be used to either start intervention and progress monitoring per West Virginia Department of Education guidance, or make a referral for a special education evaluation;

(2) Acknowledgement that each local education agency may have one certified Literacy and Numeracy Specialist in each local ~~education~~ educational agency, or another appropriate

professional designated by relevant local ~~education~~ educational agency leadership, to be appropriately trained, or be seeking appropriate training, in intervention, accommodations, and instructional strategies for students with dyslexia or a related disorder. The trained individual(s) shall serve as an advisor and trainer for dyslexia and related disorders for the local ~~education~~ educational agency. The reading specialist(s) or other designated professional(s) shall have an understanding of the definition of dyslexia and a working knowledge of:

(A) Techniques to help a student on the continuum of skills with dyslexia;

(B) Dyslexia characteristics that may manifest at different ages and levels;

(C) The basic foundation of the keys to reading, including multisensory, explicit, systematic, and structured literacy instruction; and

(D) Appropriate interventions, accommodations, and assistive technology supports for students with dyslexia.

(f) Legislative Oversight Commission on Education Accountability (LOCEA):

(1) The final draft of the state board's literacy and numeracy rule shall be submitted to the Legislative Oversight Commission on Education Accountability (LOCEA) by August 1, 2023.

(2) The following shall be submitted to the Legislative Oversight Commission on Education Accountability (LOCEA) annually:

(A) Disaggregated data concerning literacy and numeracy patterns statewide;

(B) Statewide interventions implemented; and

(C) The statewide professional development plan.

(3) Progress monitoring regarding K-2 screening and 3-8 formative assessments shall be presented to the Legislative Oversight Commission on Education Accountability (LOCEA) after data is collected for the beginning, middle, and end of the school year.

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

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

(b) As used in this section:

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

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

(B) Another student;

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

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

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

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

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

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

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

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

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

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

(B) Recording audio from all areas of the self-contained classroom, including, without

limitation, a room attached to the self-contained classroom and used for other purposes.

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) This section does not:

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

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

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

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

(1) Teacher evaluations; or

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

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

(k) Within seven days of receiving a request, a public school or ~~school district~~ local

educational agency (LEA) shall allow review of a recording by:

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

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

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

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

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

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

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

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

(o) It is not a violation of subsection (j) of this section if a contractor or other employee of a

public school or ~~school-district~~ local educational agency (LEA) incidentally reviews a recording under this section if the contractor or employee of a public school or ~~school-district~~ local educational agency (LEA) is performing job duties related to the:

- (1) Installation, operation, or maintenance of video or audio equipment; or
- (2) Retention of video or audio recordings.

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

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

(1) Take necessary precautions to conceal the identity of a student who appears in a video recording but is not involved in the alleged incident documented by the video recording for which the public school allows viewing under subsection (j) of this section, including, without limitation, blurring the face of the uninvolved student; and

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

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

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

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

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

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

House Bill 5162: Establish a program to promote creation and expansion of registered apprenticeship programs.

Effective: Passed March 9, 2024; Effective 90 days from passage

Code Reference: W. Va. Code § 18-2-7g (NEW)
§ 21-1E-2 (AMENDED)
§ 21-1E-3 (AMENDED)
§ 21-6-2 (AMENDED)

WVDE Contact: Office of Career & Technical Education
Office of Certification & Educator Preparation

Summary: This Act requires the WVDE to establish a Youth Apprenticeship Program that:

1) Authorizes any participating student to receive secondary credit or credentialing for apprenticeship work performed under an approved enterprise;

2) Includes a broad range of skills, including skills focused on manufacturing, engineering technology, administrative/office technology and health care;

3) Includes awarding a postsecondary certification of occupational skills with diploma;

4) Requires a detailed training plan between the employer and the apprentice designed to develop workplace competency, a minimum of 135 classroom hours, a minimum of 400 hours of on-the-job training, a progressive wage schedule, on-site evaluation, and training mediation;

5) Requires hours performed as an apprentice to count toward the student's certifications or licenses, if appropriate;

6) Exempts participating students who are at least 16 years old from the hazardous work prohibition only for the purpose of learning to install, wire, or repair a rooftop or other equipment if the student is enrolled in a recognized state or local training program, parental or guardian consent has been obtained, and the work is intermittent and under direct supervision of a qualified person; and,

7) Allows the WVDE to approve other exemptions for nonagricultural work permitted under federal law.

Finally, the Act requires the WVDE to develop pilot projects for the 2024-2025 school year and direct that a comprehensive

apprenticeship program be implemented in all school systems by the 2025-2026 school year. The State Board of Education, Higher Education Policy Commission, and the Department of Commerce are required to jointly maintain a detailed list of current apprenticeships.

Enrolled Bill:

ENROLLED Committee Substitute for House Bill 5162

BY DELEGATES HOWELL, MALLOW, ADKINS, CAMPBELL, DEVAULT,
HOUSEHOLDER, JEFFRIES, THORNE, FERRELL, FOSTER, AND WILLIS

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7g; to amend and reenact §21-1E-2 of said Code; to amend and reenact §21-1E-3 of said Code; and to amend and reenact §21-6-2 of said Code, all relating to creating the Youth Apprenticeship Program which allows certain students to enroll in apprenticeship programs; allowing any student participating in the program to receive secondary credit or other credentialing for the apprenticeship under certain conditions; making the West Virginia Department of Education responsible for establishing the program; requiring the program to include a broad range of skills including those specifically focused in certain areas; requiring the county boards of education to develop materials in conjunction with industry to promote awareness of apprenticeship for students and to encourage recruitment; requiring program to create a structural linkage between secondary and postsecondary components of the program leading to the school awarding a high school diploma and postsecondary certification of occupational skills to the student; requiring the department to develop pilot projects for the 2024-2025 school year and to implement and direct a comprehensive apprenticeship program for all school systems by the beginning of the 2025-2026 school year; requiring each apprenticeship to meet the department's criteria; specifying minimum criteria; adding definition of "Youth Apprenticeship Program"; providing that training hours accumulated by a student's participation in the program count towards the student's certifications or licensures, if appropriate; requiring maintenance of a list of current apprenticeships throughout the state along with certain other resources, planning materials, credentials, certifications, and exams; authorizing students enrolled in a Youth Apprenticeship Program to work on machinery associated with certain listed occupations otherwise prohibited for a child under 18 years of age on an occasional and incidental basis while under mandatory direct supervision; providing exemptions for certain students performing roofing operations under certain conditions; and allowing the department to grant other limited exemptions for nonagricultural work in compliance with the U.S. Child Labor Provisions for

nonagricultural occupations under the Fair Standards Act, Child Labor Bulletin 101.

Be it enacted by the Legislature of West Virginia:

CHAPTER 18. EDUCATION.

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-7G. Youth Apprenticeship Program.

(a) In addition to any other registered apprenticeship programs, there is herein created the "Youth Apprenticeship Program," which shall allow for any public, private, or home school student in the eleventh or twelfth grade, or are 16 years or older, the opportunity to enroll in apprenticeship programs.

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

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

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

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

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

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

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

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

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

- (2) A minimum of 135 classroom hours of related academic instruction and training;
- (3) A minimum of 400 hours of on-the-job training;
- (4) A progressive wage schedule established by the participating employer;
- (5) On-site evaluation of the student's performance; and
- (6) Training remediation as necessary at the school site.

CHAPTER 21. LABOR

ARTICLE 1E. CAREER TRAINING EDUCATION AND APPRENTICESHIPS

§21-1E-2. Definitions.

As used in this article and the legislative rules promulgated pursuant to this article:

"Apprentice" means someone who is enrolled in an apprenticeship program.

"Apprenticeship program" means a program offered by an employer to provide supervised on-the-job training to employees approved by the United States Department of Labor.

"Employer sponsored training program" means a program approved in accordance with a rule promulgated pursuant to authority established in §21-1E-4 of this code.

"License" means a valid and current certification or license issued by the Commissioner of Labor in accordance with the provisions of this article.

"Career technical education" means programs of study, clusters, and pathways approved by the West Virginia Board of Education pursuant to state board policy.

"Youth Apprenticeship Program" means the program created in §18-2-7g of this code and is subject to the definition of "apprentice" set forth in this section.

§21-1E-3. Recognition of training and apprenticeships; maintenance of current list of apprenticeships.

