



West Virginia Department of Education

**INFORMAL
GUIDELINES FOR
IMPLEMENTING PUBLIC
EDUCATION BILLS
ENACTED IN
REGULAR SESSION**

2014 GREEN BOOK



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2013-2014**

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West Virginia Department of Education

FOREWORD

The West Virginia Department of Education is pleased to prepare the Informal Guidelines for Implementing Public Education Bills Enacted in the Regular Session 2014 as a document to assist educators and others in understanding and implementing education bills enacted by this year's Legislature.

This document should be placed with your most current copy of the School Laws of West Virginia as it contains new language/laws that must be reviewed in conjunction with the School Laws book.

For each of the acts included in this publication, the format is as follows: effective date, date signed by the Governor, code reference, title and major new provisions. As time constraints have not permitted an in-depth analysis of these bills from the regular session, it must be emphasized that the information provided in this document must not be considered as official interpretations of the State Superintendent of Schools. Formal interpretations to specific questions will be provided upon request.

The Informal Guidelines for Implementing Public Education Bills Enacted in the Regular Session 2014 will be of considerable value during the coming school year. Suggestions for improving this document as a service to the Department's clientele are always welcome. This document is also available online at <http://wvde.state.wv.us/legislature/2014greenbook.pdf>.

Please feel free to call or write if you need additional information regarding bills enacted during the 2014 regular session of the West Virginia Legislature.



James B. Phares, Ed.D.
State Superintendent of Schools

CODE CHANGES

NEW CODE	REPEALED	REVISED CODE
§18-2-5h	§11-1C-5b	§6-7-1
§18-5B-13	§11-8-16a	§11-8-17
§18-20-10	§18-2-17	§13-1-13
§18A-5-1d	§18-2E-5b	§18-2-5a
	§18-2E-8b	§18-2-13
	§18-2G-1	§18-2-16
	§18-2G-2	§18-2E-7
	§18-2G-3	§18-5B-3
	§18-5-15e	§18-6-1
	§18-5-38	§18-6-2
	§18-6-9	§18-6-4
	§18-6-10	§18-6-5
	§18-7-1	§18-6-8
	§18-7-2	§18-8-1a
	§18-7-3	§18-8-2
	§18-9A-2a	§18-9-2
	§18-9A-6b	§18-9A-2
	§18-9A-14a	§18-9A-11
	§18-9A-19	§18-20-1
	§18-9C-1	§18-20-1c
	§18-9C-2	§18A-2-12
	§18-9C-3	§18A-4-2
	§18-9C-4	§18A-4-8a
	§18-9C-5	§18A-5-1a
	§18-9C-6	§18C-3-3
	§18-9C-7	§21-5C-1
	§18-9C-8	§21-5C-2
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House Bill 4003

Effective Date: June 2, 2014

Signed by Governor: March 20, 2014

Code Reference: Amends §18-8-2

Title: Granting dual jurisdiction to counties where a student who lives in one county and attends school in another in order to enforce truancy policies

Major Provisions:

- Creates new code that authorizes attendance directors and assistants to enforce compulsory school attendance, granted jurisdiction in either county when school of residence and school of enrollment are different

ENROLLED

COMMITTEE SUBSTITUTE
FOR
H. B. 4003

(By Delegates Walker, Perry, Paxton, Poling, M., Pethtel)

[Passed March 4, 2014; in effect ninety days from passage.]

AN ACT to amend and reenact §18-8-2 of the Code of West Virginia, 1931, as amended, relating to jurisdiction to enforce compulsory school attendance; granting jurisdiction in either county when county of residence and school of enrollment are different.

Be it enacted by the Legislature of West Virginia:

That §18-8-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.

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

(a) Any person who, after receiving due notice, shall fail to cause a child or children under eighteen years of age in that person's legal or actual charge to attend school in violation of ~~the provisions of~~ this article or without just cause, shall be guilty of a misdemeanor and, shall, upon conviction of a first offense, be fined not less than fifty 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 judge, upon conviction and pronouncing sentence, may delay the sentence for a period of sixty school days provided the child is in attendance everyday during said sixty-day period. Following the sixty-day period, if said child was present at school for every school day, the delayed sentence may be suspended 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 days. Every day a child is out of school contrary to ~~the provisions of~~ this article shall constitute a separate offense. Magistrates shall have concurrent jurisdiction with circuit courts for the trial of offenses arising under this section.

(b) Any person eighteen years of age or older who is enrolled in school who, after receiving due notice, fails to attend school in violation of ~~the provisions of~~ this article or without just cause, shall be 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 judge, upon conviction and pronouncing sentence, may delay the imposition of a fine for a period of sixty school days provided the person is in attendance every day during said sixty-day period. Following the sixty-day period, if said student was present at school everyday, the delayed sentence may be suspended 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 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 days. Every day a student is out of school contrary to the provisions of this article shall constitute 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 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 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.

House Bill 4228

Effective Date: June 6, 2014

Signed by Governor: March 31, 2014

Code Reference: Amends §18-2-5a, §18-2-13, §18-2E-7, §18-8-1a, and §18A-2-12

Repeals §11-8-16a, §18-2-17, §18-2E-5b, §18-2E-8b, §18-2G-1, §18-2G-2, §18-2G-3, §18-5-15e, §18-5-38, §18-7-1, §18-7-2, §18-7-3, §18-9A-6b §18-9A-14a, §18-9A-19, §18-9C-1, §18-9C-2, §18-9C-3, §18-9C-4, §18-9C-5, §18-9C-6, §18-9C-7, §18-9C-8, §18A-3-1c, §18A-3-1d, §18A-4-10b, and §18A-4-14a

Title: Repealing or removing certain portions of education-related statutes that have expired

Major Provisions:

- Repeals section of code that authorized county boards to hold another election for a new excess levy to replace one passed immediately prior to the adoption of the Better Schools constitutional amendment (Section 10, Article X) in 1959
- Repeals section of code that established a framework for the distribution of excess and leftover foods in West Virginia public school cafeterias and in correctional facilities to community agencies that serve homeless and needy people in the State
- Repeals section of code that required the State Board to conduct a review of the system of educational performance audits and submit a final report to the Legislative Oversight Commission on Education Accountability (LOCEA) by December 1, 2001
- Repeals section of code that required the Office of Education Performance Audits (OEPA) to include in its review of county boards and schools a determination of whether the boards and school have the capacity to meet the requirements within the policies of the state board for school systems to provide and deliver additional new courses; to direct the State Department to develop and implement a plan to assist the county boards that were unable to meet these requirements; and to review the organization of the State Department to ensure that it was able to provide the best

communication, technical assistance and support for schools and school systems in a number of identified areas

- Repeals sections of code that provided an incentive grant program to encourage the growth and development of school library media programs to assist in implementing innovative educational technology
- Repeals section of code that required county boards to conduct a comprehensive study to determine equality of funding and programs among the various schools within each county
- Repeals section of code that specified the provisions of article five of chapter eighteen of the West Virginia Code were to govern the meetings of the boards of education for the calendar year 1961
- Repeals sections of code that created the Adult Literacy Education Program Fund in which the proceeds were derived, in part, from a voluntary check-off and contribution designation on state personal income tax returns
- Repeals section of code that required an appropriation and allocation due to an increase in local share be made to the State Teachers' Retirement System each year, not to exceed seven million dollars, to be used to reduce the amount required to eliminate the unfunded liability of the system over a forty-year period, per an annual actuarial valuation
- Repeals section of code that provided an incentive under the Public School Support Program for administrative efficiency
- Repeals section of code that required county boards to file an annual request schedule with the State Board for the payment of state aid
- Repeals sections of code related to the funding derived from the sale of bonds issued in 1973 under the authority of the Better School Buildings Amendment for the construction, renovation and remodeling of school buildings
- Repeals sections of code that required the State Board to conduct a study on alternative certification programs that would enhance the ability of the State to place effective teachers in areas of high need and to submit a report to the Legislative Oversight Commission on Education Accountability (LOCEA) no later than December 31, 2013

- Repeals section of code that required the State Board, regional education service agencies, and schools to select and record the exemplary teaching techniques of nominated teachers and distribute the recordings on a statewide and regional basis
- Repeals section of code that required the Legislative Oversight Commission on Education Accountability (LOCEA) to conduct a study of the length of time within the instructional day needed by teachers for planning periods and to issue a report of its findings and recommendations on or before January 2, 2003
- Amends section of code to reduce the number of copies of proposed legislative rules (policies) that the State Board is required to file with the Legislative Oversight Commission on Education Accountability (LOCEA) from 20 to one
- Amends section of code to eliminate the requirement that the State Board contract with an independent agency to evaluate the results of the character education program and report the results to the Legislative Oversight Commission on Education Accountability (LOCEA) during the September 2013 interim meetings of the legislative committees and semiannually thereafter
- Amends section of code that referred to school electronic strategic improvement plans
- Amends section of code to eliminate the requirement that the State Superintendent of Schools report to the Legislative Oversight Commission on Education Accountability (LOCEA) beginning with the December 2010 interim meetings of the legislative committees and semiannually thereafter on the impact of increasing the age requirement for mandatory school attendance to 17 years of age
- Amends section of code to require the evaluation of personnel defined as other professional personnel be performed at least annually and to specify that such evaluations must be performed by a person who has an administrative certificate issued by the State Superintendent of Schools

ENROLLED

COMMITTEE SUBSTITUTE
FOR
H. B. 4228

(By Delegates M. Poling, Perry, Lawrence, Barrett, Young, Tomblin, Barill, Moye,
Campbell, Walker and Pethtel)

[Passed March 8, 2014; in effect ninety days from passage.]

AN ACT to repeal §11-8-16a of the Code of West Virginia, 1931, as amended; to repeal §18-2-17 of said code; to repeal §18-2E-5b and §18-2E-8b of said code; to repeal §18-2G-1, §18-2G-2 and §18-2G-3 of said code; to repeal §18-5-15e and §18-5-38 of said code; to repeal §18-7-1, §18-7-2 and §18-7-3 of said code; to repeal §18-9A-6b, §18-9A-14a and §18-9A-19 of said code; to repeal §18-9C-1, §18-9C-2, §18-9C-3, §18-9C-4, §18-9C-5, §18-9C-6, §18-9C-7 and §18-9C-8 of said code; to repeal §18A-3-1c and §18A-3-1d of said code; to repeal §18A-4-10b and §18A-4-14a of said code; to amend and reenact §18-2-5a and §18-2-13 of said code; to amend and reenact §18-2E-7 of said code; to amend and reenact §18-8-1a of said code; and to amend and reenact §18A-2-12 of said code, all relating to repealing or removing certain portions of education-related statutes that are no longer applicable or are expired; repealing the authorization for county boards of education with an excess levy in effect prior to Better Schools Amendment to propose an additional excess levy not exceeding one hundred percent and a period of five years; repealing an expired pilot program for the delivery of leftover foods from schools and penal institutions; repealing expired provisions for review of system of education performance audits; repealing an expired requirement for audit of state board policies; repealing the library media improvement grant program; repealing an expired requirement for study on school equity; repealing an expired provision governing county board meetings; repealing an adult literacy education program financed, in part, by a voluntary state income tax return check-off; repealing the appropriation and allocation, up to \$7 million, due to the increase in local share to Teachers Retirement System; repealing the incentive for administrative efficiency in public schools and its associated funding to the county boards of education; repealing a requirement for county boards of education to request funds to which they may be entitled; repealing the Better School Buildings Amendment and associated funding to county boards of education; repealing an expired study on training, certification, licensure and retraining of teachers; repealing a study of alternative certification programs that was required to be submitted to the Legislative Oversight Commission on Education Accountability by December 31, 2013; repealing the requirement to record and distribute exemplary teaching techniques and its associated bonuses to certain teachers; repealing an expired study on daily planning periods; providing that the State Board of Education need only file a single copy of a proposed rule with the Legislative Oversight Commission; removing the requirement that the State Board of Education contract with an independent agency to evaluate the results of character education and biannual reporting; changing the requirement from a school-by-school to a countywide

plan for provision of technology and services to students as part of the twenty-first century strategic learning plan; removing the requirement for semiannual reporting on the effect of the increased compulsory attendance age of students and the progress the state and county boards have made in implementing its associated requirements; and clarifying that the written evaluation system for employment performance of personnel must be conducted at least annually on professional personnel and removing related transitional language.

