

EDUCATION BILLS PASSED BY THE 1999 LEGISLATURE

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Bills that did not Pass

[H.B. 2993](#) FBI Search of New Employees
[S.B. 65](#) Definition of Dangerous Student

SUMMARIES OF BILLS

H.B. 105

Increases the salary of the state superintendent of schools to \$110,000 effective

- [View H.B.105](#) ([From the Legislature Website](#))

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H.B. 202

Sets rules of compensation, requirements, and other relevant information on hiring a state superintendent

- [View H.B.202](#) ([From the Legislature Website](#))

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H.B. 2005

Revises the open meetings law with much of the objectionable portions(e.g., taping of executive sessions) of previous such bills removed; provisions include

- excluding from the definition of a meeting "general discussions among members of a governing body on issues of interest to the public when held in a planned or unplanned social, educational, training, informal, ceremonial or similar setting, without intent to conduct public business even if a quorum is present and public business is discussed but there is no intention for the discussion to lead to an official action"
 - general personnel policy issues may not be discussed or considered in an executive session
 - matters involving the purchase, sale or lease of property, advance construction planning, the investment of public funds, or other matters involving commercial competition may be discussed in an executive session but the information is subject to release after the competition has been finalized and completed unless it is not subject to release under the freedom of information act
- [View H.B.2005](#) ([From the Legislature Website](#))

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H.B. 2349

Subject to legislative appropriation, creates certain payments for teaching who seek and/or obtain certification by the National Board for Professional Teaching Standards (NBPTS):

- Provides \$1,000 annually at the conclusion of the first semester for a teacher who holds a valid certificate issued by the NBPTS for the life of the certificate but for not more than ten years for any one certificate
- Provides a payment of \$1,000 once for each teacher who enrolls in the program for NBPTS certification
- Provides a payment of \$1,000 once for each teacher who completes NBPTS certification
- Provides for the reimbursement of expenses not to exceed \$600 for expenses incurred while achieving NBPTS certification
- Requires the State Board to limit the number who receive initial reimbursement to 100 teachers annually by establishing selection criteria
- Requires the department of education to handle funding for NBPTS certification, pro-rate funding if legislative appropriations are inadequate, and seek supplementary appropriations for needed retroactive payments
- Requires the State Board to establish rules to implement

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H.B. 2364

Creates a misdemeanor offense for conveying false information related to either the presence of a bomb or an alleged attempt to place a bomb in or near any building; a second offense or personal injury resulting from the threat are both felony offenses

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H.B. 2401

Requires the division of health to perform radon testing in all public schools within the first year after occupancy and at least every five years thereafter; requires the School Building Authority to promulgate rules by 7/1/99 to assure that any new school building is designed and constructed in accordance with the current ASHRAE, NFPA and BOCA rules and rules that establish standards for safe levels of radon for public school buildings; requires the State Board to promulgate rules by 7/1/99 minimizing the use of carpeting; requires the State Board in consultation with the division of health to promulgate rules for servicing of HVAC systems by either (1) technicians hired by the county boards of education, RESAs or the Department of Education as specified by the State Board rules or, if more cost effective, by (2) contracting such services; requires the State Board in consultation with the division of health to promulgate rules by 9/1/99 for a system of investigation by county boards of education of air quality complaints and a process that includes a plan to correct problems including adding the corrections to the county board's comprehensive educational facilities plan; provides an opportunity for LOCEA to determine how to fund any needed corrections

- [View H.B.2401](#) (From the Legislature Website)

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H.B. 2402

Changes the service personnel net enrollment ratio from 43.5/1,000 to 43.6/1,000 for "high density" [population] counties and to 44.5/1,000 for "low density" counties; provides reimbursement of 85% of maintenance, operation and related costs, contracted transportation services and public utility transportation for high density counties and 90% for low density counties; sets funding for bus replacement the end of 12 years or 180,000 miles; increases reimbursement for transportation to multi-county vocation centers from 90% to 95%; increases the salary schedule for service personnel from 30 to 36 years; provides service personnel with an additional \$10 per month in pay for each 12 hours of college credit up to a total of 48 hours

- [View H.B.2402](#) (From the Legislature Website)

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H.B. 2475

Includes an "off-duty" education employee in the definition of employee for purposes of assault and battery criminal penalties if the assault/battery was reasonably related to the employee's job

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H.B. 2481

Allows county boards of education to have their annual audit done by a certified public accounting firm or the tax department; provides that at least every third audit must be completed by the tax department