(a) Beginning July 1, 2019, applicants for certification or licensure shall be permitted to apply training hours earned via career technical education provided by West Virginia public schools or an apprenticeship program or employer-sponsored training program towards the requirements for certification and/or licensure in the same occupation in accordance with the standards and procedures authorized in accordance with this article. The training hours accumulated by a student's participation in the "Youth Apprenticeship Program" created in §18-2-7g of this code shall count towards the student's certifications or licensures, if appropriate.

(b) The State Board of Education, Higher Education Policy Commission, and Department of Commerce shall jointly maintain a list of current apprenticeships throughout the state along with free career exploration resources and planning materials for postsecondary opportunities in addition to credentials, certifications, and/or exams that reflect industry requirements or lead to

postsecondary credit.

ARTICLE 6. CHILD LABOR.

§21-6-2. Employment of children under eighteen in certain occupations; determination as to other occupations; ~~appeal to supreme court~~ exemptions for certain students performing roofing operations.

(a) A child under 18 years of age may not be employed, permitted, or suffered to work in, about, or in connection with any of the following occupations:

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

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

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

(4) Logging and saw milling occupations;

(5) Power-driven woodworking machine occupations;

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

(7) Power-driven hoisting apparatus occupations;

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

(9) Mining, including coal mining;

(10) Occupations involving slaughtering, meat-packing, or processing or rendering;

(11) Power-driven bakery machines;

(12) Power-driven paper-products machine occupations;

(13) Occupations involved in the manufacturing of brick, tile, and kindred products;

(14) Occupations involved in the operation of power-driven circular saws, band saws, and guillotine shears;

(15) Occupations involved in wrecking, demolition, and ship-breaking operations;

(16) Roofing operations above ground level, subject to subsection (d) of this section; and

(17) Excavation operations.

(b) A child under 18 years of age may not be employed or permitted to work in a bar, or be permitted, employed, or suffered to sell, dispense, or serve alcoholic beverages in any place or establishment where the consumption of alcoholic beverages is permitted by law.

(c) A child under 18 years of age may not be employed or permitted to work in any occupation prohibited by law or determined by the commissioner to be dangerous or injurious:

Provided, That a child between the ages of 16 and 18 years who is enrolled in, participating in, or has completed the minimum training requirements of the West Virginia State Fire Commission, West Virginia Department of Education Public Service Training, or West Virginia University fire service extension, or equivalent approved program, and who has the written consent of his or her parents or guardian, may be employed by or elected as a member of a volunteer fire department to perform firefighting functions: *Provided, however*, That no child may be permitted to operate any fire fighting vehicles, enter a burning building in the course of his or her employment or work or enter into any area determined by the fire chief or fireman in charge at the scene of a fire or other emergency to be an area of danger exposing the child to physical harm by reason of impending collapse of a building or explosion, unless the child is under the immediate supervision of a fire line officer.

(d) Students enrolled in a Youth Apprenticeship Program pursuant to §18-2-7g of this code are authorized to work on machinery associated with occupations listed in §21-6-2(a) of this code only on an occasional and incidental basis while under mandatory direct supervision. For the purposes of this section, the term “occasional and incidental use” means use done for training purposes and for no more than five percent of the student’s training hours a day.

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

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

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

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

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

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

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

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

House Bill 5252: Requiring certain minimum experience for the director or coordinator of services class title involving school transportation.

Effective: Passed March 9, 2024; Effective 90 days from passage

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

WVDE Contact: Office of School Transportation
Office of Certification & Educator Preparation

Summary: This Act provides that after July 1, 2024, employees hired for the first time as a director, assistant director or coordinator of school transportation must possess a commercial driver's license (CDL) within one year of employment unless the person is multiclassified with multiple job titles or provides documentation from a physician of a medical diagnosis that renders them physically unqualified to obtain a CDL.

Enrolled Bill: **ENROLLED House Bill 5252**
BY DELEGATES COOPER AND TONEY

AN ACT to amend and reenact §18A-4-8 of the Code of West Virginia, 1931, as amended, relating to generally to service personnel class titles and definitions; requiring persons employed in a director or coordinator of services classification title as a director, assistant director, or coordinator of transportation to possess a commercial driver's license within one year of employment; providing exceptions; and removing outdated class title and terms.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.

§18A-4-8. Employment term and class titles of service personnel; definitions.

(a) The purpose of this section is to establish an employment term and class titles for service personnel. The employment term for service personnel may not be less than 10 months. A month is defined as 20 employment days. The county board may contract with, all or part of, these service personnel for a longer term.

(b) Service personnel employed on a yearly or 12-month basis may be employed by calendar months. Whenever there is a change in job assignment during the school year, the minimum pay scale and any county supplement are applicable.

(c) Service personnel employed in the same classification for more than the 200-day minimum employment term are paid for additional employment at a daily rate of not less than the

daily rate paid for the 200-day minimum employment term.

(d) A service person may not be required to report for work more than five days per week without his or her agreement, and no part of any working day may be accumulated by the employer for future work assignments, unless the employee agrees thereto.

(e) If a service person whose regular work week is scheduled from Monday through Friday agrees to perform any work assignments on a Saturday or Sunday, the service person is paid for at least one-half day of work for each day he or she reports for work. If the service person works more than three and one-half hours on any Saturday or Sunday, he or she is paid for at least a full day of work for each day.

(f) A custodian, aide, maintenance, office, and school lunch service person required to work a daily work schedule that is interrupted is paid additional compensation in accordance with this subsection.

(1) A maintenance person means a person who holds a classification title other than in a custodial, aide, school lunch, office or transportation category as provided in §18A-1-1 of this code.

(2) A service person's schedule is considered to be interrupted if he or she does not work a continuous period in one day. Aides are not regarded as working an interrupted schedule when engaged exclusively in the duties of transporting students;

(3) The additional compensation provided in this subsection:

(A) Is equal to at least one eighth of a service person's total salary as provided by the state minimum pay scale and any county pay supplement; and

(B) Is payable entirely from county board funds.

(g) When there is a change in classification or when a service person meets the requirements of an advanced classification, his or her salary shall be made to comply with the requirements of this article and any county salary schedule in excess of the minimum requirements of this article, based upon the service person's advanced classification and allowable years of employment.

(h) A service person's contract, as provided in §18A-2-5 of this code, shall state the appropriate monthly salary the employee is to be paid, based on the class title as provided in this article and on any county salary schedule in excess of the minimum requirements of this article.

(i) The column heads of the state minimum pay scale and class titles, set forth in §18A-4-8a of this code, are defined as follows:

"Pay grade" means the monthly salary applicable to class titles of service personnel;

"Years of employment" means the number of years which an employee classified as a

service person has been employed by a county board in any position prior to or subsequent to the effective date of this section and includes service in the Armed Forces of the United States, if the employee was employed at the time of his or her induction. For the purpose of §18A-4-8a of this code, years of employment is limited to the number of years shown and allowed under the state minimum pay scale as set forth in §18A-4-8a of this code;

"Class title" means the name of the position or job held by a service person;

"Accountant I" means a person employed to maintain payroll records and reports and perform one or more operations relating to a phase of the total payroll;

"Accountant II" means a person employed to maintain accounting records and to be responsible for the accounting process associated with billing, budgets, purchasing and related operations;

"Accountant III" means a person employed in the county board office to manage and supervise accounts payable, payroll procedures, or both;

"Accounts payable supervisor" means a person employed in the county board office who has primary responsibility for the accounts payable function and who either has completed 12 college hours of accounting courses from an accredited institution of higher education or has at least eight years of experience performing progressively difficult accounting tasks. Responsibilities of this class title may include supervision of other personnel;

"Aide I" means a person selected and trained for a teacher-aide classification such as monitor aide, clerical aide, classroom aide or general aide;

"Aide II" means a service person referred to in the "Aide I" classification who has completed a training program approved by the state board, or who holds a high school diploma or has received a general educational development certificate. Only a person classified in an Aide II class title may be employed as an aide in any special education program;

"Aide III" means a service person referred to in the "Aide I" classification who holds a high school diploma or a general educational development certificate; and

(A) Has completed six semester hours of college credit at an institution of higher education;
or

(B) Is employed as an aide in a special education program and has one year's experience as an aide in special education;

"Aide IV" means a service person referred to in the "Aide I" classification who holds a high school diploma or a general educational development certificate; and