Be it enacted by the Legislature of West Virginia:

That §11-8-16a of the Code of West Virginia, 1931, as amended, be repealed; that §18-2-17 of said code be repealed; that §18-2E-5b and §18-2E-8b of said code be repealed; that §18-2G-1, §18-2G-2 and §18-2G-3 of said code be repealed; that §18-5-15e and §18-5-38 of said code be repealed; that §18-7-1, §18-7-2 and §18-7-3 of said code be repealed; that §18-9A-6b, §18-9A-14a and §18-9A-19 of said code be repealed; that §18-9C-1, §18-9C-2, §18-9C-3, §18-9C-4, §18-9C-5, §18-9C-6, §18-9C-7 and §18-9C-8 of said code be repealed; that §18A-3-1c and §18A-3-1d of said code be repealed; that §18A-4-10b and §18A-4-14a of said code be repealed; that §18-2-5a and §18-2-13 of said code be amended and reenacted; that §18-2E-7 of said code be amended and reenacted; that §18-8-1a of said code be amended and reenacted, and that §18A-2-12 of said code be amended and reenacted all to read as follows:

CHAPTER 11. TAXATION. ARTICLE 8. LEVIES

~~**§11-8-16a. Immediate levies authorized pursuant to Better Schools Amendment.** A county board of education which has heretofore increased its levies pursuant to an election conducted prior to the adoption of the Better Schools Amendment (section 10, article X of the constitution), which election authorized such increased levies to continue for a period of years extending beyond the effective date of this section, said board of education having need of levies in excess of those authorized in such prior election, may, notwithstanding such prior increased levies, proceed at any time hereafter to hold a new election pursuant to the terms of section sixteen of this article, submitting to the voters the total amount by which the levies are proposed to be increased over those authorized in section twelve of this article, not exceeding one hundred percent, and the total number of years, not exceeding five, after the date of such election for which said proposed increased levies shall continue; and if at least sixty percent of the voters at such election cast their ballots in favor of such additional levy, the county board of education may impose the additional levy for the proposed number of years so submitted to the voters at such election; which higher rates and longer number of years shall then supersede and take the place of the increased levies authorized at the election held prior to the adoption of section 10, article X of the constitution.~~

~~In the event that at any such election held after the effective date of this section, less than sixty percent of the voters at such election cast their votes in favor of any such proposed new increased levies and greater number of years, the increased levies~~

~~approved at the election held prior to the adoption of the Better Schools Amendment shall remain in full force and effect for the number of years authorized by such prior election.~~

**CHAPTER 18. EDUCATION.
ARTICLE 2. STATE BOARD OF EDUCATION.**

§18-2-5a. Board rules to be filed with Legislature.

The State Board of Education shall file ~~twenty copies~~ a copy of any rule that it proposes to promulgate, adopt, amend or repeal under the authority of the Constitution or of this code with the Legislative Oversight commission on education accountability pursuant to article three-b, chapter twenty-nine-a of this code. "Rule," as used herein, means a regulation, standard, statement of policy, or interpretation of general application and future effect.

§18-2-13. Character education integration.

(a) The state board shall establish a comprehensive approach to integrate character education into all aspects of school culture, school functions and existing curriculum.

(b) The state board shall require all public schools that operate from preschool to grade twelve to develop and integrate components of character development into their existing curriculum. The schools may incorporate such programs as "life skills", "responsible students", or any other program encompassing any of the following components:

- (1) Honesty;
- (2) Caring;
- (3) Citizenship;
- (4) Justice;
- (5) Fairness;
- (6) Respect;
- (7) Responsibility;
- (8) Voting;
- (9) Academic achievement;
- (10) Completing homework assignments;
- (11) Improving daily attendance;
- (12) Avoiding and resolving conflicts;
- (13) Alternatives to violence;
- (14) Contributing to an orderly positive school environment;
- (15) Participating in class;
- (16) Resisting social peer pressures to smoke, drink and use drugs;
- (17) Developing greater self-esteem and self-confidence;
- (18) Effectively coping with social anxiety;

- (19) Increasing knowledge of the immediate consequences of substance abuse;
- (20) Increasing knowledge of the consequences of ones actions;
- (21) The corrupting influence and chance nature of gambling; and

(22) The value of decent, honest work.

(c) Character education shall be integrated into each public school curriculum by September 1, 2001.

(d) The state board shall assist county boards in developing in-service training regarding integrated character education as provided in this section.

(e) The State board Department of Education shall ~~contract with an independent agency to evaluate the results of the character education as defined in this section, and report the results to the legislative oversight commission on education accountability during the September, two thousand three interim meeting period, and every two years thereafter~~ is encouraged to utilize any existing moneys available to the department for existing character development programs, along with any new funds appropriated for the purposes of this section, to secure the maximum amount of any federal funding available for which the state department is eligible to receive for implementing character development in the schools.

~~(f) The state department of education is encouraged to utilize any existing moneys available to the department for existing character development programs, along with any new funds appropriated for the purposes of this section, to secure the maximum amount of any federal funding available for which the state department is eligible to receive for implementing character development in the schools.~~

~~(g) Funding for this initiative shall be derived from the 0313 unclassified account within the state department of education budget.~~

~~§18-2-17. Pilot program for delivery of leftover prepared foods from schools and penal institutions to the homeless and needy; commission for distribution of surplus foods; powers and duties; definitions; program continuance.~~

~~(a) The purpose of the Legislature in enacting this section is to establish a framework for the distribution of excess and leftover foods in West Virginia public school cafeterias and in correctional facilities to community agencies that serve homeless and needy people in this state and to address findings that:~~

~~(1) Many homeless, destitute and needy people are without sufficient food to meet minimum requirements for daily living;~~

~~(2) Many school cafeterias and prison cafeterias prepare a large number of meals each day;~~

~~(3) Despite state and federal policies and guidelines and proper efforts of personnel at such institutions which attempt to eliminate or minimize the waste of unserved prepared food at such public institutions, that some surplusage of leftover food does in fact occur; and~~

~~(4) Various community agencies are trying to feed the homeless and needy people and that leftover foods from the aforesaid public institutions is an obvious resource to help provide food for the homeless and needy people of the state.~~

~~(b) For purposes of this section the following terms shall have the following meanings:~~

~~(1) "Leftover food" means food prepared for immediate human consumption but not served, that cannot be refrigerated or preserved to be served at a later time, nor used in the preparation of other foods, or unopened packaged foods, unopened cartons of milk and parcels of whole fruit which are taken by consumers at the institution, but not eaten, or is not subject to being reserved according to policies or rules governing the service of food at the institution;~~

~~(2) "Agency" means any nonprofit, religious or charitable organization which is exempt from taxation pursuant to 26 U.S.C. §501(c)(3) or (4) whose purposes include the feeding of homeless and needy persons.~~

~~(3) "Commission" means the commission distribution of surplus food established in subsection (c) of this section.~~

~~(c) There is hereby established a commission for the distribution of surplus prepared foods. The superintendent of the state board of education, or his or her designee, shall serve as chair of the commission. The executive director of the regional jail and prison authority, or his or her designee, and the commissioner of the division of corrections, of the department of public safety, or his or her designee, shall serve as members of the commission.~~

~~(d) The commission shall develop and establish a pilot program in Ohio County for the distribution of leftover foods from secondary school cafeterias, the county jail in Ohio County and the regional jail located in Marshall County to community agencies in Ohio County to be distributed to homeless and needy persons in Ohio County, consistent with the goals and purposes established in this section. The pilot program shall provide that an agency pay any cost of transporting the leftover food. In no event may the pilot program provide that the state bear any of the cost of transporting the leftover food.~~

~~(e) The commission shall have the following powers and duties in carrying out the provisions of this section:~~

~~(1) Propose for promulgation legislative rules in accordance with article three, chapter twenty-nine-a of this code which are necessary to carry out the purposes of this section;~~

~~(2) Suggest modification of policies and propose amendments to current rules of the state board of education, the division of corrections and the regional jail authority which are in conflict with the purpose and goals of this section, only as such are applicable to the public institutions included in this pilot program;~~

~~(3) Coordinate and cooperate with all appropriate federal agencies, including, but not limited to, the United States department of agriculture to approve the distribution of leftover foods under controlled conditions;~~

~~(4) Draft cooperative and mutually beneficial agreements between the respective agencies and the local school or district or correctional facilities;~~

~~(5) Develop a comprehensive plan of food distribution to agencies including consideration of any input or suggestions from agencies interested in participation in the plan; such plan shall address the care of environmental resources and human needs. Any plan or program for food distribution shall require that the cost of transporting the food is to be paid by a community agency. The commission has no authority to develop a comprehensive plan of food distribution which would provide that the state pay all or any part of the cost of transporting the food to be distributed.~~

~~(f) The pilot program shall commence no later than the first day of September, one thousand nine hundred ninety-four, and continue until the first day of July, one thousand nine hundred ninety-seven, unless sooner terminated by the Legislature. On the first Wednesday after the second Monday of each January, the commission shall report to the governor and the Legislature on the progress of the program whether it should be continued or discontinued, any recommended modifications in the program's scope and mission and whether any action is necessary by the Legislature to improve the success of the program. At the end of the pilot program, the commission shall make a final report to the governor and the Legislature as to whether the findings in this section are being addressed and recommend whether or not the program shall be expanded statewide, with specific recommendations for program support and administration, development and other relevant policy issues.~~

ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.

~~§18-2E-5b. Review of system of education performance audits by the state board; reports to legislative oversight commission on education accountability.~~

~~(a) The Legislature finds that the system of education performance audits is a valuable tool for determining the quality of education provided in the public schools of our state and for holding schools accountable.~~

~~(b) Essential goals for a system of education performance audits include the following:~~

~~(1) To assure that the measures used to evaluate performance are clearly aligned with the education goals and expectations established for student, school and school system performance, including student success in postsecondary education and work;~~

~~(2) To assure that the measures used reflect a priority for student progress and safety; and~~

~~(3) To assure that the measures used are limited in number and easily comparable to national performance indicators.~~

~~(c) The state board shall conduct a review of the system of education performance audits with the objective of achieving the goals set forth in subsection (b) of this section and shall submit progress reports on its work as requested by the legislative oversight commission on education accountability. The state board shall submit a final report including, but not limited to, any necessary revisions of its policy on the system of~~

~~education performance audits and any recommendations for statutory changes to the legislative oversight commission on education accountability by the first day of December, two thousand one.~~

~~(d) In conducting its review, the state board shall examine for potential use in the system of education performance audits, any indicators used by various organizations to compare the performance of state education systems.~~

~~(e) The state board also shall consider methods for assigning accreditation status, such as weighting the attainment of performance standards, so that high performing schools and school systems can be fully accredited while correcting deficiencies on the process standards: *Provided*, That process standards affecting the safety of students are weighted equally with the performance standards.~~

§18-2E-7. Providing for twenty-first century instruction and learning in all public schools.

(a) The Legislature finds that:

(1) The knowledge and skills children need to succeed in the twenty-first century are changing dramatically and that West Virginia students must develop proficiency in twenty-first century content, technology tools and learning skills to succeed and prosper in life, in school and on the job;

(2) Students must be equipped to live in a multitasking, multifaceted, technology-driven world;

(3) The provision of twenty-first century technologies and software resources in grades prekindergarten through twelve is necessary to meet the goal that high school graduates will be prepared fully for college, other post-secondary education or gainful employment;

(4) This goal reflects a fundamental belief that the youth of the state exit the system equipped with the skills, competencies and attributes necessary to succeed, to continue learning throughout their lifetimes and to attain self-sufficiency;

(5) To promote twenty-first century learning, teachers must be competent in twenty-first century content and learning skills and must be equipped to fully integrate technology to transform instructional practice and to support twenty-first century skills acquisition;

(6) For students to learn twenty-first century skills, students and teachers must have equitable access to high quality, twenty-first century technology tools and resources;

(7) When aligned with standards and curriculum, technology-based assessments can be a powerful tool for teachers; and

(8) Teachers must understand how to use technology to create classroom assessments for accurate, timely measurements of student proficiency in attainment of academic content and twenty-first century skills.