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H.B. 2482

Creates the HEAPS (higher education adult part-time student grant program) as part of the higher education grant program. Eligible persons who have applied or accepted student financial assistance under federal rules, demonstrates financial need, has not been enrolled in a high school diploma program (other than a GED) for at least two preceding years, is a state resident, is not incarcerated, is not in default on a student loan, or has been accepted for enrollment on a part-time basis or is already a part-time student taking not less than six nor more than 11 semester hours

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H.B. 2612

Provides that a surviving spouse who is employed by the same county board of education may be credited with the personal leave of a deceased spouse if:

- both spouses were employed by the same board of education
 - the surviving spouse has less than five days accumulated leave
 - the death of the deceased spouse was by an accident
 - the surviving spouse is physically unable to work at his/her position
 - the disability of the surviving spouse was caused by the same accident that resulted in the death of the deceased spouse
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H.B. 2695

Creates the West Virginia Engineering, Science and Technology Scholarship Program; preference given to West Virginia students; awards may be up to \$3,000 per year for four years for an undergraduate degree; limits the number of scholarships to 300 per year and no more than 1,000 total; provides that academic ability is the primary criterion for selection; students must have a high school or first two semesters in college GPA of 3.0 and be accepted or enrolled in an engineering, science or technology program leading to a certificate, AS, or BS degree. The senior administrator of the higher education central office administers the program; rules are required to be developed by the higher education governing boards and filed by 12/1/99

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H.B. 2697

Under rules established by the higher education governing boards, West Virginia residents 65 years of age or older may attend classes at state-supported colleges and universities on a space-available basis at a cost (other than laboratory fees and parking) not to exceed \$50 for non-credit courses and 50% of the normal tuition and fees for a credit course.

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H.B. 2793

Extends the time for the Upshur County Board of Education to meet as a levying body to hold an excess levy election

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H.B. 2855

(1) Eliminates the statutory requirement for students to be provided with an electronic portfolio upon graduation; (2) provides that a student who completes two semesters of agriculture courses under rules developed by the State Board of Education shall receive one of the required graduation credits in science; (3) requires the State Board to:

- determine, through OEPA, whether county boards and schools have the capacity to meet State Board policy requirements to provide and deliver additional new courses; if the capacity does not exist, the Department must develop and implement a plan to help the counties
- review the organization of the Department to ensure that it is able to provide the best communication, technical assistance, and support for schools and school systems, including (a) advantages and disadvantages of various methods of scheduling (b) policies allowing advanced students to test out of courses (c) allowing students to take a higher level course, advanced placement course, college course or other more rigorous substitute in place of a required major course
- prepare and report annually by December 1 to LOCEA a plan for the repair, maintenance and upgrade of technology in the public schools

(4) allows a student, in consultation with his or her parents and school advisor, and with the written consent of his or her parents, to take a higher level course, advanced placement course, college course or other more rigorous substitute in place of a required major course or a recommended elective; (5) requires the State Board by 7/1/99 to develop a uniform parental consent form for use in (4)

- [View H.B.2855](#) (From the Legislature Website)

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H.B. 2919

Provides that the state auditor propose legislative rules by July 1, 1999 under which that office may donate

used computers to public schools, juvenile detention centers, and county and municipal safety offices

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H.B. 3009

Establishes a "workforce development initiative program" within the Council for Community and Economic Development to administer and oversee competitive grants to community and technical colleges to strengthen the quality of the state's workforce by linking the existing post-secondary education capacity to the needs of business, industry and other employers; creates an advisory committee including the assistant state superintendent for technical and adult education; colleges receiving grants are to develop customized training programs that provide for the needs of business and are flexible; colleges must include vocational schools as partners in developing plans for grant applications and their plans must maximize use of existing facilities

- [View H.B.3009](#) ([From the Legislature Website](#))

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H.B. 3019

Establishes the Eastern West Virginia Community and Technical College with an initial service district of Grant, Hardy, Hampshire, Pendleton and Tucker counties.

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H.B. 3021

Continues the Commission for the Deaf and Hard of Hearing under the department of health and human resources

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H.B. 3024

Establishes in mathematics a program entitled "Mathematic Achievement Through Help" (MATH) similar to the W.Va. Reads program established last year; MATH features competitive grants for counties to establish summer school programs and intensive instruction during the school year for students in grades K-4 who are not at grade level in math

- [View H.B.3024](#) ([From the Legislature Website](#))

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H.B. 3025

Allows county boards of education to establish leave banks for employees who are a spouse, child or parent of another employee of the same county board of education; this leave bank is separate from any other

personal leave bank established under the law; provides that the salary of county board of education members is to be \$100 per meeting for a maximum of 60 meetings per year

- [View H.B.3025](#) ([From the Legislature Website](#))