(A) Has completed 18 hours of State Board-approved college credit at a regionally

accredited institution of higher education, or

(B) Has completed 15 hours of State Board-approved college credit at a regionally accredited institution of higher education; and has successfully completed an in-service training program determined by the state board to be the equivalent of three hours of college credit;

"Aide V (Special Education Assistant Teacher) – Temporary Authorization" means a person who does not possess minimum requirements for the Aide V permanent authorization, but is enrolled in and pursuing requirements as prescribed by the state board of education. No service person shall be entitled to receive the paygrade associated with this classification unless he or she has applied for and been selected to fill a posted position which specifically requires the successful candidate to hold or be enrolled in and pursuing the requirements for the classification. The determination as to whether a position will be posted requiring this classification is solely at the discretion of the county;

"Aide V (Special Education Assistant Teacher)" means a service person referred to in the "Aide I" classification who holds a high school diploma or a general educational development certificate and who has completed the requirements and experience to be prescribed by the state board of education. No service person shall be entitled to receive the paygrade associated with this classification unless he or she has applied for and been selected to fill a posted position which specifically requires the successful candidate to hold or be enrolled in and pursuing the requirements for the classification. The determination as to whether a position will be posted requiring this classification is solely at the discretion of the county;

"Aide VI (Behavioral Support Assistant Teacher – Temporary Authorization)" means a person who does not possess minimum requirements for the Aide VI permanent authorization, but is enrolled in and pursuing the requirements as prescribed by the state board of education. No service person shall be entitled to receive the paygrade associated with this classification unless he or she has applied for and been selected to fill a posted position which specifically requires the successful candidate to hold or be enrolled in and pursuing the requirements for the classification. The determination as to whether a position will be posted requiring this classification is solely at the discretion of the county;

"Aide VI (Behavioral Support Assistant Teacher)" means a person who works with a student or students who have identified behavior difficulties, holds at least an Aide III classification and has completed the requirements and experience to be prescribed by the state board of education. No service person shall be entitled to receive the paygrade associated with this classification unless he or she has applied for and been selected to fill a posted position which

specifically requires the successful candidate to hold or be enrolled in and pursuing the requirements for the classification. The determination as to whether a position will be posted requiring this classification is solely at the discretion of the county;

"Audiovisual technician" means a person employed to perform minor maintenance on audiovisual equipment, films, and supplies and who fills requests for equipment;

"Auditor" means a person employed to examine and verify accounts of individual schools and to assist schools and school personnel in maintaining complete and accurate records of their accounts;

"Autism mentor" means a person who works with students having been identified as a person of autism and who meets standards and experience to be determined by the state Board. A person who has held or holds an aide title and becomes employed as an autism mentor shall hold a multiclassification status that includes both aide and autism mentor titles, in accordance with §18A-4-8b of this code;

"Braille specialist" means a person employed to provide braille assistance to students. A service person who has held or holds an aide title and becomes employed as a braille specialist shall hold a multiclassification status that includes both aide and braille specialist title, in accordance with §18A-4-8b of this code;

"Bus operator" means a person employed to operate school buses and other school transportation vehicles as provided by the state board;

"Buyer" means a person employed to review and write specifications, negotiate purchase bids and recommend purchase agreements for materials and services that meet predetermined specifications at the lowest available costs;

"Cabinetmaker" means a person employed to construct cabinets, tables, bookcases and other furniture;

"Cafeteria manager" means a person employed to direct the operation of a food services program in a school, including assigning duties to employees, approving requisitions for supplies and repairs, keeping inventories, inspecting areas to maintain high standards of sanitation, preparing financial reports, and keeping records pertinent to food services of a school;

"Carpenter I" means a person classified as a carpenter's helper;

"Carpenter II" means a person classified as a journeyman carpenter;

"Chief mechanic" means a person employed to be responsible for directing activities which ensure that student transportation or other county board-owned vehicles are properly and safely maintained;

"Clerk I" means a person employed to perform clerical tasks;

"Clerk II" means a person employed to perform general clerical tasks, prepare reports and tabulations, and operate office machines;

"Computer operator" means a qualified person employed to operate computers;

"Cook I" means a person employed as a cook's helper;

"Cook II" means a person employed to interpret menus and to prepare and serve meals in a food service program of a school. This definition includes a service person who has been employed as a "Cook I" for a period of four years;

"Cook III" means a person employed to prepare and serve meals, make reports, prepare requisitions for supplies, order equipment and repairs for a food service program of a school system;

"Crew leader" means a person employed to organize the work for a crew of maintenance employees to carry out assigned projects;

"Custodian I" means a person employed to keep buildings clean and free of refuse;

"Custodian II" means a person employed as a watchman or groundsman;

"Custodian III" means a person employed to keep buildings clean and free of refuse, to operate the heating or cooling systems and to make minor repairs;

"Custodian IV" means a person employed as a head custodian. In addition to providing services as defined in "Custodian III" duties may include supervising other custodian personnel;

"Director or coordinator of services" means an employee of a county board who is assigned to direct a department or division.

(A) Nothing in this subdivision prohibits a professional person or a professional educator from holding this class title; Provided, That after July 1, 2024, all persons employed for the first time in a position with this classification title as a director, assistant director, or coordinator of transportation shall possess a commercial driver's license within one year of employment except that this requirement shall not apply to persons who are multiclassified, hold multiple job titles, or provide documentation from a physician that they have a medical diagnosis that renders them physically unqualified to obtain a commercial driver's license;

(B) Professional personnel holding this class title may not be defined or classified as service personnel unless the professional person held a service personnel title under this section prior to holding the class title of "director or coordinator of services;"

(C) The director or coordinator of services is classified either as a professional person or a service person for state aid formula funding purposes;

(D) Funding for the position of director or coordinator of services is based upon the employment status of the director or coordinator either as a professional person or a service person; and

(E) A person employed under the class title "director or coordinator of services" may not be exclusively assigned to perform the duties ascribed to any other class title as defined in this subsection: *Provided*, That nothing in this paragraph prohibits a person in this position from being multiclassified;

"Draftsman" means a person employed to plan, design, and produce detailed architectural/engineering drawings;

"Early Childhood Classroom Assistant Teacher I" means a person who does not possess minimum requirements for the permanent authorization requirements, but is enrolled in and pursuing requirements;

"Early Childhood Classroom Assistant Teacher II" means a person who has completed the minimum requirements for a state-awarded certificate for early childhood classroom assistant teachers as determined by the state board;

"Early Childhood Classroom Assistant Teacher III" means a person who has completed permanent authorization requirements, as well as additional requirements comparable to current paraprofessional certificate;

"Educational Sign Language Interpreter I" means a person employed to provide communication access across all educational environments to students who are deaf or hard of hearing, and who holds the Initial Paraprofessional Certificate – Educational Interpreter pursuant to state board policy;

"Educational Sign Language Interpreter II" means a person employed to provide communication access across all educational environments to students who are deaf or hard of hearing, and who holds the Permanent Paraprofessional Certificate – Educational Interpreter pursuant to state board policy;

"Electrician I" means a person employed as an ~~apprentice~~ electrician helper or one who holds an electrician helper license issued by the State Fire Marshal;

"Electrician II" means a person employed as an electrician journeyman or one who holds a journeyman electrician license issued by the State Fire Marshal;

"Electronic technician I" means a person employed ~~at the apprentice level~~ to repair and maintain electronic equipment;

"Electronic technician II" means a person employed at the journeyman level to repair and

maintain electronic equipment;

"Executive secretary" means a person employed as secretary to the county school superintendent or as a secretary who is assigned to a position characterized by significant administrative duties;

"Food services supervisor" means a qualified person who is not a professional person or professional educator as defined in §18A-1-1 of this code. The food services supervisor is employed to manage and supervise a county school system's food service program. The duties include preparing in-service training programs for cooks and food service employees, instructing personnel in the areas of quantity cooking with economy and efficiency and keeping aggregate records and reports;

"Foreman" means a skilled person employed to supervise personnel who work in the areas of repair and maintenance of school property and equipment;

"General maintenance" means a person employed as a helper to skilled maintenance employees, and to perform minor repairs to equipment and buildings of a county school system;

"Glazier" means a person employed to replace glass or other materials in windows and doors and to do minor carpentry tasks;