(b) The state board shall ensure that the resources to be used to provide technology services to students in grades prekindergarten through twelve are included in a West Virginia 21st Century Strategic Technology Learning Plan to be developed by the Department of Education as an integral component of the county ~~and school~~ electronic strategic improvement ~~plans as~~ plan required in section five of this article. The provision of technologies and services to students and teachers shall be based on a county technology plan developed by ~~each individual school~~ a team that includes school building-level professional educators and is aligned with the goals and objectives of the West Virginia 21st Century Strategic Technology Learning Plan. This plan shall be an integral component of the county ~~and school~~ electronic strategic improvement plan as required in section five of this article. Funds shall be allocated equitably to county school systems following peer review of the plans that includes providing necessary technical assistance prior to submission and allows timely review and approval by the West Virginia Department of Education. Technology tools, including hardware, software, network cabling, network electronics and related professional development, shall be purchased pursuant to the provisions of article three, chapter five-a of this code in the amount equal to anticipated revenues being appropriated and based on the approved county ~~and school~~ plans. County allocations that support this legislation shall adhere to state contract prices: *Provided*, That contingent upon approval of the county technology plan, counties that identify, within that plan, specific software or peripheral equipment not listed on the state contract, but necessary to support implementation of twenty-first century skills, may request the West Virginia Department of Education to secure state purchasing prices for those identified items. Total expenditure to purchase these additional items may not exceed ten percent of the annual county allocation. To the extent practicable, the technology shall be used:

(1) To maximize student access to learning tools and resources at all times including during regular school hours, before and after school or class, in the evenings, on weekends and holidays and for public education, noninstructional days and during vacations; and

(2) For student use for homework, remedial work, independent learning, career planning and adult basic education.

(c) The implementation of this section should provide a technology infrastructure capable of supporting multiple technology-based learning strategies designed to enable students to achieve at higher academic levels. The technology infrastructure should facilitate student development by addressing the following areas:

(1) Mastery of rigorous core academic subjects in grades prekindergarten through eight by providing software, other technology resources or both aligned with state standards in

reading, mathematics, writing, science, social studies, twenty-first century learning skills and twenty-first century learning tools;

(2) Mastery of rigorous core academic subjects in grades nine through twelve by providing appropriate twenty-first century technology tools aligned with state standards for learning skills and technology tools;

(3) Attainment of twenty-first century skills outcomes for all students in the use of technology tools and learning skills;

(4) Proficiency in new, emerging twenty-first century content;

(5) Participation in relevant, contextual instruction that uses dynamic, real-world contexts that are engaging and meaningful for students, making learning relevant to life outside of school and bridging the gap between how students live and how they learn in school;

(6) Ability to use digital and emerging technologies to manage information, communicate effectively, think critically, solve problems, work productively as an individual and collaboratively as part of a team and demonstrate personal accountability and other self-directional skills;

(7) Providing students with information on post-secondary educational opportunities, financial aid and the skills and credentials required in various occupations that will help them better prepare for a successful transition following high school;

(8) Providing greater access to advanced and other curricular offerings than could be provided efficiently through traditional on-site delivery formats, including increasing student access to quality distance learning curricula and online distance education tools;

(9) Providing resources for teachers in differentiated instructional strategies, technology integration, sample lesson plans, curriculum resources and online staff development that enhance student achievement; and

(10) Providing resources to support basic skills acquisition and improvement at the above mastery and distinguished levels.

(d) Developed with input from appropriate stakeholder groups, the West Virginia 21st Century Strategic Technology Learning Plan shall be an integral component of the electronic strategic county ~~and school~~ improvement plan as required in section five of this article. The West Virginia 21st Century Strategic Technology Learning Plan shall be comprehensive and shall address, but not necessarily be limited to, the following provisions:

(1) Allocation of adequate resources to provide students with equitable access to twenty-first century technology tools, including instructional offerings and appropriate curriculum, assessment and technology integration resources aligned to both the

content and rigor of state content standards as well as to learning skills and technology tools;

(2) Providing students and staff with equitable access to a technology infrastructure that supports the acquisition of twenty-first century skills, including the ability to access information, solve problems, communicate clearly, make informed decisions, acquire new knowledge, construct products, reports and systems and access online assessment systems;

(3) Inclusion of various technologies that enable and enhance the attainment of twenty-first century skills outcomes for all students;

(4) Collaboration with various partners, including parents, community organization, higher education, schools of education in colleges and universities, employers and content providers;

(5) Seeking of applicable federal government funds, philanthropic funds, other partnership funds or any combination of those types of funds to augment state appropriations and encouraging the pursuit of funding through grants, gifts, donations or any other sources for uses related to education technology;

(6) Sufficient bandwidth to support teaching and learning and to provide satisfactorily for instructional management needs;

(7) Protection of the integrity and security of the network, as well as student and administrative workstations;

(8) Flexibility to adjust the plan based on developing technology, federal and state requirements and changing local school and county needs;

(9) Incorporation of findings based upon validation from research-based evaluation findings from previous West Virginia-based evaluation projects;

(10) Continuing study of emerging technologies for application in a twenty-first century learning environment and inclusion in the technology plan, as appropriate;

(11) An evaluation component to determine the effectiveness of the program and make recommendations for ongoing implementation;

(12) A program of embedded, sustained professional development for teachers that is strategically developed to support a twenty-first century education for all students and that aligns with state standards for technology, integrates twenty-first century skills into educational practice and supports the implementation of twenty-first century software, technology and assessment resources in the classroom;

(13) Providing for uniformity in technological hardware and software standards and procedures;

(14) The strategy for ensuring that the capabilities and capacities of the technology infrastructure is adequate for acceptable performance of the technology being implemented in the public schools;

(15) Providing for a comprehensive, statewide uniform, integrated education management and information system for data collection and reporting to the Department of Education as provided in section twenty-six, article two of this chapter and commonly referred to as the West Virginia Education Information System;

(16) Providing for an effective model for the distance delivery, virtual delivery or both types of delivery of instruction in subjects where there exists low student enrollment or a shortage of certified teachers or where the delivery method substantially improves the quality of an instructional program such as the West Virginia Virtual School;

(17) Providing a strategy to implement, support and maintain technology in the public schools;

(18) Providing a strategy to provide ongoing support and assistance to teachers in integrating technology into twenty-first century instruction such as with technology integration specialists;

(19) A method of allowing public education to take advantage of appropriate bulk purchasing abilities and to purchase from competitively bid contracts initiated through the southern regional education board educational technology cooperative and the America TelEdCommunications Alliance;

(20) Compliance with United States Department of Education regulations and Federal Communications Commission requirements for federal E-rate discounts; and

(21) Other provisions as considered appropriate, necessary or both to align with applicable guidelines, policies, rules, regulations and requirements of the West Virginia Legislature, the board of Education and the Department of Education.

(e) Any state code and budget references to the Basic Skills/Computer Education Program and the SUCCESS Initiative will be understood to refer to the statewide technology initiative referenced in this section, commonly referred to as the 21st Century Tools for 21st Century Schools Technology Initiative.

~~§18-2E-8b. Audit of state board policies; legislative findings; report to legislative oversight commission; required plan of improvement; exemptions from determination of accreditation status.~~

~~(a) The Legislature finds that, pursuant to its constitutional responsibility to provide for a thorough and efficient system of schools, a process for improving education was~~

enacted and set forth in section five of this article, a process that was endorsed by the West Virginia board of education in a resolution that was adopted. The Legislature finds that the process for improving education includes four primary elements, those being standards, assessments, accountability and capacity building. The Legislature finds that as the constitutional body charged with the general supervision of schools, as provided by general law, the West Virginia board of education has the authority and responsibility to establish policies, which are not subject to approval by the Legislature, to assess performance against the standards, to hold schools and school systems accountable for meeting the standards and to assist schools and school systems to build their capacity to meet the standards, including, when necessary, seeking additional resources in consultation with the Legislature and the governor. The Legislature finds that in fulfilling its constitutional responsibility to provide for a thorough and efficient system of schools, the Legislature has been diligent in not mandating the delivery of programs that are beyond the capacity of schools and school systems without providing the necessary additional resources. The Legislature further finds, however, that concerns exist with respect to the capacity of school systems to meet certain mandates and expenses which arise either from state board policy or the need for better communication, technical assistance and support by the state board and state department of education. The Legislature finds that it is imperative that these concerns be addressed so as not to adversely affect the progress West Virginia has made toward improving its system of education or negate the excellent work of dedicated personnel at local schools and school systems to more thoroughly prepare their students for college, other post-secondary education and employment. Therefore, it is the intent of this section to engage the state board and the state department in the spirit of cooperation and collaboration intended in the process for improving education to examine the impact of their policies and the efforts being made by the state board and the state department of education to assist schools and school systems to meet them.

(b) The state board shall:

(1) Direct the office of education performance audits to include in its review of county boards and schools a determination of whether the county boards and schools have the capacity to meet the requirements within the policies of the state board for school systems to provide additional new courses and determine the capacity of school systems to deliver these new courses, if any. If it is determined that a county does not have the capacity to meet these requirements, the state board shall direct the department to develop and implement a plan to assist the counties in meeting the requirements.

(2) Review the organization of the state department of education to ensure that it is able to provide the best communication, technical assistance and support for schools and school systems in a number of areas, including, but not limited to:

(i) The advantages and disadvantages of various methods of scheduling and how they can be modified to best meet the needs of students;

(ii) Establishing policies which allow advanced students to test out of required courses for which they already possess the required academic skills; and

~~(iii) Subject to the provision of section eight-d of this article, establishing policies which allow students, whether they are preparing for college, other post-secondary education or work, to take a higher level course, advanced placement course, college course or other more rigorous substitute in place of a required major course as set forth in the applicable program of study.~~

~~(3) Prepare and report annually to the legislative oversight committee on educational accountability by the first day of December a plan for the repair, maintenance and upgrade of technology in the public schools.~~

~~(c) It is further the intent of the Legislature to regularly consult with the state board, examine the progress it is making with respect to these issues, and consider alternative measures to ensure that all students continue receiving the thorough and efficient education to which they are entitled.~~

ARTICLE 2G. SCHOOL LIBRARY MEDIA IMPROVEMENT GRANT PROGRAM.

§18-2G-1. Legislative intent and purpose.

~~The Legislature acknowledges that society is presently generating more and more information at ever faster rates. Further, the Legislature acknowledges that it is more difficult for educational facilities and students to digest this growing pool of educational information. Finally, the Legislature acknowledges the need for an incentive grant program which will encourage growth and development of school library media programs which will assist in implementing innovative educational technology.~~

§18-2G-2. Criteria for grants.

~~The state board shall administer the school library media improvement grant program pursuant to the following criteria:~~

~~(a) Library media improvement grants shall be utilized to initiate a centralized library media program or to improve an existing program. Funds awarded in such grant may be used for the purchase of books, audiovisual materials, audiovisual equipment, computer software or other innovative uses of technology in the library media center. Funds may not be used for construction, remodeling, furniture, salaries or supplies or to replace funds previously allocated or expended by the county board of education receiving the grant.~~

~~(b) Funds in the amount of not less than fifty thousand dollars shall be appropriated to be awarded as grants and shall be equitably allocated between elementary and secondary schools with at least fifty percent of the funds being allocated to small schools with a disproportionate number of students from low income families.~~

~~(c) Grants shall be for one year.~~

§18-2G-3. Grant applications.

~~Each school district applying for a grant shall submit a proposal detailing plans for the creation of a school library media program or for the improvement of a program already~~

~~in use. Each district receiving a grant shall furnish information to the state board documenting the application of funds allocated and the benefits to the children served as a result of the grant.~~

ARTICLE 5. COUNTY BOARD OF EDUCATION.

~~§18-5-15e. Study on school equity.~~

~~County boards shall conduct a comprehensive study to determine equality of funding and programs among the various schools within each county. Such study shall consider issues including, but not limited to, cost per pupil and availability of curriculum and programs. County boards shall submit a report to the legislative oversight commission on education accountability by the first day of October, one thousand nine hundred ninety-three.~~

~~§18-5-38. Exception.~~

~~Notwithstanding the provisions of section four of this article, the provisions of this article as of January first, one thousand nine hundred sixty-one, shall govern the meetings of the boards of education for the calendar year one thousand nine hundred sixty-one.~~

ARTICLE 7. ADULT LITERACY EDUCATION PROGRAM.