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H.B. 3031

Creates the Tobacco Settlement Fund; places 50% of the funds to be received into a "Medical Trust Fund", of which only the interest may be spent and only then as appropriated by the Legislature; places the other 50% into a "Tobacco Settlement Fund", for expenditure by the Legislature for continued support of PEIA, medicaid, public health programs and services, state owned or operated health facilities; requires that the first \$5 million received in the Tobacco Settlement Fund in FY 2000 be transferred to the PEIA reserve fund established by H.B. 3032

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H.B. 3032

Creates a PEIA reserve fund whose funds can only be spent by the Legislature for the support of programs provided by PEIA; requires each state agency (except higher education) to transfer one percent (1%) of its annual expenditures from state funds for filled full time equivalents as of April 1 to the PEIA reserve fund; the transfer is to take place on May 31 of each year beginning with the year 2000

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H.B. 3033

Rewrites W. Va. Code §18-9A-13b to provide that funds which accrue from allocations due to decreases in net and adjusted enrollment from the preceding school year be deposited in a special revenue fund ("the legislative reserve fund") to be appropriated by the Legislature

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S.B. 117

Requires that any new building constructed with state funds shall have a roof of sufficient slope so that water will not accumulate into a pool on any area of the roof

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S.B. 391

Provides that service personnel employed by the Department of Education are to be paid a salary at least equal to that they would receive if employed by the county board of education of the location in which they

work; the Department must establish a salary schedule that phases in the necessary salary increases before

- [View S.B.391](#) ([From the Legislature Website](#))

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S.B. 406 Provides that the West Virginia Contractor Licensing Board may enter into work-sharing arrangements with vocational and technical training schools to provide classroom training to students who desire to obtain a West Virginia contractor license; the terms of the work-sharing agreements are to be determined by the contractor licensing board and county boards of education

- [View S.B.406](#) ([From the Legislature Website](#))

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S.B. 431

Establishes the PROMISE scholarship program to encourage students in West Virginia to attend higher education in the state by providing scholarships to students who meet the established criteria that include maintaining a "B" average in high school or the first 15 semester hours in college; creates a 13 member board to establish rules for operation of the program, including criteria for residency, other terms for receiving scholarships, and possible repayment of the scholarship if the student leaves the state; provides that students must apply within two years of leaving high school (seven years if the student entered military service, but only one year after exiting military service)

- [View S.B.431](#) ([From the Legislature Website](#))

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S.B. 524

Provides that a person who is not in compliance with the Military Selective Service Act may not enroll in a state-supported institution of higher education, may not receive a loan, grant or scholarship or other financial assistance for post-secondary higher education or be eligible for employment by the state or a political subdivision of the state unless the person has already served in the armed forces or has a condition that would preclude acceptability in the armed forces

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S.B. 588

Requires the State Board of Education to establish anti-hazing rules for public schools

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S.B. 589

Provides that all funds appropriated to the Department for alternative education for the fiscal year 00-01 be distributed on the basis of net enrollment (no competitive grants); defines employees subject to workers' compensation to include students while participating in a work-based learning experience with an employer

approved as part of the curriculum by the county board; specifies that the county board is the employer of record; notes that students in unpaid work-based learning experiences are to be treated as if they were paid so as to be eligible for the minimum weekly benefits; requires the workers' compensation division to create a classification and calculate a base premium tax rate for students participating in unpaid work-based learning experiences off school premises and report the rate to the department of education; requires the department to communicate the premium amount to the governor and Legislature by December 1 of each year; allows funds to be appropriated by the Legislature to the department of education to distribute to county boards; provides that if the funds are not adequate to pay the premiums county boards may either pay the balance of the premiums or reduce the number of students participating in off-school-premises work-based learning experiences

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S.B. 666

Establishes the "Design-Build Procurement Act" which sets forth rules for allowing state agencies and county boards of education, among others, to use the "design-build" process to construct buildings ("design-build" provides responsibility within a single contract for design and construction of a building)

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S.B. 703

Defines a "passenger van" as any vehicle other than a school bus operated for the purpose of transporting children under 18 (other than for private use); requires that passenger vans have certain signs and warning lights/devices

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S.B. 1002

Revises the process for handling juvenile delinquents; requires the division of juvenile services of the department of military affairs and public safety to develop a comprehensive plan for a system of pre-dispositional juvenile detention centers based on recommendations from a number of agencies including the state board of education; provides that the plan must include "educational regulations" developed and approved by the state board of education

- [View S.B.1002](#) ([From the Legislature Website](#))

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EDUCATION BILLS THAT DID NOT PASS

H.B. 2993

Requiring county boards to conduct an FBI search on new employees

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S.B. 65

Defining "dangerous" students who would not receive an education after having been expelled from school

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