"Graphic artist" means a person employed to prepare graphic illustrations;

"Groundsman" means a person employed to perform duties that relate to the appearance, repair, and general care of school grounds in a county school system. Additional assignments may include the operation of a small heating plant and routine cleaning duties in buildings;

"Handyman" means a person employed to perform routine manual tasks in any operation of the county school system;

"Heating and air conditioning mechanic I" means a person employed ~~at the apprentice level~~ to install, repair and maintain heating and air conditioning plants and related electrical equipment;

"Heating and air conditioning mechanic II" means a person employed at the journeyman level to install, repair, and maintain heating and air conditioning plants and related electrical equipment;

"Heavy equipment operator" means a person employed to operate heavy equipment;

"Inventory supervisor" means a person employed to supervise or maintain operations in the receipt, storage, inventory and issuance of materials and supplies;

~~"Key punch operator" means a qualified person employed to operate key punch machines or verifying machines;~~

"Licensed practical nurse" means a nurse, licensed by the West Virginia Board of Examiners

for Licensed Practical Nurses, employed to work in a public school under the supervision of a school nurse;

"Locksmith" means a person employed to repair and maintain locks and safes;

"Lubrication man" means a person employed to lubricate and service gasoline or diesel-powered equipment of a county school system;

"Machinist" means a person employed to perform machinist tasks which include the ability to operate a lathe, planer, shaper, threading machine and wheel press. A person holding this class title also should have the ability to work from blueprints and drawings;

"Mail clerk" means a person employed to receive, sort, dispatch, deliver or otherwise handle letters, parcels, and other mail;

"Maintenance clerk" means a person employed to maintain and control a stocking facility to keep adequate tools and supplies on hand for daily withdrawal for all school maintenance crafts;

"Mason" means a person employed to perform tasks connected with brick and block laying and carpentry tasks related to these activities;

"Mechanic" means a person employed to perform skilled duties independently in the maintenance and repair of automobiles, school buses and other mechanical and mobile equipment to use in a county school system;

"Mechanic assistant" means a person employed as a mechanic apprentice and helper;

"Multiclassification" means a person employed to perform tasks that involve the combination of two or more class titles in this section. In these instances, the minimum salary scale is the higher pay grade of the class titles involved;

"Office equipment repairman I" means a person employed as an office equipment repairman apprentice or helper;

"Office equipment repairman II" means a person responsible for servicing and repairing all office machines and equipment. A person holding this class title is responsible for the purchase of parts necessary for the proper operation of a program of continuous maintenance and repair;

"Painter" means a person employed to perform duties painting, finishing and decorating wood, metal and concrete surfaces of buildings, other structures, equipment, machinery and furnishings of a county school system;

"Paraprofessional" means a person certified pursuant to §18A-3-2a of this code to perform duties in a support capacity including, but not limited to, facilitating in the instruction and direct or indirect supervision of students under the direction of a principal, a teacher or another designated professional educator.

(A) A person employed on the effective date of this section in the position of an aide may not be subject to a reduction in force or transferred to create a vacancy for the employment of a paraprofessional;

(B) A person who has held or holds an aide title and becomes employed as a paraprofessional shall hold a multiclassification status that includes both aide and paraprofessional titles in accordance with §18A-4-8b of this code; and

(C) When a service person who holds an aide title becomes certified as a paraprofessional and is required to perform duties that may not be performed by an aide without paraprofessional certification, he or she shall receive the paraprofessional title pay grade;

"Payroll supervisor" means a person employed in the county board office who has primary responsibility for the payroll function and who either has completed 12 college hours of accounting from an accredited institution of higher education or has at least eight years of experience performing progressively difficult accounting tasks. Responsibilities of this class title may include supervision of other personnel;

"Plumber I" means a person employed as an apprentice plumber and helper;

"Plumber II" means a person employed as a journeyman plumber;

"Printing operator" means a person employed to operate duplication equipment, and to cut, collate, staple, bind and shelve materials as required;

"Printing supervisor" means a person employed to supervise the operation of a print shop;

"Programmer" means a person employed to design and prepare programs for computer operation;

"Roofing/sheet metal mechanic" means a person employed to install, repair, fabricate and maintain roofs, gutters, flashing and duct work for heating and ventilation;

"Sanitation plant operator" means a person employed to operate and maintain a water or sewage treatment plant to ensure the safety of the plant's effluent for human consumption or environmental protection;

"School bus supervisor" means a qualified person:

(A) Employed to assist in selecting school bus operators and routing and scheduling school buses, operate a bus when needed, relay instructions to bus operators, plan emergency routing of buses and promote good relationships with parents, students, bus operators and other employees; and

(B) Certified to operate a bus or previously certified to operate a bus;

"Secretary I" means a person employed to transcribe from notes or mechanical equipment,

receive callers, perform clerical tasks, prepare reports, and operate office machines;

"Secretary II" means a person employed in any elementary, secondary, kindergarten, nursery, special education, vocational, or any other school as a secretary. The duties may include performing general clerical tasks; transcribing from notes; stenotype, mechanical equipment, or a sound-producing machine; preparing reports; receiving callers and referring them to proper persons; operating office machines; keeping records and handling routine correspondence. Nothing in this subdivision prevents a service person from holding or being elevated to a higher classification;

"Secretary III" means a person assigned to the county board office administrators in charge of various instructional, maintenance, transportation, food services, operations and health departments, federal programs, or departments with particular responsibilities in purchasing and financial control or any person who has served for eight years in a position which meets the definition of "Secretary II" or "Secretary III";

"Sign Support Specialist" means a person employed to provide sign supported speech assistance to students who can access environments through audition. A person who has held or holds an aide title and becomes employed as a sign support specialist shall hold a multiclassification status that includes both aide and sign support specialist titles, in accordance with §18A-4-8b of this code.

"Supervisor of maintenance" means a skilled person who is not a professional person or professional educator as defined in §18A-1-1 of this code. The responsibilities include directing the upkeep of buildings and shops, and issuing instructions to subordinates relating to cleaning, repairs and maintenance of all structures and mechanical and electrical equipment of a county board;

"Supervisor of transportation" means a qualified person employed to direct school transportation activities properly and safely, and to supervise the maintenance and repair of vehicles, buses and other mechanical and mobile equipment used by the county school system. After July 1, 2010, all persons employed for the first time in a position with this classification title or in a multiclassification position that includes this title shall have five years of experience working in the transportation department of a county board. Experience working in the transportation department consists of serving as a bus operator, bus aide, assistant mechanic, mechanic, chief mechanic or in a clerical position within the transportation department;

"Switchboard operator-receptionist" means a person employed to refer incoming calls, to assume contact with the public, to direct and to give instructions as necessary, to operate switchboard equipment and to provide clerical assistance;

"Truck driver" means a person employed to operate light or heavy duty gasoline and diesel-powered vehicles;

"Warehouse clerk" means a person employed to be responsible for receiving, storing, packing, and shipping goods;

"Watchman" means a person employed to protect school property against damage or theft. Additional assignments may include operation of a small heating plant and routine cleaning duties;

"Welder" means a person employed to provide acetylene or electric welding services for a school system; and

"WVEIS data entry and administrative clerk" means a person employed to work under the direction of a school principal to assist the school counselor or counselors in the performance of administrative duties, to perform data entry tasks on the West Virginia Education Information System, and to perform other administrative duties assigned by the principal.

(j) Notwithstanding any provision in this code to the contrary, and in addition to the compensation provided for service personnel in §18A-4-8a of this code, each service person is entitled to all service personnel employee rights, privileges and benefits provided under this or any other chapter of this code without regard to the employee's hours of employment or the methods or sources of compensation.

(k) A service person whose years of employment exceeds the number of years shown and provided for under the state minimum pay scale set forth in §18A-4-8a of this code may not be paid less than the amount shown for the maximum years of employment shown and provided for in the classification in which he or she is employed.

(l) Each county board shall review each service person's job classification annually and shall reclassify all service persons as required by the job classifications. The state superintendent may withhold state funds appropriated pursuant to this article for salaries for service personnel who are improperly classified by the county boards. Further, the state superintendent shall order a county board to immediately correct any improper classification matter and, with the assistance of the Attorney General, shall take any legal action necessary against any county board to enforce the order.