~~§18-7-1. Adult literacy education program; legislative intent.~~

~~It is in the public interest that the adult citizens of this state be literate so that the quality of their own lives may be enhanced and they may contribute to the well-being and advancement of the entire state through increased productivity. The intent of this legislation is to provide additional funding for the education of adults in the basic literacy skills of reading, writing and computation.~~

~~Activities in this program include:~~

~~(a) Identification and recruitment of persons over the age of twenty-one who are deficient in their basic literacy skills;~~

~~(b) Establishment of a literacy outreach program using tutors and teachers to educate individuals at locations convenient to the adult learners, including, but not limited to, work sites, schools, libraries, churches and community centers. The literacy outreach programs shall be designed to assist persons in achieving a level of functional literacy or high school equivalency skill levels;~~

~~(c) Expansion of adult basic education programs;~~

~~(d) An increase in the number of full-time and part-time volunteer tutors and teachers to provide these services; and~~

~~(e) Coordination of the efforts of the West Virginia department of education, other appropriate state agencies and volunteer groups.~~

~~§18-7-2. Disposition and use of funds.~~

~~The financing of the adult literacy education program will be derived from a voluntary check-off and contribution designation on state personal income tax return forms of a portion or all of a taxpayer's refund. This financing shall be supplemental to any existing revenues, legislative appropriations, private or public grants, gifts or bequests made available for this purpose.~~

~~Moneys made available pursuant to this section shall be placed in an account of the West Virginia board of education designated the "Adult Literacy Education Program Fund" and expended solely for the purpose of teaching adult residents of West Virginia the basic literacy skills of reading, writing and computation pursuant to section one of this article.~~

~~The state board of education shall furnish the Legislature with a report of activities and expenditures under this program by the fifteenth day of January of each year.~~

~~§18-7-3. Contribution of portion of income tax refund to adult literacy education program fund.~~

~~(a) Contributions to the adult literacy education program fund will be derived, in part, from voluntary contributions of a portion or all of a state tax refund due, as designated by taxpayers on state personal income tax return forms.~~

~~(b) Each West Virginia personal income tax return form shall contain a designation as follows:~~

~~"ADULT LITERACY EDUCATION PROGRAM~~

~~Check if you wish to designate a portion of your tax refund to this program:~~

~~\$1 () \$5 () \$10 () Other \$_____ ()~~

~~If joint return, check if spouse wishes to designate a portion of tax refund:~~

~~\$1 () \$5 () \$10 () Other \$_____ ()"~~

~~Each individual taxpayer desiring to voluntarily contribute to this program may so indicate by placing an "X" in the appropriate box on the state personal income tax return form. The contribution shall be credited to the adult literacy education program fund.~~

~~(c) The tax commissioner shall determine by the first day of July of each year the total amount designated pursuant to this section and shall report that amount to the state treasurer who shall credit that amount to the adult literacy education program fund.~~

~~(d) The provisions of this section shall apply to tax return forms filed on and after the first day of January, one thousand nine hundred eighty-seven.~~

ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.

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

(a) Notwithstanding the provisions of section one of this article, compulsory school attendance begins with the school year in which the sixth birthday is reached prior to September 1 of such year or upon enrolling in a publicly supported kindergarten program and, subject to subdivision (3) of this subsection, continues to the sixteenth birthday or for as long as the student continues to be enrolled in a school system after the sixteenth birthday.

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

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

(3) Beginning with the 2011-2012 high school freshman cohort class of students, and notwithstanding the provisions of section one of this article, compulsory school attendance begins with the school year in which the sixth birthday is reached prior to September 1 of such year or upon enrolling in a publicly supported kindergarten program and continues to the seventeenth birthday or for as long as the student continues to be enrolled in a school system after the seventeenth birthday.

~~(4) Beginning with the December 2010 interim meeting period, and semiannually thereafter, the state superintendent shall report to the Legislative Oversight Commission on Education Accountability on the impact of the increased age requirement of subdivision (3) of this subsection, and the progress of the state board and the county boards in implementing the requirements of section six of this article.~~

(b) Attendance at a state-approved or Montessori kindergarten, as provided in section eighteen, article five of this chapter, is deemed school attendance for purposes of this section. Prior to entrance into the first grade in accordance with section five, article two of this chapter, each child must have either:

(1) Successfully completed such publicly or privately supported, state-approved kindergarten program or Montessori kindergarten program; or

(2) Successfully completed an entrance test of basic readiness skills approved by the county in which the school is located. The test may be administered in lieu of kindergarten attendance only under extraordinary circumstances to be determined by the county board.

(c) Notwithstanding the provisions of this section and of section five, article two of this chapter and section eighteen, article five of this chapter, a county board may provide for advanced entrance or placement under policies adopted by said board for any child who has demonstrated sufficient mental and physical competency for such entrance or placement.

(d) This section does not prevent a student from another state from enrolling in the same grade in a public school in West Virginia as the student was enrolled at the school from which the student transferred.

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

~~§18-9A-6b. Allocation of growth of local share.~~

~~Beginning with the first day of July, one thousand nine hundred ninety-five, and thereafter, an appropriation and allocation due to the increase in local share not to exceed seven million dollars above that computed for the previous year, which increase may be attributable to any increase in the tax rate as enacted by the Legislature in accordance with the provisions of subsection (b), section six-f, article eight, chapter eleven of this code, shall be allocated to the state teachers retirement system, which appropriation and allocation shall be used to reduce the amounts required by section six-a of this article or any other retirement contributions as may be required to the state teachers retirement system set forth in article seven-a of this chapter and which shall be accumulated in the employers accumulation fund created in section eighteen of said article seven-a.~~

~~§18-9A-14a. Incentive for administrative efficiency.~~

~~(a) Notwithstanding any other provision to the contrary, and in order to encourage county superintendents to more fully utilize their administrative capabilities and provide them with increased fiscal flexibility, each county shall be granted the funds equal to the eighty percent of the difference between the total amount received pursuant to sections four and six of this article based on actual professional educators employed and the amount the county would receive if they employed the maximum professional educators allowed pursuant to section four of this article using that county's average funded state minimum salary for professional educators for such computation: Provided, That the following three conditions are all met the prior year:~~

~~(1) The county maintained the minimum instructional personnel ratio set forth in section four of this article;~~

~~(2) The county reduced the number of maximum class size exemptions, if any, as provided for in section eighteen-a, article five of this chapter, by twenty-five percent over the prior year; and~~

~~(3) The county reduced the number of split grade exemptions, if any, as provided for in section eighteen-a, article five of this chapter, by twenty-five percent over the prior year.~~

~~(b) Each county shall also be granted the funds equal to eighty percent of the difference between the total amount received pursuant to sections five and six of this article based on actual service personnel employed and the amount the county would receive if they employed the maximum service personnel allowed pursuant to section five of this article, using the county's average state funded minimum salary for service personnel for such computation: Provided, That in the prior year the number of professional educators who do not spend at least seventy-five percent of their work day assigned to a local school or schools shall not exceed the sum of the numbers derived by multiplying (1) the first two hundred or fewer professional educators and service personnel for whom basic state aid is authorized by this article by two and one-half percent and (2) all additional such personnel, if any, by one percent, such sum to be rounded down to the nearest tenth.~~

~~(c) The provisions of this section shall commence with the school year beginning on the first day of July, one thousand nine hundred eighty-nine, and continue thereafter.~~

~~§18-9A-19. County request schedule.~~

~~Each county board of education shall file a request schedule with the state board for payments of state aid to which it is entitled in each fiscal year. The state board shall have authority to examine and approve, disapprove or modify the schedule of payments, so long as its action does not unreasonably curtail the educational program of any county. The state board shall pay state aid by requisition upon the state auditor in favor of the fiscal officer of each county board in installments according to the schedule as finally approved or modified.~~

~~§18-9C-1. Purposes and construction of article.~~

~~The ratification of the "better school buildings amendment" has provided the potential source of funds for county boards of education to use for the construction, renovation, remodeling and equipping of elementary or secondary public school buildings or facilities and for the acquisition and preparation of sites for elementary or secondary public school buildings or facilities. Because of the importance of these activities to the whole state of West Virginia, it is necessary that the various county boards of education receive guidance from a state board with regard to overall planning responsibilities. With this in mind, this article is enacted to provide the framework whereby the management and administration of funds can be effectively coordinated so that said funds derived from the sale of bonds pursuant to the "better school buildings amendment" can be used to the best advantage of all our school children wherever they might live in the state.~~

~~§18-9C-2. Definitions.~~

~~For the purpose of this article:~~

~~"Assistance ratio" means the state bond potential per pupil divided by the county bond potential per pupil and the result multiplied by .8971819.~~

~~"County board" means a county board of education.~~

~~"Existing bonded indebtedness" means outstanding obligations of principal and interest payments that a county board of education owes as of the first day of July, one thousand nine hundred seventy-two.~~

~~"Net enrollment" means the number of children enrolled in grades one to twelve, inclusive, and in special education programs of the public schools of the state as of the end of the third school month of the school year one thousand nine hundred seventy-two -- seventy-three.~~

~~"State board" means the West Virginia board of education.~~

~~§18-9C-3. Powers and duties of state board of education with regard to management and administration of funds derived from issuance and sale of bonds.~~

~~The state board is hereby authorized and empowered to accept, administer, manage and expend for the purposes designated all funds derived from the sale of bonds under authority of the "better school buildings amendment," pursuant to the allocation formula set forth in this article. The state board shall require comprehensive school facilities plans from each county board and shall release funds only for projects which are an approved part of such comprehensive plans. The state board shall make an annual report of their expenditures to the governor and the Legislature at the end of each fiscal year.~~

~~The state board is authorized and empowered, from time to time, to promulgate such rules and regulations as it may deem necessary and convenient to insure the full implementation of its powers and duties authorized under this article.~~

~~§18-9C-4. Establishment of state school building fund; contents and use of fund.~~

~~There is hereby established a state school building fund into which there shall be paid all the moneys derived from the sale of the bonds authorized by the "better school buildings amendment." The proceeds of the fund shall be distributed by the state board to such county boards of education as qualify therefor by meeting such conditions, qualifications and requirements as are prescribed in this article. The proceeds of the fund shall be used by the county boards of education solely for the construction, renovation or remodeling of elementary or secondary public school buildings or facilities, the equipping of the same in connection with any such construction, renovation or remodeling and the acquisition and preparation of sites for elementary or secondary public school buildings or facilities.~~

~~Except for such sums necessary for current operating balances, the proceeds of the funds shall be invested and reinvested in short-term obligations of the United States treasury. However, no such investment or reinvestment shall adversely affect the current operating balances of such fund. Any sums accruing as a result of such investment shall be allocated to the counties on a per pupil basis without regard to any incentive provision as provided in section six of this article.~~

§18-9C-5. Entitlement to counties.

Each county board of education shall be entitled to receive, subject to the provisions of this article and further subject to the availability of money in the school building fund, the amounts as set forth in the following schedule:

1. \$200,000 FLAT GRANT

2. \$239.2722 PER NET ENROLLED PUPIL

3. ASSISTANCE RATIO X 239.2722 PER NET ENROLLED PUPIL

~~\$239.2722 X~~

~~\$239.2722 Net
Per Pupil Enrollment Total~~

~~\$200,000. In Net X Assistance (1) plus (2)~~

~~Flat Grant Enrollment Ratio* plus (3)~~

	(1)	(2)	(3)	(4)
Barbour ...	\$200,000	\$ 768,398	\$ 863,602	\$1,832,000
Berkeley ..	\$200,000	\$2,081,277	\$1,911,352	\$4,192,629
Boone	\$200,000	\$1,499,237	\$1,589,491	\$3,288,728
Braxton ...	\$200,000	\$ 759,307	\$ 898,483	\$1,857,790
Brooke	\$200,000	\$1,501,868	\$1,190,067	\$2,891,935
Cabell	\$200,000	\$4,883,584	\$3,144,576	\$8,228,160
Calhoun ...	\$200,000	\$ 422,236	\$ 527,522	\$1,149,758
Clay	\$200,000	\$ 620,555	\$1,010,893	\$1,831,448
Doddridge .	\$200,000	\$ 366,496	\$ 294,387	\$ 860,883
Fayette ...	\$200,000	\$3,028,855	\$3,916,366	\$7,145,221
Gilmer	\$200,000	\$ 367,931	\$ 258,536	\$ 826,467
Grant	\$200,000	\$ 490,176	\$ 231,279	\$ 921,455
Greenbrier.	\$200,000	\$1,805,687	\$1,878,263	\$3,883,950
Hampshire .	\$200,000	\$ 629,646	\$ 480,793	\$1,310,439
Hancock ...	\$200,000	\$2,097,066	\$1,246,084	\$3,543,150
Hardy	\$200,000	\$ 494,961	\$ 407,968	\$1,102,929
Harrison ..	\$200,000	\$3,620,943	\$3,099,207	\$6,920,150
Jackson ...	\$200,000	\$1,392,302	\$ 958,346	\$2,550,648
Jefferson .	\$200,000	\$1,237,044	\$1,120,397	\$2,557,441
Kanawha ...	\$200,000	\$11,874,042	\$7,801,321	\$19,875,363
Lewis	\$200,000	\$ 860,979	\$ 577,179	\$1,638,158
Logan	\$200,000	\$2,930,772	\$4,686,180	\$7,816,952
Marion	\$200,000	\$2,818,814	\$2,286,459	\$5,305,273
Marshall ..	\$200,000	\$1,860,948	\$ 903,926	\$2,964,874
Mason	\$200,000	\$1,420,770	\$1,321,981	\$2,942,751

Mercer	\$200,000	\$3,340,808	\$3,806,587	\$7,347,395
Mineral ...	\$200,000	\$1,289,195	\$1,709,402	\$3,198,597
Mingo	\$200,000	\$2,246,343	\$3,468,466	\$5,914,809
Monongalia.	\$200,000	\$2,484,135	\$1,632,315	\$4,316,450
Monroe	\$200,000	\$ 554,768	\$ 676,362	\$1,431,130
Morgan	\$200,000	\$ 506,683	\$ 491,681	\$1,198,364
McDowell ..	\$200,000	\$3,155,167	\$4,446,839	\$7,802,006
Nicholas ..	\$200,000	\$1,424,598	\$2,003,458	\$3,628,056
Ohio	\$200,000	\$2,257,826	\$1,219,055	\$3,676,881
Pendleton .	\$200,000	\$ 374,869	\$ 344,061	\$ 918,930
Pleasants .	\$200,000	\$ 410,992	\$ 315,563	\$ 926,555
Pocahontas.	\$200,000	\$ 482,760	\$ 490,036	\$1,172,796
Preston ...	\$200,000	\$1,532,011	\$1,686,915	\$3,418,926
Putnam	\$200,000	\$1,732,962	\$1,828,580	\$3,761,542
Raleigh ...	\$200,000	\$4,027,151	\$5,297,508	\$9,524,659
Randolph ..	\$200,000	\$1,401,393	\$1,571,002	\$3,172,395
Ritchie ...	\$200,000	\$ 537,543	\$ 541,642	\$1,279,185
Roane	\$200,000	\$ 747,106	\$ 656,013	\$1,603,119
Summers ...	\$200,000	\$ 722,944	\$ 881,788	\$1,804,732
Taylor	\$200,000	\$ 767,202	\$ 862,534	\$1,829,736
Tucker	\$200,000	\$ 399,988	\$ 504,273	\$1,104,261
Tyler	\$200,000	\$ 571,992	\$ 606,272	\$1,378,264
Upshur	\$200,000	\$1,021,500	\$ 991,530	\$2,213,030
Wayne	\$200,000	\$2,401,602	\$3,312,596	\$5,914,198
Webster ...	\$200,000	\$ 648,306	\$ 904,986	\$1,753,292
Wetzel	\$200,000	\$1,182,500	\$1,156,294	\$2,538,794
Wirt	\$200,000	\$ 280,613	\$ 427,868	\$ 908,481
Wood	\$200,000	\$4,875,689	\$5,152,582	\$10,228,271
Wyoming ...	\$200,000	\$2,033,431	\$2,519,438	\$4,752,869
-----	\$11,000,000	\$94,500,000	\$94,500,000	\$200,000,000

§18-9C-6. Submission of plans; approval; incentive provisions.

Each county shall be entitled to receive the sum of two hundred thousand dollars as hereinafter set forth. Each county board shall be required to submit unto the state board a comprehensive plan or plans encompassing, but not necessarily limited to, its proposed use of the grant funds and those remaining funds set forth for each county in the distribution schedule of section five of this article. The county board shall be required to resubmit said plan or plans as, in the determination of the state board, said action is necessary to meet the rules and regulations authorized under this article. The state board shall approve or disapprove said submitted plan or plans within ninety days of the date of submission of said plans. Once said plan or plans are approved and, in the determination of the state board, the project or projects are ready to be undertaken, the state board shall distribute the amount to the respective counties equal to that amount due under the distribution schedule contained in section five of this article.

~~Notwithstanding any other provision of this article, priority in the approval of submitted plan or plans shall be given to any county which satisfactorily shows to the state board that it has sufficient resources, through grants, gifts, excess levies, county bond funds, or any other money available to county boards, with which to defray the cost of its plan or plans where said plan or plans call for total expenditures in excess of the amounts designated for that county under the distribution schedule in section five of this article: **Provided**, That this requirement shall, in no way, deter the distribution to a county, with an approved plan or plans, which county has at least eighty percent of its bonding potential obligated.~~

~~In any event, at the end of two years from the effective date of this legislation, all counties' eligibility to their entitlement shall vest; however, said counties shall not receive said moneys until their comprehensive plan or plans have been approved by the state board.~~

~~**§18-9C-7. Supplemental powers conferred; conflicting laws superseded.** The powers conferred by this article shall be in addition and supplemental to the existing powers of the county boards of education. The provisions of any other law or laws conflicting with the provisions of this article shall be and the same are hereby superseded to the extent of any such conflict.~~

~~**§18-9C-8. Severability.**~~

~~If any part of this article is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this article, or the article in its entirety.~~

**CHAPTER 18A. SCHOOL PERSONNEL.
ARTICLE 2. SCHOOL PERSONNEL.**

§18A-2-12. Performance evaluations of school personnel; professional personnel evaluation process; restrictions on requirements on lesson plans and record keeping by classroom teachers.

(a) The state board shall adopt a written system for the evaluation of the employment performance of personnel, which system shall be applied uniformly by county boards in the evaluation of the employment performance of personnel employed by the board.

(b) The system adopted by the state board for evaluating the employment performance of professional personnel shall be in accordance with the provisions of this section.

(c) For purposes of this section, "professional personnel", "professional" or "professionals", means professional personnel and other professional employees, as defined in section one, article one of this chapter but does not include classroom teachers, principals and assistant principals subject to the evaluation processes established pursuant to section two, article three-c of this chapter ~~when the school at which these professional personnel are employed is selected to participate in those~~

~~evaluation processes as part of the multi-step implementation leading to full statewide implementation by school year 2013-14.~~

(d) In developing the professional personnel performance evaluation system, and amendments thereto, the state board shall consult with the Center for Professional Development created in article three-a of this chapter. The center shall participate actively with the state board in developing written standards for evaluation which clearly specify satisfactory performance and the criteria to be used to determine whether the performance of each professional meets those standards.

(e) The performance evaluation system shall contain, but not be limited to, the following information:

(1) ~~The professional personnel positions to be evaluated, whether they be teachers, substitute teachers, administrators, principals or others;~~

(2) ~~The frequency and duration of the evaluations, which shall be on a regular basis and of such frequency and duration as to insure the collection of a sufficient amount of data from which reliable conclusions and findings may be drawn. For school personnel with five or more years of experience who have not received an unsatisfactory rating, evaluations shall be conducted no more than once every three years unless the principal determines an evaluation for a particular school employee is needed more frequently. Until the school or school system at which they are employed is subject to the provisions of article three-c of this chapter, for classroom teachers with five or more years of experience who have not received an unsatisfactory rating, an evaluation shall be conducted or professional growth and development plan required only when the principal determines it is necessary for a particular classroom teacher or when a classroom teacher exercises the option of being evaluated at more frequent intervals, but at least annually;~~

(3) The evaluation shall serve the following purposes:

(A) Serve as a basis for the improvement of the performance of the personnel in their assigned duties;

(B) Provide an indicator of satisfactory performance for individual professionals;

(C) Serve as documentation for a dismissal on the grounds of unsatisfactory performance; and

(D) Serve as a basis for programs to increase the professional growth and development of professional personnel;

(4) The standards for satisfactory performance for professional personnel and the criteria to be used to determine whether the performance of each professional meets those standards and other criteria for evaluation for each professional position

evaluated. Professional personnel, as appropriate, shall demonstrate competency in the knowledge and implementation of the technology standards adopted by the state board. If a professional fails to demonstrate competency in the knowledge and implementation of these standards, he or she will be subject to an improvement plan to correct the deficiencies; and

(5) Provisions for a written improvement plan, which shall be specific as to what improvements, if any, are needed in the performance of the professional and shall clearly set forth recommendations for improvements, including recommendations for additional education and training during the professional's recertification or license renewal process.

(f) A professional whose performance is considered to be unsatisfactory shall be given notice of deficiencies. A remediation plan to correct deficiencies shall be developed by the employing county board and the professional. The professional shall be given a reasonable period of time for remediation of the deficiencies and shall receive a statement of the resources and assistance available for the purposes of correcting the deficiencies.

(g) No person may evaluate professional personnel for the purposes of this section or professional educator for the purposes of section two, article three-c of this chapter unless the person has an administrative certificate issued by the state superintendent and has successfully completed education and training in evaluation skills through the center for professional development, or equivalent education training approved by the state board, which will enable the person to make fair, professional, and credible evaluations of the personnel whom the person is responsible for evaluating. After July 1, 1994, no person may be issued an administrative certificate or have an administrative certificate renewed unless the state board determines that the person has successfully completed education and training in evaluation skills through the center for professional development or equivalent education and training approved by the state board.

(h) Any professional whose performance evaluation includes a written improvement plan shall be given an opportunity to improve his or her performance through the implementation of the plan. If the next performance evaluation shows that the professional is now performing satisfactorily, no further action may be taken concerning the original performance evaluation. If the evaluation shows that the professional is still not performing satisfactorily, the evaluator either shall make additional recommendations for improvement or may recommend the dismissal of the professional in accordance with the provisions of section eight of this article.

(i) This subsection applies to all classroom teachers irrespective of the process under which they are evaluated.

(j) (1) Lesson plans are intended to serve as a daily guide for teachers and substitutes for the orderly presentation of the curriculum. Lesson plans may not be used as a substitute for observations by an administrator in the performance evaluation process. A

classroom teacher, as defined in section one, article one of this chapter, may not be required to post his or her lesson plans on the Internet or otherwise make them available to students and parents or to include in his or her lesson plans any of the following:

(1) (A) Teach and reteach strategies;

(2) (B) Write to learn activities;

(3) (C) Cultural diversity;

(4) (D) Color coding; or

(5) (E) Any other similar items which are not required to serve as a guide to the teacher or substitute for daily instruction; and

(j) (2) The Legislature finds that classroom teachers must be free of unnecessary paper work so that they can focus their time on instruction. Therefore, classroom teachers may not be required to keep records or logs of routine contacts with parents or guardians;

(k) (3) Nothing in this subsection may be construed to prohibit classroom teachers from voluntarily posting material on the Internet; and

(4) Nothing in article three-c of this chapter may be construed to negate the provisions of this subsections (i) and (j) of this section

~~§18A-3-1c. Study of training, certification and licensing; report to legislative oversight commission on education accountability at December, 2001, interim meetings; collaboration on sources of funding for education and training for reduction in force; teacher to gain additional certification in areas of critical need and shortage.~~

~~(a) The Legislature finds that the training, certification and licensing of professional educators is not well coordinated with the employment laws of the state particularly with respect to the middle school grade levels. The Legislature further finds that the statutes place responsibility for the training, certification and licensing of professional educators with the state board of education after consultation with the secretary of education and the arts. Therefore, the Legislature hereby directs the state board and the secretary of education and the arts to undertake a study of the policies, programs and statutes relating to the training, certification and licensing of professional educators and to report their findings, conclusions and recommendations along with any necessary legislation for improving the coordination of the programs, policies and statutes with the needs of the public schools of this state to the legislative oversight commission on education accountability at its December, two thousand one, interim meeting. The study and recommendations shall also include an analysis of the cost and availability of certified teachers, along with recommended solutions, for any new courses required by state board policy to be offered in the public schools.~~

~~(b) The Legislature finds that there is a need to address areas of critical need and shortage for professional educators and that an expeditious approach for doing so is through the upgrading of the education and training of fully certified teachers who because of declining enrollment can no longer be employed in their area of certification and licensure. Therefore, the state superintendent, the vice chancellor for administration, the chancellor of the higher education policy commission shall collaborate with the governor's workforce development office on other potential sources of funds to assist professional educators whose contract of employment with a county board of education were not renewed due to a reduction in force to gain additional certification in areas of critical need and shortage.~~

~~18A-3-1d. Study of alternative certification programs.~~

~~The state board shall conduct a study on alternative certification programs, including the effectiveness of the current methods of alternative certification, any improvements needed on current methods of alternative certification and potential additional methods of certification that would enhance the ability of the State of West Virginia to place effective teachers in areas of high need. "Areas of high need" means those subject areas, public schools or geographic areas of the state in which the state board determines that critical teacher shortages exist. The board shall report its findings and recommendations to the Legislative Oversight Commission on Education Accountability no later than December 31, 2013.~~