(m) Without his or her written consent, a service person may not be:

(1) Reclassified by class title; or

(2) Relegated to any condition of employment which would result in a reduction of his or her salary, rate of pay, compensation or benefits earned during the current fiscal year; or for which he or she would qualify by continuing in the same job position and classification held during that

fiscal year and subsequent years.

(n) Any county board failing to comply with the provisions of this article may be compelled to do so by mandamus and is liable to any party prevailing against the board for court costs and the prevailing party's reasonable attorney fee, as determined and established by the court.

(o) Notwithstanding any provision of this code to the contrary, a service person who holds a continuing contract in a specific job classification and who is physically unable to perform the job's duties as confirmed by a physician chosen by the employee, shall be given priority status over any employee not holding a continuing contract in filling other service personnel job vacancies if the service person is qualified as provided in §18A-4-8e of this code.

(p) Any person employed in an aide position on the effective date of this section may not be transferred or subject to a reduction in force for the purpose of creating a vacancy for the employment of a licensed practical nurse.

(q) Without the written consent of the service person, a county board may not establish the beginning work station for a bus operator or transportation aide at any site other than a county board-owned facility with available parking. The workday of the bus operator or transportation aide commences at the bus at the designated beginning work station and ends when the employee is able to leave the bus at the designated beginning work station, unless he or she agrees otherwise in writing. The application or acceptance of a posted position may not be construed as the written consent referred to in this subsection.

(r) Itinerant status means a service person who does not have a fixed work site and may be involuntarily reassigned to another work site. A service person is considered to hold itinerant status if he or she has bid upon a position posted as itinerant or has agreed to accept this status. A county board may establish positions with itinerant status only within the aide and autism mentor classification categories and only when the job duties involve exceptional students. A service person with itinerant status may be assigned to a different work site upon written notice 10 days prior to the reassignment without the consent of the employee and without posting the vacancy. A service person with itinerant status may be involuntarily reassigned no more than twice during the school year. At the conclusion of each school year, the county board shall post and fill, pursuant to §18A-4-8b of this code, all positions that have been filled without posting by a service person with itinerant status. A service person who is assigned to a beginning and ending work site and travels at the expense of the county board to other work sites during the daily schedule, is not considered to hold itinerant status.

(s) Any service person holding a classification title on June 30, 2013, that is removed from

the classification schedule pursuant to amendment and reenactment of this section in the year 2013, has his or her employment contract revised as follows:

(1) Any service person holding the Braille or Sign Language Specialist classification title has that classification title renamed on his or her employment contract as either Braille Specialist or Sign Support Specialist. This action does not result in a loss or reduction of salary or supplement by any employee. Any seniority earned in the Braille or Sign Language Specialist classification prior to July 1, 2013, continues to be credited as seniority earned in the Braille Specialist or Sign Support Specialist classification;

(2) Any service person holding the Paraprofessional classification title and holding the Initial Paraprofessional Certificate – Educational Interpreter has the title Educational Sign Language Interpreter I added to his or her employment contract. This action does not result in a loss or reduction of salary or supplement by any employee. Any seniority earned in the Paraprofessional classification prior to July 1, 2013, continues to be credited as seniority earned in the Educational Sign Language Interpreter I classification; and

(3) Any service person holding the Paraprofessional classification title and holding the Permanent Paraprofessional Certificate – Educational Interpreter has the title Educational Sign Language Interpreter II added to his or her employment contract. This action does not result in a loss or reduction of salary or supplement by any employee. Any seniority earned in the Paraprofessional classification prior to July 1, 2013, continues to be credited as seniority earned in the Educational Sign Language Interpreter II classification;

(t) Any person employed as an aide in a kindergarten program who is eligible for full retirement benefits before the first day of the instructional term in the 2020-2021 school year, may not be subject to a reduction in force or transferred to create a vacancy for the employment of a less senior Early Childhood Classroom Assistant Teacher;

(u) A person who has held or holds an aide title and becomes employed as an Early Childhood Classroom Assistant Teacher shall hold a multiclassification status that includes aide and/or paraprofessional titles in accordance with §18A-4-8b of this code.

House Bill 5262: Relating generally to teacher’s bill of rights.

Effective: Passed March 9, 2024; Effective 90 days from passage

Code Reference: W. Va. Code § 18-5-18b (AMENDED)
§ 18-20-12 (AMENDED)
§ 18A-2A-1 *et. seq.* (NEW)

WVDE Contact: Office of Student Support & Well-Being
Office of Special Education

Summary: This Act prohibits certain duties from being performed by school counselors without a written agreement. The duties are as follows:

- 1) Administering cognitive, aptitude, and achievement test programs;
- 2) Routinely signing excuses;
- 3) Performing disciplinary actions or assigning consequences;
- 4) Routinely covering classes;
- 5) Maintaining student records;
- 6) Computing grade-point averages;
- 7) Routinely supervising classrooms and common areas;
- 8) Keeping clerical records;
- 9) Coordinating IEP’s;
- 10) Coordinating 504 Plans; or
- 11) Coordinating Study Teams.

The Act also requires school counselors to attend a training conference at least once every two years and requires counselors serving students in 7th-12th grade to be trained in building and trade apprenticeship programs. A list of potential training topics for school counselor trainings is also included in the Act.

Additionally, the Act establishes a waiver program for exceeding the student/instructor ratio limit established pursuant to the Individuals with Disabilities Education Act (IDEA) for self-contained and resource classrooms. The Act requires that the two-week waiver includes an understanding that the county board is responsible for remediating the situation while compensating the teacher for the overage of students; provided, the overage of students is limited to a maximum of three students.

Finally, the Act includes a definition for “supplemental duty” and requires that any duty assigned to a school employee exceeding the eight-hour contracted day may only be by agreement with the employee and preapproved by the county superintendent unless the duty is a result of an unanticipated emergency. The school employee must be paid in accordance with the agreement. The Act also requires that school employees be given a calendar of the days they are expected to work no later than fifteen days prior to the first day

of employment for that school year.

Enrolled Bill:

ENROLLED Committee Substitute for House Bill 5262

BY DELEGATES ELLINGTON, STATLER, TONEY, MAZZOCCHI, HORNBY, W.
CLARK, THORNE, FOGGIN, SMITH, JENNINGS AND LONGANACRE

AN ACT to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-20-12; and to amend said code by adding thereto a new article, designated §18A-2A-1; all relating generally to the rights of certain school professional personnel; providing that school counselors may not perform certain duties without written agreement; requiring school counselors to participate in certain training; limiting the student/instructor ratio in self-contained and resource classrooms, as well as any special education environment; allowing for a two-week waiver with the understanding that the local county board is responsible to remediate the situation while compensating the teacher with overage pay provided by the county per county or federal funds; allowing the district upon agreement of the teacher to submit a waiver to the state board of education if the district is unable to find an additional classroom teacher; prohibiting county from submitting a waiver to exceed a certain limit of students without the written consent of the special education instructor; providing that county may not allow more than three students over the limit, even with the additional pay for the teacher; defining supplemental duty; requiring each classroom teacher, full-time counselor, and full-time librarian to be provided with a calendar that specifies the days each employee is expected to work for that school year; requiring that any supplemental duty exceeding the eight hour contracted day be by agreement with the employee unless the duty is the result of an anticipated emergency; and requiring overtime pay to be by agreement and approved by the county superintendent or designee.

Be it enacted by the Legislature of West Virginia:

CHAPTER 18. EDUCATION.

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 ~~work-day~~ workday to administrative activities: *Provided*, That such activities are ~~counselor-related~~ 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 Study 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.

~~(g)~~ (h) 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.

ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.

§18-20-12. Special education student instructor ratio; waiver; compensation to teacher when ratio exceeded.

(a) Self-contained and resource classrooms, as well as any special education environment, shall not have a student/instructor ratio over the current limit provided for in the Individuals with Disabilities Education Act 2004 and State Board Policy 2419. A two-week waiver may be signed with the understanding that the local county board is responsible to remediate the situation while compensating the teacher with overage pay provided by the county per county or federal funds. This waiver shall be good for two weeks to allow the district time to find an additional classroom teacher. Should the district be unable to find an additional classroom teacher, the district, upon the agreement of the teacher, may submit a waiver to the state board of education. This waiver shall have the teachers signature acknowledging that although they are over the limit, they recognize that this is a dire situation.