~~§18A-4-10b. Demonstration of exemplary teaching techniques.~~

~~The Legislature recognizes that the nature of teaching restricts the interaction of teachers in the classroom and their opportunity to observe exemplary instructional techniques of their colleagues. To facilitate a process for sharing successful pedagogy, the state board, through regional educational service agencies, shall develop a process to record and distribute exemplary teaching techniques by any electronic means available.~~

~~The teachers at any school within a regional educational service agency may nominate by consensus one teacher per year from that school whose teaching techniques they believe to be exemplary. Such nomination shall be completed no later than the first day of January in any school year. Upon such nomination, the principal shall arrange through the regional educational service agency for the recording of that teacher's exemplary teaching techniques. Following completion of such recording, the regional educational service agency shall make arrangements and schedule a date and location for those teachers whose teaching techniques were recorded to review the teaching techniques recorded in the region and determine which best demonstrate exemplary teaching techniques in different subject areas. Teachers whose recorded teaching techniques are selected shall receive a bonus equal to the highest average two-day pay for a teacher in the region.~~

~~The state board shall compile the recorded teaching techniques selected by the teachers, produce copies of the recording and provide a method for distribution on a statewide and regional basis.~~

~~§18A-4-14a. Study on daily planning periods.~~

~~(a) The legislative oversight commission on education accountability shall conduct a study of the length of time within the instructional day needed by teachers to plan. The commission may conduct the study as a whole or may appoint a subcommittee to conduct the study under its direction. The study shall include, but is not limited to, an examination of the following issues:~~

~~(1) The length of planning periods in different grade levels and under different class period schedules;~~

~~(2) A comparison of the amount and difficulty of the subject matter to be covered during the instructional day and the length of the planning period in different grade levels and under different class period schedules;~~

~~(3) An analysis of the appropriate use of planning period time and actual practices; and~~

~~(4) An analysis of the cost to the state and the counties of daily planning periods of different lengths and the potential for savings through appropriate measures for standardization.~~

~~(b) The legislative oversight commission on education accountability shall issue a report of its findings and recommendations, together with any legislation necessary to effectuate its recommendations, on or before the second day of January, two thousand three. In making its findings and recommendations, the commission shall:~~

~~(1) Consider measures for standardization in the length of planning periods for teachers in similar grade levels;~~

~~(2) Consider appropriate uses of any nonscheduled teacher time which becomes available if the standardization of planning period length results in planning periods which are less than the usual class period at a school, including, but not limited to, mentoring, tutoring, providing additional supervision, meetings and other noninstructional activities; and~~

~~(3) Consider adjustments or restructuring of the requirements for planning periods that do not result in any additional cost to the state or counties.~~

House Bill 4270

Effective Date: June 4, 2014

Signed by Governor: March 20, 2014

Code Reference: Amends §18-2-16

Title: Relating to salaries of service employees of the state camp and conference center known as Cedar Lakes Conference Center

Major Provisions:

- Eliminates the minimum salary requirements for service employees who are hired at Cedar Lakes after July 1, 2014

ENROLLED

COMMITTEE SUBSTITUTE
FOR
H. B. 4270

(By Delegates Westfall, Boggs, Perry, M. Poling, Espinosa
Raines, Ashley, Hamrick, Tomblin, Cadle and Pasdon)

[Passed March 6, 2014; in effect ninety days from passage.]

A BILL to amend and reenact §18-2-16 of the Code of West Virginia, 1931, as amended, relating to salaries of service employees of the state camp and conference center known as Cedar Lakes Conference Center; providing that the minimum salary requirements for school service personnel do not apply to service employees who are initially employed to provide services at the camp and conference center on or after July 1, 2014.

Be it enacted by the Legislature of West Virginia:

That §18-2-16 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-16. Establishment and operation of state camp and conference center; rental thereof; expenditures; gifts and donations; county court may erect and equip buildings.

For the purpose of developing competent leadership, developing character, training for useful citizenship, fostering patriotism, and of providing and encouraging the development of organized recreational activities for Future Farmers of America and Future Homemakers of America members, and other youth and adult groups, a camp and conference center is hereby established.

The West Virginia Board of Education is hereby authorized to secure a site for ~~such~~ the camp and conference center at some suitable place and provide the necessary buildings and equipment therefor.

~~Such~~ The camp and conference center shall be operated by the division of vocational education of the West Virginia Board of Education. ~~Such~~ The camp and conference center may be rented for educational purposes only and the rent received therefor shall be deposited in the State Treasury and paid out on requisition of the division of vocational education of the West Virginia Board of Education for the maintenance and operation of ~~such~~ the camp and conference center.

The minimum salary requirements in sections eight-a and eighteen, article four, chapter eighteen-a of this code do not apply to service employees who are initially employed on

or after July 1, 2014 by the division of vocational education to provide services at the camp and conference center.

Any appropriations now or hereafter made by the Legislature to carry out the provisions and purposes of this section shall be expended through the West Virginia Board of Education.

The West Virginia Board of Education ~~is hereby authorized and empowered to~~ may receive and use such gifts and donations of money, land, buildings, materials, equipment, supplies and labor, either from public or private sources, as may be offered unconditionally or under such conditions as in the judgment of the West Virginia Board of Education are proper and consistent with the provisions of this section.

All the money received as gifts and donations, by the West Virginia Board of Education shall be deposited in the State Treasury to be used by the said Board of Education in establishing and maintaining the aforesaid camp and conference center. A report of all gifts and donations offered and accepted, together with the names of the donors and the amounts contributed by each and all disbursements therefrom shall be submitted annually to the Governor of the state by the West Virginia Board of Education.

The county ~~court~~ commission of any county may appropriate and expend money from the general county fund, or from any special fund available for such purpose, to erect and equip a cottage or county building on ~~such~~ the camp and conference center property.

House Bill 4283

Effective Date: June 6, 2014

Signed by Governor: April 1, 2014

Code Reference: Amends §21-5C-1, §21-5C-2 and §21-5C-4

Title: State Minimum Wage

Major Provisions:

- Increases the state minimum wage that an employer, including a county board of education, regional education service agency or multi-county vocational center, is required to pay to its employees after January 1, 2015 to a rate of not less than \$8.00 per hour
- Increases the state minimum wage that an employer is required to pay to its employees after January 1, 2016 to a rate of not less than \$8.75 per hour
- Increases the state subminimum training wage that an employer is required to pay to its employees after January 1, 2015 to a rate of not less than \$6.40 per hour, and specifies that an employer may not pay such subminimum training wage to an employee who has attained the age of 21 years or for a cumulative period of not more than ninety days

ENROLLED

COMMITTEE SUBSTITUTE
FOR
H. B. 4283

(By Delegates Barrett, Barill, Barker, Diserio, Lawrence, Manypenny, Marcum, D. Poling, Reynolds, Sponaugle and Young)

[Passed March 8, 2014; in effect ninety days from passage.]

AN ACT to amend and reenact §21-5C-1, §21-5C-2 and §21-5C-4 of the Code of West Virginia, 1931, as amended, all relating to minimum wage; providing definition for employer; establishing minimum wage amounts; establishing credit amount to employers for employees customarily receiving gratuities and certain other benefits.

Be it enacted by the Legislature of West Virginia:

That §21-5C-1, §21-5C-2 and §21-5C-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted all to read as follows:

ARTICLE 5C. MINIMUM WAGE AND MAXIMUM HOURS STANDARDS FOR EMPLOYEES.

§21-5C-1. Definitions.

As used in this article:

(a) "Commissioner" means the commissioner of labor or his or her duly authorized representatives.

(b) "Wage and hour director" means the wage and hour director appointed by the commissioner of labor as chief of the wage and hour division.

(c) "Wage" means compensation due an employee by reason of his or her employment.

(d) "Employ" means to hire or permit to work.

(e) "Employer" includes the State of West Virginia, its agencies, departments and all its political subdivisions, any individual, partnership, association, public or private corporation, or any person or group of persons acting directly or indirectly in the interest of any employer in relation to an employee; and who employs during any calendar week six or more employees as herein defined in any one separate, distinct and permanent location or business establishment. ~~_:—Provided, That the term "employer" shall not include any individual, partnership, association, corporation, person or group of persons or similar unit if eighty percent of the persons employed by him are subject to any federal act relating to minimum wage, maximum hours and overtime compensation.~~

(f) "Employee" includes any individual employed by an employer but shall not include: (1) Any individual employed by the United States; (2) any individual engaged in the activities of an educational, charitable, religious, fraternal or nonprofit organization where the employer-employee relationship does not in fact exist, or where the services rendered to such organizations are on a voluntary basis; (3) newsboys, shoeshine boys, golf caddies, pinboys and pin chasers in bowling lanes; (4) traveling salesmen and outside salesmen; (5) services performed by an individual in the employ of his or her parent, son, daughter or spouse; (6) any individual employed in a bona fide professional, executive or administrative capacity; (7) any person whose employment is for the purpose of on-the-job training; (8) any person having a physical or mental handicap so severe as to prevent his or her employment or employment training in any training or employment facility other than a nonprofit sheltered workshop; (9) any individual employed in a boys or girls summer camp; (10) any person sixty-two years of age or over who receives old-age or survivors benefits from the social security administration; (11) any individual employed in agriculture as the word agriculture is defined in the Fair Labor Standards Act of 1938, as amended; (12) any individual employed as a fire fighter by the state or agency thereof; (13) ushers in theaters; (14) any individual employed on a part-time basis who is a student in any recognized school or college; (15) any individual employed by a local or interurban motorbus carrier; (16) so far as the maximum hours and overtime compensation provisions of this article are concerned, any salesman, parts man or mechanic primarily engaged in selling or servicing automobiles, trailers, trucks, farm implements, aircraft if employed by a nonmanufacturing establishment primarily engaged in the business of selling such vehicles to ultimate purchasers; (17) any employee with respect to whom the United States Department of Transportation has statutory authority to establish qualifications and maximum hours of service; (18) any person employed on a per diem basis by the Senate, the House of Delegates, or the Joint Committee on Government and Finance of the Legislature of West Virginia, other employees of the Senate or House of Delegates designated by the presiding officer thereof, and additional employees of the Joint Committee on Government and Finance designated by such joint committee; or (19) any person employed as a seasonal employee of a commercial whitewater outfitter where the seasonal employee works less than seven months in any one calendar year and, in such case, only for the limited purpose of exempting the seasonal employee from the maximum wage provisions of section three of this article.

(g) "Workweek" means a regularly recurring period of one hundred sixty-eight hours in the form of seven consecutive twenty-four hour periods, need not coincide with the calendar week, and may begin any day of the calendar week and any hour of the day.

(h) "Hours worked", in determining for the purposes of sections two and three of this article, the hours for which an employee is employed, there shall be excluded any time spent in changing clothes or washing at the beginning or end of each workday, time spent in walking, riding or traveling to and from the actual place of performance of the principal activity or activities which such employee is employed to perform and activities which are preliminary to or postliminary to said principal activity or activities, subject to such exceptions as the commissioner may by rules and regulations define.

§21-5C-2. Minimum wages.

(a) *Minimum wage:*

(1) After June 30, 2006, every employer shall pay to each of his or her employees wages at a rate not less than \$5.85 per hour.

(2) After June 30, 2007, every employer shall pay to each of his or her employees wages at a rate not less than \$6.55 per hour.

(3) After June 30, 2008, every employer shall pay to each of his or her employees wages at a rate not less than \$7.25 per hour.

(4) After January 1, 2015, every employer shall pay to each of his or her employees wages at a rate not less than \$8.00 per hour.

(5) After January 1, 2016, every employer shall pay to each of his or her employees wages at a rate not less than \$8.75 per hour.

(6) ~~At such time as the~~ When the federal minimum hourly wage as prescribed by 29 U.S.C. §206(a)(1) is equal to or greater than the wage rate prescribed in ~~subdivision (3)~~ the applicable provision of this subsection, every employer shall pay to each of his or her employees wages at a rate of not less than the federal minimum hourly wage as prescribed by 29 U.S.C. §206(a)(1). The minimum wage rates required under this subparagraph shall be thereafter adjusted in accordance with adjustments made in the federal minimum hourly rate. The adoption of the federal minimum wage provided by this subdivision includes only the federal minimum hourly rate prescribed in 29 U.S.C. §206(a)(1) and does not include other wage rates, or conditions, exclusions, or exceptions to the federal minimum hourly wage rate. In addition, adoption of the federal minimum hourly wage rate does not extend or modify the scope or coverage of the minimum wage rate required under this subdivision.

(b) *Training wage:*

(1) Notwithstanding the provisions set forth in subsection (a) of this section to the contrary, an employer may pay an employee first hired after ~~the thirtieth day of June, two thousand six,~~ January 1, 2015, a subminimum training wage not less than ~~five dollars and fifteen cents~~ \$6.40 per hour.

(2) An employer may not pay the subminimum training wage set forth in subdivision (1) of this subsection to any individual:

(i) Who has attained or attains while an employee of the employer, the age of twenty years; or

(ii) For a cumulative period of not more than ninety days per employee: *Provided*, That if any business has not been in operation for more than ninety days at the time the employer hired the employee, the employer may pay the employee the subminimum training wage set forth in subdivision (1) of this subsection for an additional period not to exceed ninety days.

(3) ~~At such time as the~~ When the federal subminimum training wage as prescribed by 29 U.S.C. §206(g)(1) is equal to or greater than the wage rate prescribed in subdivision (1) of this subsection, every employer shall pay to each of his or her employees wages at a rate of not less than the federal minimum hourly wage as prescribed by 29 U.S.C. §206(g)(1). The minimum wage rates required under this subparagraph shall be thereafter adjusted in accordance with adjustments made in the federal minimum hourly rate. The adoption of the federal minimum wage provided by this subdivision includes only the federal minimum hourly rate prescribed in 29 U.S.C. §206(g)(1) and does not include other wage rates, or conditions, exclusions, or exceptions to the federal minimum hourly wage rate. In addition, adoption of the federal minimum hourly wage rate does not extend or modify the scope or coverage of the minimum wage rate required under this subdivision.

(c) Notwithstanding any provision or definition to the contrary, the wages established pursuant to this section ~~shall be~~ are applicable to all individuals employed by the State of West Virginia, its agencies, and departments, regardless if the employee or employer are subject to any federal act relating to minimum wage: *Provided*, That at no time ~~shall~~ may the minimum wage established pursuant to this section fall below the federal minimum hourly wage as prescribed by 29 U.S.C. §206(a)(1).

§21-5C-4. Credits.

In determining whether an employer is paying an employee wages and overtime compensation as provided in sections two and three of this article, there shall be provided in accordance with the regulations which shall be promulgated by the commissioner a credit to the employer of ~~twenty~~ twenty seventy percent of the hourly rate of the amount paid an employee customarily receiving gratuities, and a reasonable credit for board and lodging furnished to an employee. The commissioner shall promulgate regulations relating to maximum allowances to employers for room and board furnished to employees: *Provided*, That the employer shall be required to furnish to the commissioner upon request, documentary evidence that the employee is receiving at least ~~twenty~~ twenty seventy percent of the minimum wage in gratuities or is receiving room and lodging in accordance with the rules and regulations promulgated by the commissioner.

House Bill 4302

Effective Date:

June 4, 2014

Signed by Governor:

March 26, 2014

Code Reference:

Amends §11-8-17, §13-1-13 and §18-9-2

Title:

Relating to elections for public school purposes

Major Provisions:

- The statutory changes clarify language in all three statutes to designate the county commission as the board of canvassers to canvass the returns of all levy and bond elections for public school purposes

ENROLLED

H. B. 4302

(By Delegates Skaff, Guthrie, Poore, Wells, Perry, Pasdon and Walters

[Passed March 6, 2014; in effect ninety days from passage.]

AN ACT to amend and reenact §11-8-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §13-1-13 of said code; and to amend and reenact §18-9-2 of said code, all relating to elections for public school purposes; clarifying certain language; and designating the county commission as the board of canvassers to canvass the returns of all levy and bond elections for public school purposes.

Be it enacted by the Legislature of West Virginia:

That §11-8-17 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §13-1-13 of said code be amended and reenacted; and that §18-9-2 of said code be amended and reenacted, all to read as follows:

**CHAPTER 11. TAXATION.
ARTICLE 8. LEVIES.**

§11-8-17. Special levy elections; notices; election officers; conduct of election; supplies; canvass of returns; form of ballot.

(a) The local levying body shall publish a notice, calling the election, as a Class II-0 legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for such publication shall be the territory in which the election is held. Such notice shall be so published within fourteen consecutive days next preceding the election.

(b) All the provisions of the law concerning general elections shall apply so far as they are practicable, except as follows:

(1) Where a special election is held, the local levying body, having due regard to the minimum expense involved, shall determine the number of election officials necessary to properly conduct said election, which number shall in no case be less than three commissioners and two clerks, and shall appoint the same and fix and pay their compensation, but otherwise the election officials shall be such as are appointed to serve with respect to the general election held at the same time.

(2) The local levying body, ~~however,~~ shall provide the election supplies necessary for such election and shall canvass the returns thereof: Provided, That the county commission is the board of canvassers to canvass the returns of levy elections called by the board of education.

(c) A separate ballot shall be used at a levy election held in connection with any other election. The ballot shall be entitled: "Special election to authorize additional levies for the year(s) _____ and for the purpose of _____ according to the order of the _____ entered on the _____ day of _____."

The additional levy shall be on Class I property _____ cents; on Class II property _____ cents; on Class III property (if any) _____ cents; on Class IV property (if any) _____ cents.

**CHAPTER 13. PUBLIC BONDED INDEBTEDNESS.
ARTICLE 1. BOND ISSUES FOR ORIGINAL INDEBTEDNESS.**

§13-1-13. Time and manner of canvassing returns.

The authorities calling bond elections shall canvass the returns at the same time with reference to the election and in the same manner as is required of county ~~courts~~ commissions for general elections : Provided, That the county commission is the board of canvassers to canvass the returns of bond elections called by the board of education.

**CHAPTER 18. EDUCATION.
ARTICLE 9. SCHOOL FINANCES.**

§18-9-2. Elections under this chapter; procedure.

Any and all elections authorized by this chapter for school purposes may, unless otherwise provided, be held separately or in connection with any general or special election. Notice of ~~any such an~~ an election shall be given by the publication of the order of the board calling the same as a Class II-0 legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for such publication ~~shall be~~ is the territory in which the election is to be held. The order shall be ~~so~~ published within fourteen consecutive days next preceding the day of election. All provisions of the law concerning general and special elections ~~shall~~ apply in ~~such these~~ these elections insofar as is practicable, ~~except that~~. In cases of special elections the board calling the election shall appoint necessary election officers ~~and shall canvass the returns, and~~. The secretary of the board shall procure and furnish to the election commissioners at each place of voting the ballots, poll books, tally sheets and other ~~things needed~~ election supplies necessary for the election. In calling elections, district and county boards of education shall follow the forms ~~to be~~ prescribed by the Attorney General. For all elections authorized by this chapter for school purposes, the county commission is the board of canvassers to canvass the returns.

House Bill 4316

Effective Date: June 6, 2014

Signed by Governor: April 1, 2014

Code Reference: Adds §18-2-5h

Title: Creating the student data accessibility, transparency and accountability act

Major Provisions:

- Makes publicly available an inventory and index of all data elements with definitions of individual student data fields currently in the statewide longitudinal data system
- Creates a data security plan, ensuring compliance with federal and state data privacy laws and policies
- Includes privacy and security provisions in certain contracts
- Staffs a data governance manager whose primary mission includes ensuring department-wide compliance with all privacy laws and regulations
- Requires that an annual report be submitted to the governor and legislature on security and privacy requirements

ENROLLED

COMMITTEE SUBSTITUTE
FOR
H. B. 4316

(BY DELEGATES M. POLING, PERRY, MOYE, TOMBLIN, YOUNG, BARRETT,
BARILL, WALKER, PASDON, PETHTEL AND FRAGALE)

[Passed March 8, 2014; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-5h, relating to creating the student data accessibility, transparency and accountability act; providing definitions; state, district and school responsibilities for data inventory; providing for data governance manager and responsibilities; establishing parental rights to information and providing for policies on security and access; requiring state board rules; and establishing effect on existing data.

Be it enacted by the Legislature of West Virginia:

That the code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §18-2-5h, to read as follows:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-5h. Student Data Accessibility, Transparency and Accountability Act.

(a) Title. — This section shall be known and may be cited as the “Student Data Accessibility, Transparency and Account-ability Act.”

(b) Definitions. — As used in this section, the following words have the meanings ascribed to them unless the context clearly implies a different meaning:

(1) “Board” means the West Virginia Board of Education;

(2) “Department” means the West Virginia Department of Education;

(3) “Student Data system” means the West Virginia Department of Education statewide longitudinal data system;

(4) “Aggregate data” means data collected that is reported at the group, cohort, or institutional level with a data set of sufficient size that no information for an individual parent or student is identifiable;

(5) “Redacted data” means a student dataset in which parent and student identifying information has been removed;

(6) “State-assigned student identifier” means the unique student identifier assigned by the state to each student that shall not be or include the Social Security number of a student in whole or in part;

(7) “Student data” means data collected or reported at the individual student level included in a student’s educational record;

(8) “Provisional student data” means new student data proposed for inclusion in the student data system;

(9) “School district” means a county board of education, the West Virginia Schools for the Deaf and Blind and the West Virginia Department of Education with respect to the education programs under its jurisdiction that are not in the public schools;

(10) “Directory information” means the following individual student information that is subject to disclosure for school-related purposes only: Student name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, indication of “graduate” or “non-graduate,” degrees and awards receives, most recent previous school attended, and photograph.

(11) “Confidential student information” means data relating to a person’s Social Security number, or other identification number issued by a state or federal agency, except for the state-assigned student identifier as defined in this section, religious affiliation, whether the person or a member of their household owns or possesses a firearm, whether the person or their family are or were recipients of financial assistance from a state or federal agency, medical, psychological or behavioral diagnoses, criminal history, criminal history of parents, siblings or any members of the person’s household, vehicle registration number, driver’s license number, biometric information, handwriting sample, credit card numbers, consumer credit history, credit score, or genetic information;

(12) “Affective computing” means human-computer interaction in which the device has the ability to detect and appropriately respond to its user’s emotions and other stimuli; and

(13) “Fair Information Practice Principles” are United States Federal Trade Commission guidelines that represent widely accepted concepts concerning fair information practice in an electronic marketplace.

(c) *Data Inventory – State Responsibilities.* — The Department of Education shall:

(1) Create, publish, and make publicly available a data inventory and dictionary or index of data elements with definitions of individual student data fields in the student data system to include, but not be limited to:

(A) Any individual student data required to be reported by state and federal education mandates;

(B) Any individual student data which has been proposed in accordance with paragraph (A), subdivision (7) of this subsection for inclusion in the student data system with a statement regarding the purpose or reason and legal authority for the proposed collection; and

(C) Any individual student data that the department collects or maintains with no current identified purpose;

(2) Develop, publish, and make publicly available policies and procedures to comply with all relevant state and federal privacy laws and policies, including, but not limited to, the Federal Family Educational Rights and Privacy Act (FERPA) and other relevant privacy laws and policies. The policies and procedures specifically shall include, but are not limited to:

(A) Access to student and redacted data in the statewide longitudinal data system shall be restricted to:

(i) The authorized staff of the department and the contractors working on behalf of the department who require access to perform their assigned duties as required by law and defined by interagency data-sharing agreements;

(ii) District administrators, teachers and school personnel who require access to perform their assigned duties;

(iii) Students and their parents; and

(iv) The authorized staff of other West Virginia state agencies as required by law and defined by interagency data-sharing agreements;

(B) Ensure that any inter-agency data-sharing agreements shall be posted on the Department website, and parents shall be notified of their right to opt out of sharing the child's data pursuant to agreements.

(C) Use only aggregate data in public reports or in response to record requests in accordance with this section;

(D) Unless otherwise prohibited by law, develop criteria for the approval of research and data requests from state and local agencies, the Legislature, researchers working on behalf of the department, and the public. Student data maintained by the department shall remain redacted; and

(E) Notification to students and parents regarding student privacy rights under federal and state law;

(3) Unless otherwise provided by law, the department shall not transfer student or redacted data that is confidential under this section to any federal, state or local agency or other organization, public or private, with the following exceptions:

(A) A student transfers out-of-state or a school or school district seeks help with locating an out-of-state transfer;

(B) A student leaves the state to attend an out-of-state institution of higher education or training program;

(C) A student registers for or takes a national or multistate assessment;

(D) A student voluntarily participates in a program for which a data transfer is a condition or requirement of participation;

(E) The department enters into a contract that governs databases, assessments, special education or instructional supports with an in-state or out-of-state contractor for the purposes of state level reporting;

(F) A student is classified as “migrant” for federal reporting purposes; or

(G) A federal agency is performing a compliance review.