(b) The county may not submit a waiver to exceed the current limit of students set forth in Individuals with Disabilities Education Act 2004 and Policy 2419 without the written consent of the special education instructor. If the instructor chooses to sign the waiver to exceed the limit, that instructor shall be entitled to the full amount of compensation as provided per county.

(c) The county may not allow more than three students over the limit, even with the additional pay for the teacher.

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 2A. TEACHERS BILL OF RIGHTS.

§18A-2A-1. Supplemental duty calendar provisions.

(a) In this section, "supplemental duty" means a duty other than a duty assigned under an employee's contract that is generally expected to be performed during an educational day and which may be governed by an agreement, other than the employee's contract, between the district and the employee.

(b) Not later than the 15th day before the first day of the employment term of each school year, the county board shall adopt and provide to each classroom teacher, full-time counselor, and full-time librarian employed by the district a calendar that specifies the days each employee is expected to work for that school year: *Provided*, That any supplemental duty exceeding the eight hour contracted day shall be by agreement with the employee and preapproved by the county superintendent or by his or her designee, unless the supplemental duty is the result of an unanticipated emergency, and shall be paid in accordance with the agreement between the employee and the county.

House Bill 5405: Providing additional professional development and support to West Virginia educators through teacher and leader induction and professional growth.

Effective: Passed March 9, 2024; Effective 90 days from passage

Code Reference: W. Va. Code § 18-9A-10 (AMENDED)
§ 18A-3C-3 (AMENDED)

WVDE Contact: Office of the Superintendent
Office of School Finance
Office of Certification & Educator Preparation

Summary: This Act authorizes the WVDE to retain funding from the Public School Support Plan (PSSP) for professional development. Specifically, WVDE is authorized to retain up to \$15M annually to:

- 1) Accommodate county school system participation in regional professional learning cadres or teacher leadership networks established or supported by WVDE;
- 2) Expand regional professional learning cadres and teacher leadership networks designed to support the full implementation of the Third-Grade Success Act (HB3035-2023 Regular Legislative Session);
- 3) Implement WVDE academic initiatives; and,
- 4) Assist teachers that are less than certified for the position they are currently employed.

The Act also authorizes the WVDE to distribute a maximum of \$1M in grants to county boards of education to expand the district's ability to contract with organizations that facilitate participation in regional learning cadres or teacher leadership networks designed to support math or science improvement or support teachers who are less than certified for their current teaching position.

Further, the Act clarifies that any additional amounts paid to teachers for professional development duties associated with assisting other teachers are not considered salary for retirement calculations.

The Act also removes the Legislative Oversight Commission on Education Accountability (LOCEA) reporting requirement.

Enrolled Bill:

ENROLLED Committee Substitute for House Bill 5405

BY DELEGATES STATLER, TONEY, ELLINGTON, FEHRENBACHER, AND HORNBY

AN ACT to amend and reenact §18-9A-10 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-3C-3 of said code, all relating to increasing support and professional development for educators; expanding factors used to determine how funds for supporting county-level implementation of the comprehensive systems for teacher and leader induction and professional growth are allocated to the counties; authorizing retention of certain funding for 2024 - 2025 school year by the Department of Education for certain regional professional learning cadres or teacher leadership networks, implementing the Department of Education's academic initiatives, and to assist teachers who are less than fully certified; requiring up to a certain portion of the retained funding to be distributed to county boards for certain purposes under a grant program to be established by state board rule; specifying minimum contents of rule; requiring county boards to ensure that the results on the comprehensive statewide student assessment for the students taught by each teacher are provided to that teacher; adding to topics to be addressed by the plan for implementation of a comprehensive system of support for improving professional practice; requiring certain additional amounts paid to a teacher be only for the duration of any service provided and not be considered salary for the computation of an annuity under the Teachers Retirement System; and removing requirement for the Legislative Oversight Commission on Education Accountability to review the progress of the implementation of the comprehensive systems of support for teacher and leader induction and professional growth and authority to make recommendations to the Legislature.

Be it enacted by the Legislature of West Virginia:

CHAPTER 18. EDUCATION.

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-10. Foundation allowance to improve instructional programs, instructional technology, and teacher and leader induction and professional growth.

(a) The total allowance to improve instructional programs and instructional technology is the sum of the following:

(1) For instructional improvement, in accordance with county and school electronic strategic improvement plans required by §18-2E-5 of this code, an amount equal to 10 percent of the increase in the local share amount for the next school year shall be added to the amount of the appropriation for this purpose for the immediately preceding school year. The sum of these

amounts shall be allocated to the counties as follows:

(A) One hundred fifty thousand dollars shall be allocated to each county; and

(B) Allocation to the counties of the remainder of these funds shall be made proportional to the average of each county's average daily attendance for the preceding year and the county's second month net enrollment.

Moneys allocated by this subdivision shall be used to improve instructional programs according to the county and school strategic improvement plans required by §18-2E-5 of this code and approved by the state board.

Up to 50 percent of this allocation for the improvement of instructional programs may be used to employ professional educators and service personnel in the county. Prior to the use of any funds from this subdivision for personnel costs, the county board must receive authorization from the state superintendent. The state superintendent shall require the county board to demonstrate: (1) The need for the allocation; (2) efficiency and fiscal responsibility in staffing; (3) sharing of services with adjoining counties in the use of the total local district board budget; and (4) employment of technology integration specialists to meet the needs for implementation of the West Virginia Strategic Technology Learning Plan. County boards shall make application for the use of funds for personnel for the next fiscal year by May 1 of each year. On or before June 1, the state superintendent shall review all applications and notify applying county boards of the approval or disapproval of the use of funds for personnel during the fiscal year appropriate. The state superintendent shall require the county board to demonstrate the need for an allocation for personnel based upon the county's inability to meet the requirements of state law or state board policy.

The funds available for personnel under this subdivision may not be used to increase the total number of professional noninstructional personnel in the central office beyond four.

The plan shall be made available for distribution to the public at the office of each affected county board; plus

(2) For the purposes of improving instructional technology, an amount equal to 20 percent of the increase in the local share amount for the next school year shall be added to the amount of the appropriation for this purpose for the immediately preceding school year. The sum of these amounts shall be allocated to the counties as follows:

(A) Thirty thousand dollars shall be allocated to each county; and

(B) Allocation to the counties of the remainder of these funds shall be made proportional to the average of each county's average daily attendance for the preceding year and the county's

second month net enrollment.

Moneys allocated by this subdivision shall be used to improve instructional technology programs according to the county board's strategic technology learning plan.

This allocation for the improvement of instructional technology programs may also be used for the employment of technology system specialists essential for the technology systems of the schools of the county to be fully functional and readily available when needed by classroom teachers. The amount of this allocation used for the employment of technology system specialists shall be included and justified in the county board's strategic technology learning plan; plus

(3) One percent of the state average per pupil state aid multiplied by the number of students enrolled in dual credit, advanced placement, and international baccalaureate courses, as defined by the state board, distributed to the counties proportionate to enrollment in these courses in each county; plus

(4) For the purpose of supporting county-level implementation of the comprehensive systems for teacher and leader induction and professional growth pursuant to §18A-3C-3 of this code, an amount equal to 20 percent of the increase in the local share amount for the next school year shall be added to the amount of the appropriation for this purpose for the immediately preceding school year. The sum of these amounts shall be allocated to the counties in a manner established by the state board which considers the following factors:

(A) The number of full-time-equivalent teachers employed by the county with zero years of experience;

(B) The number of full-time-equivalent teachers employed by the county who are less than fully certified for the teaching position in which they are employed;

~~(B)~~ (C) The total number of full-time-equivalent teachers employed by the county with one year of experience, with two years of experience, and with three years of experience;

~~(C)~~ (D) The number of full-time-equivalent principals, assistant principals, and vocational administrators employed by the county who are in their first or second year of employment as a principal, assistant principal, or vocational administrator;

~~(D)~~ (E) The number of full-time-equivalent principals, assistant principals, and vocational administrators employed by the county who are in their first year in an assignment at a school with a programmatic level in which they have not previously served as a principal, assistant principal, or vocational administrator; and

~~(E)~~ (F) Needs identified in the strategic plans for continuous improvement of schools and school systems including those identified through the performance evaluations of professional

personnel.

Notwithstanding any provision of this subsection to the contrary, no county may receive an allocation for the purposes of this subdivision which is less than the county's total 2016-2017 allocation from the Teacher Mentor and Principals Mentorship appropriations to the Department of Education. Moneys allocated by this subdivision shall be used for implementation of the comprehensive systems for teacher and leader induction and professional growth pursuant to §18A-3C-3 of this code. Notwithstanding any provision of this subsection to the contrary, for each of the five school years beginning with the school year 2020 – 2021 and ending after the school year 2024 – 2025, from funds to be allocated under this subdivision, \$100,000 shall be retained by the Department of Education to assist county boards with the design and implementation of a teacher leader framework to accomplish the teacher induction and professional growth aspects of their comprehensive systems of support for teacher and leader induction and professional growth pursuant to §18A-3C-3 of this code. The Department of Education may also retain an additional amount of funds to be allocated under this subdivision beginning with the school year 2024 – 2025, not exceeding \$15,000,000, to accommodate the participation by county school systems in regional professional learning cadres or teacher leadership networks established or supported by the Department of Education, to expand regional professional learning cadres or teacher leadership networks designed to support the full implementation of the Third Grade Success Act provided in §18-2E-10 of this code, to implement the Department of Education's academic initiatives, and to assist teachers who are less than fully certified for the teaching position in which they are employed as further provided in §18A-3C-3 of this code. Up to \$1,000,000 of the \$15,000,000 shall be distributed to county boards for the purpose of expanding the school districts' ability to contract with organizations that facilitate the school districts' participation in regional professional learning cadres or teacher leadership networks designed to support math and science improvement or to support teachers who are less than fully certified for the teaching position in which they are employed as further provided in §18A-3C-3 of this code. The \$1,000,000 shall be distributed to the county boards under a grant program to be established by the state board by rule pursuant to §29A-3B-1 et seq. of this code. The rule shall include at least the following:

- (A) A requirement and procedures for county boards to submit applications for a grant;
- (B) Criteria on which awards of the grants will be based on; and
- (C) A requirement for an external evaluation for any program funded by a grant.

(b) Notwithstanding the restrictions on the use of funds pursuant to subdivisions (1) and (2), subsection (a) of this section, a county board may:

(1) Utilize up to 25 percent of the allocation for the improvement of instructional programs in any school year for school facility and equipment repair, maintenance, and improvement or replacement and other current expense priorities and for emergency purposes. The amount of this allocation used for any of these purposes shall be included and justified in the county and school strategic improvement plans or amendments thereto; and

(2) Utilize up to 50 percent of the allocation for improving instructional technology in any school year for school facility and equipment repair, maintenance, and improvement or replacement and other current expense priorities and for emergency purposes. The amount of this allocation used for any of these purposes shall be included and justified in the county board's strategic technology learning plan or amendments thereto.

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 3C. IMPROVING TEACHING AND LEARNING.

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

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

practice will reflect substantial redirection of existing professional development resources toward this highest priority.

(b) Each county board shall ensure that the results on the comprehensive statewide student assessment for the students taught by each teacher are provided to that teacher so that the teacher can see the performance of the students he or she taught the previous school year.

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

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

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

(2) The manner in which the county will provide the strong support and supervision necessary to assist teachers employed by the county who are less than fully certified for the teaching position in which they are employed that will include an emphasis on grade-level content, standards driven instruction, research-based instructional strategies, and mentoring support consistent with the West Virginia Professional Teaching Standards.

~~(2)~~ (3) The manner in which the county will provide the strong support and supervision

that will assist beginning principals in developing instructional leadership, supervisory and management strategies, procedural and policy expertise, and other professional practices they need to be successful in leading continuous school improvement and performing at the accomplished level or above;

~~(3)~~ (4) The manner in which the county in cooperation with the teacher preparation programs in this state will provide strong school-based support and assistance necessary to make student and resident teaching a productive learning experience;

~~(4)~~ (5) The manner in which the county will use the data from the educator performance evaluation system to serve as the basis for providing professional development specifically targeted on the area or areas identified through the evaluation process as needing improvement. If possible, this targeted professional development should be delivered at the school site using collaborative processes, mentoring or coaching or other approaches that maximize use of the instructional setting;

~~(5)~~ (6) The manner in which the county will use the data from the educator performance evaluation system to serve as the basis for establishing priorities for the provision of county-level professional development when aggregate evaluation data from the county's schools indicates an area or areas of needed improvement;

~~(6)~~ (7) If a county uses master teachers, mentors, academic coaches, or any other approaches using individual employees to provide support, supervision, or other professional development or training to other employees for the purpose of improving their professional practice, the manner in which the county will select each of these individual employees based upon demonstrated superior performance and competence as well as the manner in which the county will coordinate support for these employees. If the duties of the position are to provide mentoring to an individual teacher at only one school, then priority shall be given to applicants employed at the school at which those duties will be performed;

~~(7)~~ (8) The manner in which the county will use local resources available, including, but not limited to, funds for professional development and academic coaches, to focus on the priority professional development goals of this section;

~~(8)~~ (9) The manner in which the county will adjust its scheduling, use of substitutes, collaborative planning time, calendar, or other measures as may be necessary to provide sufficient time for professional personnel to accomplish the goals of this section as set forth in the county's plan; and

~~(9)~~ (10) The manner in which the county will monitor and evaluate the effectiveness of

implementation and outcomes of the county system of support for improving professional practice.

~~(d)~~ ~~(e)~~ Effective the school year beginning July 1, 2020, and thereafter, appropriations for supporting county-level implementation of the comprehensive systems of support for teacher and leader induction and professional growth pursuant to §18-9A-10 of this code and any new appropriation which may be made for the purposes of this section shall be expended by county boards only to accomplish the activities as set forth in their county plan pursuant to this section. Effective the school year beginning July 1, 2020, and thereafter, any employee service or employment as a mentor is not subject to the provisions of this code governing extra duty contracts. A county board may adopt a teacher leader framework designed to accomplish the purposes of this section related to teacher induction and professional growth and, if the county board adopts a county salary supplement pursuant to §18A-4-5a of this code to provide additional compensation to teachers who, in addition to teaching duties, are assigned other duties for new teacher induction, improving professional practice and furthering professional growth among teachers as set forth in the county's comprehensive system of support, then appropriations made for supporting the purposes of this section may be applied to that salary supplement and other associated costs which may include a reduction in the teaching load of the teacher leader: Provided, That effective July 1, 2024, and thereafter, any additional amount paid to a teacher pursuant to this section shall only be for the duration of any service provided under this section and not be considered salary for the purposes of the computation of an annuity under §18-7A-26 of this code.

~~(e)~~ ~~(f)~~ The Department of Education shall assist county boards with the design and implementation of a teacher leader framework to accomplish the teacher induction and professional growth aspects of their comprehensive systems of support pursuant to this section. The goals of a teacher leader framework are to achieve:

(1) Increased student achievement and growth through the development of a shared leadership structure at the school level;

(2) Broader dissemination and use of effective teacher strategies through an increase in teacher collaboration; and

(3) Stronger and more positive school and district culture through the development and retention of highly effective teachers.

~~(f)~~ ~~(g)~~ The Department of Education may form networks among schools or school systems, or both, of comparable size and interests for the design and implementation of teacher leader frameworks that are shall be:

- (A) Driven by varying district and school needs;
- (B) Related to existing state and district initiatives;
- (C) Designed to improve student achievement and growth; and
- (D) Designed to fit district size, current culture for collaboration, and funding capacity.

~~(g)~~ (h) A teacher leader framework adopted by a county board must:

(1) Create specific roles and responsibilities, eligibility requirements, and compensation plans for each teacher leader position, and clearly communicate these to teacher leaders, administrators, and other stakeholders;

(2) Provide regular, targeted professional learning opportunities for teacher leaders, and encourage redelivery within their respective schools;

(3) Provide time and opportunities for teacher leaders to collaborate with administrators, curriculum staff, other teacher leaders, and teachers;

(4) Monitor and evaluate the effectiveness of the teacher leader program through surveys from school administrators and school faculty; and

(5) Include teacher leaders in the school improvement planning process;

~~(h) The Legislative Oversight Commission on Education Accountability shall review the progress of the implementation of the comprehensive systems of support for teacher and leader induction and professional growth and may make any recommendations it considers necessary to the Legislature during the next regular legislative session.~~

House Bill 5514: Enhancing training requirements for county boards of education members.

Effective: Passed March 8, 2024; Effective 90 days from passage

Code Reference: W. Va. Code ~~§ 18-5-1a (AMENDED)~~
§ 18-5-4 (AMENDED)

SPECIAL NOTE: Joint Rule 13 of the Rules of the House of Delegates and Senate provides, in pertinent part, *“When two or more bills amending the same statute are passed during the same session of the Legislature, the form of the statute in the enrolled bill passed latest in time shall control. (SCR12, Reg. Sess., 2015; HCR 29, Reg. Sess., 2023)”* Since this Act was passed on March 8, 2024, and SB159, passed on March 9, 2024, the language enacted in § 18-5-1a of this Act is null and void; therefore, it is **stricken below in red to minimize confusion**. Please refer to SB159, which is also included in this publication, to review amendments to § 18-5-1a.

WVDE Contact: Office of Accountability

Summary: This Act:

1) Provides that county board members who are in default of the training requirements may not be compensated for meeting attendance while in default but provides a method for the board member to receive lost compensation for meeting attendance after obtaining compliance; and,

2) Decreases the number of meetings county boards of education may hold from 50 meetings to 40 meetings annually; however, an additional five meetings are authorized when planning specific activities;

Enrolled Bill: **ENROLLED Committee Substitute for House Bill 5514**
BY DELEGATES STATLER, TONEY, AND FOGGIN

AN ACT to amend and reenact ~~§18-5-1a~~ and §18-5-4 of the Code of West Virginia, 1931, as amended, relating to county boards of education members; ~~increasing the number of annual training hours for county board members; modifying the subjects on which county board members must be trained; authorizing the State Board to require board members to complete additional training upon request from the State Superintendent; adding ex officio members to the county board member training standards review committee; requiring the State Superintendent to make an annual report to the Legislative Oversight Commission on Education Accountability relating to county board member training;~~ increasing

compensation for attending meetings; reducing the number of meetings board members may be compensated to attend; and prohibiting county board members from receiving compensation if training requirements are not met.

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 Δ 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 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 thirty 30 days of receipt of the request, the Ethics Commission shall issue a written advisory opinion in response to the request and also 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 May 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 the 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 orientation course offered following their appointment: Provided, That any county board appointee who is unable to attend the initial training course for good cause, is required to complete the orientation 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, 2024, and who serve continuously from that date forward.~~

~~(c) (e) Annually, each member of a county board shall receive seven clock 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 section five, article two-e of this chapter and the "No Child Left Behind Act" §18-2E-5 of this code, the 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 their 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 section seven, article six, chapter six §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 re-election. 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 section seven, article six, chapter six §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 House Committee on Education and the chair of the Senate Committee on Education, or their designee, 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, the State Superintendent shall report annually 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.~~

§18-5-4. Meetings; employment and assignment of teachers; budget hearing; compensation of members; affiliation with state and national associations.

(a) The county board shall meet ~~upon~~ on the dates provided by law, and at any other times the county board ~~fixes upon its records~~ 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 as authorized in this section and held in compliance with the provisions of ~~chapter eighteen-a~~ §18A-1-1 et seq. of this code, the county board may employ qualified teachers, or those who will qualify by the time they ~~enter upon~~ 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 ~~chapter eighteen-a~~ §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 ~~article three, chapter fifty-nine~~ §59-3-1 et seq. of this code.

(d) A majority of the members of the county board ~~is~~ constitutes the quorum necessary for the transaction of official business.

(e) Board members may receive compensation at a rate not to exceed ~~\$160~~ \$260 per meeting attended, but they may not receive pay for more than ~~fifty~~ 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: ~~Meetings of the council~~ 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 ~~an itemized sworn statement~~ receipts, for all necessary traveling expenses, including all authorized meetings, incurred on official business, at the order of the county board.

(g) When, by a majority vote of its members, a county board considers it a matter of public interest, the county board ~~may~~ shall join the West Virginia School Board Association and may join the National School Board Association and ~~may~~ 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 ~~may~~ 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 ~~sworn itemized statements~~ presentation of receipts.

House Bill 5540: Relating to fentanyl prevention and awareness Education (Laken’s Law).

Effective: Passed March 1, 2024; Effective 90 days from passage

Code Reference: W. Va. Code § 18-34-1 (NEW)

WVDE Contact: Office of PK-12 Academic Support
Office of Student Support & Well-Being

Summary: This Act creates the Fentanyl Prevention and Awareness Education Act (Laken’s Law). Specifically, it requires students in Grades 6-12 to be educated on the prevention and abuse of certain drugs (fentanyl, heroin, and opioids) and instructed on the use of FDA-approved opioid reversal agents beginning with the 2024-2025 school year.

Enrolled Bill: **ENROLLED Committee Substitute for House Bill 5540**
BY DELEGATES STEPHENS, TONEY, SHEEDY, ELLINGTON, BARNHART, HITE, WILLIS, ROHRBACH, DITTMAN, AND LEWIS

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-34-1, creating the Fentanyl Prevention and Awareness Education Act; requiring annual education of public school students in grades 6-12; setting forth methods of instruction; and mandating start date of instruction.

Be it enacted by the Legislature of West Virginia:

ARTICLE 34. LAKEN'S LAW

§18-34-1. Laken's Law.

(a) The Fentanyl Prevention and Awareness Education Act or “Laken’s Law” would help prevent overdose deaths in teens and young adults due to fentanyl and fentanyl components. This shall be accomplished through education of students in grades 6-12 in all public schools and be mandated annually using the following methods:

(1) Students will be taught about fentanyl, heroin, and opioids awareness, prevention, and abuse;

(2) Students will be instructed in the life-saving use of FDA-approved opioid reversal agents;

(3) Students will be instructed on the prevention of the abuse of and addiction to fentanyl;

(4) Students will be instructed on available state and community resources and organizations that work to prevent and reduce youth substance use; and

(5) Students will receive health education covering the issues of substance abuse and youth substance abuse in particular.

(b) This mandatory instruction will begin in the 2024-2025 school year.

House Bill 5650: Allowing suspended school personnel to enter school property functions open to the public.

Effective: Passed March 7, 2024; Effective 90 days from passage

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

WVDE Contact: Office of Leadership Development
Office of Legal Services

Summary: This Act not only prohibits a suspended school employee from being barred from attending public events, or events on school property during suspension, but also prohibits a suspended employee who has a dependent child, grandchild, foster child or other family member from being barred during the suspension unless the suspended employee's presence:

- 1) Jeopardizes the health, safety, or welfare of students, employees or visitors;
- 2) Impacts the learning environment or the school sponsored activity;
- 3) May prejudice an investigation or disciplinary proceedings involving the employee;
- 4) Violates a court order or any law; or
- 5) Threatens damage to property.

Enrolled Bill: **ENROLLED Committee Substitute for House Bill 5650**
BY DELEGATES FOGGIN, GEARHEART, FOSTER, HECKERT, ELLINGTON,
STATLER, TONEY, HORNBY, AND YOUNG

AN ACT to amend and reenact §18A-2-8 of the Code of West Virginia, 1931, as amended, relating to prohibiting a suspended employee from being barred from attending public events on school property while serving the suspension; prohibiting a suspended employee who has a dependent family member from being barred from entering the school to exercise normal functions of a parent or guardian while suspended; and providing exceptions.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. SCHOOL PERSONNEL.

§18A-2-8. SUSPENSION AND DISMISSAL OF SCHOOL PERSONNEL BY BOARD; APPEAL.

(a) Notwithstanding any other provisions of law, a board may suspend or dismiss any person in its employment at any time for: Immorality, incompetency, cruelty, insubordination,

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

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

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

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

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

(f) It shall be the duty of any county superintendent to report any employee suspended or dismissed, or resigned during the course of an investigation of the employee's alleged misconduct, in accordance with this section, including the rationale for the suspension or dismissal, to the state superintendent within seven business days of the suspension, dismissal, or resignation. The state superintendent shall maintain a database of all individuals suspended or dismissed for jeopardizing the health, safety, or welfare of students, or for impacting the learning environment of other students. The database shall also include the rationale for the suspension or dismissal. The database shall be confidential and shall only be accessible to county human resource directors, county superintendents, and the state superintendent of schools.

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



Michele L. Blatt
West Virginia Superintendent of Schools