(4) Develop a detailed data security plan that includes:

(A) Guidelines for the student data system and for individual student data including guidelines for authentication of authorized access;

(B) Privacy compliance standards;

(C) Privacy and security audits;

(D) Breach planning, notification and procedures;

(E) Data retention and disposition policies; and

(F) Data security policies including electronic, physical, and administrative safeguards, such as data encryption and training of employees;

(5) Ensure routine and ongoing compliance by the department with FERPA, other relevant privacy laws and policies, and the privacy and security policies and procedures developed under the authority of this act, including the performance of compliance audits;

(6) Ensure that any contracts that govern databases, assessments or instructional supports that include student or redacted data and are outsourced to private vendors

include express provisions that safeguard privacy and security and include penalties for noncompliance; and

(7) Notify the Governor and the Legislature annually of the following:

(A) New student data proposed for inclusion in the state student data system. Any proposal by the Department of Education to collect new student data must include a statement regarding the purpose or reason and legal authority for the proposed collection. The proposal shall be announced to the general public for a review and comment period of at least sixty days and approved by the state board before it becomes effective. Any new student data collection approved by the state board is a provisional requirement for a period sufficient to allow schools and school districts the opportunity to meet the new requirement;

(B) Changes to existing data collections required for any reason, including changes to federal reporting requirements made by the U.S. Department of Education and a statement of the reasons the changes were necessary;

(C) An explanation of any exceptions granted by the state board in the past year regarding the release or out-of-state transfer of student or redacted data; and

(D) The results of any and all privacy compliance and security audits completed in the past year. Notifications regarding privacy compliance and security audits shall not include any information that would itself pose a security threat to the state or local student information systems or to the secure transmission of data between state and local systems by exposing vulnerabilities.

(8) Notify the Governor upon the suspicion of a data security breach or confirmed breach and upon regular intervals as the breach is being managed. The parents shall be notified as soon as possible after the suspected or confirmed breach.

(9) Prohibit the collection of confidential student information as defined in subdivision ten of subsection (b) of this section.

(d) *Data Inventory – District Responsibilities.* — A school district shall not report to the state the following individual student data:

(1) Juvenile delinquency records;

(2) Criminal records;

(3) Medical and health records; and

(4) Student biometric information.

(e) Data Inventory – School Responsibilities. — Schools shall not collect the following individual student data:

(1) Political affiliation and beliefs;

(2) Religion and religious beliefs and affiliations;

(3) Any data collected through affective computing;

(4) Any data concerning the sexual orientation or beliefs about sexual orientation of the student or any student’s family member; and

(5) Any data concerning firearm’s ownership by any member of a student’s family.

(f) Data Governance Manager. — The state superintendent shall appoint a data governance manager, who shall report to and be under the general supervision of the state superintendent. The data governance manager shall have primary responsibility for privacy policy, including:

(1) Assuring that the use of technologies sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of student data;

(2) Assuring that student data contained in the student data system is handled in full compliance with the Student Data Accessibility, Transparency, and Accountability Act, FERPA, and other state and federal privacy laws;

(3) Evaluating legislative and regulatory proposals involving collection, use, and disclosure of student data by the Department of Education;

(4) Conducting a privacy impact assessment on proposed rules of the state board and department in general and on the privacy of student data, including the type of personal information collected and the number of students affected;

(5) Coordinating with the general counsel of the state board and department, other legal entities, and organization officers to ensure that programs, policies, and procedures involving civil rights, civil liberties, and privacy considerations are addressed in an integrated and comprehensive manner;

(6) Preparing a report to the Legislature on an annual basis on activities of the department that affect privacy, including complaints of privacy violations, internal controls, and other matters;

(7) Establishing department-wide policies necessary for implementing Fair Information Practice Principles to enhance privacy protections;

(8) Working with the Office of Data Management and Analysis, the general counsel, and other officials in engaging with stakeholders about the quality, usefulness, openness, and privacy of data;

(9) Establishing and operating a department-wide Privacy Incident Response Program to ensure that incidents are properly reported, investigated and mitigated, as appropriate;

(10) Establishing and operating a process for parents to file complaints of privacy violations;

(11) Establishing and operating a process to collect and respond to complaints of privacy violations and provides redress, as appropriate; and

(12) Providing training, education and outreach to build a culture of privacy across the department and transparency to the public.

The data governance manager shall have access to all records, reports, audits, reviews, documents, papers, recommendations, and other materials available to the department that relate to programs and operations with respect to his or her responsibilities under this section and shall make investigations and reports relating to the administration of the programs and operations of the department as are necessary or desirable.

(g) *Parental rights regarding child's information and education record.* — Parents have the right to inspect and review their child's education record maintained by the school and to request student data specific to their child's educational record. School districts must provide parents or guardians with a copy of their child's educational record upon request. Whenever possible, an electronic copy of the educational record must be provided if requested and the identity of the person requesting the information is verified as the parent or guardian.

The state board shall develop guidance for school district policies that:

(1) Annually notify parents of their right to request student information;

(2) Ensure security when providing student data to parents;

(3) Ensure student data is provided only to the authorized individuals;

(4) Detail the timeframe within which record requests must be provided;

(5) Ensure that school districts have a plan to allow parents to view and access data specific to their child's educational record and that any electronic access provided is restricted to eligible parties;

(6) Ensure compliance in the collection, use and disclosure of directory information and providing parents or guardians with a form to limit the information concerning their child in directory and subject to release; and

(7) Informing parents of their rights and the process for filing complaints of privacy violations.

(h) *State Board Rules.* — The state board shall adopt rules necessary to implement the provisions of the Student Data Accessibility, Transparency, and Accountability Act.

(i) *Effect on Existing Data.* — Upon the effective date of this section, any existing student data collected by the Department of Education shall not be considered a new student data collection under this section.

House Bill 4373

Effective Date: June 5, 2014

Signed by Governor: March 31, 2014

Code Reference: Amends §18-6-1, §18-6-2, §18-6-4, §18-6-5 and §18-6-8

Repeals §18-6-9 and §18-6-10

Title: Relating to driver education programs

Major Provisions:

- Improves the offering of driver education courses to secondary school students by providing options for permitted instructors, allowing courses outside of the regular school schedule
- Removes the requirement for the State Superintendent of Schools to prescribe the course of instruction, license and periodically inspect commercial driver education schools
- Removes from the purposes of the program that the secondary school courses also be offered to out-of-school youth and adults

ENROLLED

COMMITTEE SUBSTITUTE
FOR
H. B. 4373

(By Delegates M. Poling, Barrett, Lawrence, Perry,
Fragale, Campbell and Tomblin)

[Passed March 7, 2014; in effect ninety days from passage.]

AN ACT to repeal §18-6-9 and §18-6-10 of the Code of West Virginia, 1931, as amended, to amend and reenact §18-6-1, §18-6-2, §18-6-4, §18-6-5 and §18-6-8 of said code, all relating to driver education programs; repealing requirements on the State Department of Education and county superintendents related to instruction and licensing of commercial driver education schools; removing the requirement that schools provide course availability to out-of-school youths and adults; allowing summer school offerings in driver education; prohibiting charges to students for the course; authorizing permitted instructors under certain circumstances; and allowing successful completion of the course in commercial driving school or class accepted by the state board to meet purposes of article.

Be it enacted by the Legislature of West Virginia:

That §18-6-9 and §18-6-10 of the Code of West Virginia, 1931, as amended, be repealed; and that §18-6-1, §18-6-2, §18-6-4, §18-6-5 and §18-6-8 of said code be amended and reenacted, all to read as follows:

ARTICLE 6. DRIVER EDUCATION.

§18-6-1. Purpose and objectives of article.

The purpose of this article is to ensure that every secondary school pupil has the opportunity, at or about the time he or she reaches licensing age, to enroll in a course of driver education designed to train him or her to drive skillfully and safely under all traffic and roadway conditions and circumstances; ~~to make the driver education course available to out-of-school youths and to adults; and to ensure that commercial driver education schools achieve and maintain a level of driver education equal to the minimum standards that are prescribed for secondary schools.~~

§18-6-2. Where provided; implementation deadlines; priorities for course availability permit or certificate for persons who are not professional educators to teach course.

~~No later than the first day of the public school term beginning in the year one thousand nine hundred seventy-three, there shall be offered in all public secondary schools within the state an approved, comprehensive course in driver education.~~

~~As the first priority, the driver education course shall be made available at no cost to all secondary school pupils at or about the time they reach licensing age.~~

~~As the second priority, the driver education course shall be made available to all persons who do not attend secondary schools who have reached their sixteenth birthday and are under eighteen years of age. County boards of education may require the persons described in this paragraph who enroll in a public secondary school driver education course to pay tuition not to exceed fifty dollars.~~

~~As the third priority, the driver education course shall be made available to all persons who do not attend secondary school who are eighteen years of age or older, but first consideration for persons in this age group shall be given to those who are applying for their first operator's license. County boards of education may require the persons described in this paragraph who enroll in a public secondary school driver education course to pay tuition not to exceed seventy-five dollars.~~

(a) There shall be offered in all public secondary schools within the state, without charge to students, an approved, comprehensive course in driver education. The course may be offered in summer school in addition to the regular instructional term.

(b) In those counties where sufficient public secondary school driver education courses are not available to meet all requests for the course, county boards of education shall, as quickly as possible, make sufficient courses available to fill those requests.

(c) Under the authority and subject to the conditions provided in section two-a, article three, chapter eighteen-a of this code, the State Superintendent may issue a permit or other certificate to persons who do not qualify for the professional certificate for the purpose of providing instruction in driver education subject to the following:

(1) The applicant for the permit or certificate is subject to the criminal history check of applicants for licensure provided in section ten, article three, chapter eighteen-a of this code;

(2) The permit or certificate may not be given permanent status, but may be renewed in accordance with rules adopted by the State Department of Education;

(3) The duties of a person who has a valid permit or certificate under this subsection may include the supervision of students;

(4) The person, when providing instruction in the public schools, may only be employed under a contract with the respective county board of education that specifies the duties to be performed, a rate of pay that is equivalent to the rate of pay for professional educators in the district who accept similar duties as extra duty assignments and provides for liability insurance associated with the activity;

(5) The person may not be considered an employee of the board for salary and benefit purposes other than as specified in the contract;

(6) The person completes an orientation program designed and approved in accordance with State Department of Education rules; and

(7) The position is posted annually and a professional educator fully certified for the position has not applied.

§18-6-4. Rules and regulations.

In accordance with article three-b, chapter twenty-nine-a of this code, the state board shall, with the advice of the State Superintendent and the Superintendent of the ~~department of public safety~~ State Police, adopt rules and regulations governing the establishment, conduct and scope of driver education for use in the public, private and parochial ~~and denominational~~ secondary schools located within this state, subject to the requirements and exceptions set forth in this article.

§18-6-5. Establishment and maintenance of driver education course; who may enroll; exemption from learner's permit requirement; nonpermit student drivers.

The State Superintendent shall promote and direct the establishment and maintenance of courses of instruction in driver education in secondary schools in accordance with the provisions of this article and the rules that the state board adopts pursuant to section four of this article. Directors, trustees or other persons having control or authority over private, or parochial ~~or denominational~~ secondary schools, who establish and maintain the courses in the schools under their control or supervision, shall comply with the rules that the state board adopts pursuant to section four of this article.

In the case of a pupil who will not reach the age of fifteen years before completion of the driver education course in which enrolled, instruction shall be limited to the classroom. Pupils who are fifteen years of age and older shall receive instruction and practical training in the operation of motor vehicles on the public streets and highways.

Notwithstanding section three-a, article two, chapter seventeen-b of this code, any student who is at least fifteen years of age and is enrolled in a driver education course in accordance with the provisions of this article and the rules that the state board adopts pursuant to section four of this article, may operate a motor vehicle on the roadways of West Virginia while accompanied by a certified driver education teacher or instructor permitted by the state superintendent to provide driver education instruction.

§18-6-8. Driver education course to be made available to all secondary school pupils prior to their graduation; exemption; application by pupil for unrestricted operator's license.

Before any pupil graduates from a secondary school ~~after the first day of September, one thousand nine hundred seventy-five~~, he or she shall first be provided an opportunity and encouraged to successfully complete a driver education course approved by the state board in a public, private, or parochial ~~or denominational~~ secondary school within

the state. If a pupil has successfully completed a similar course in a secondary school of another state or in a commercial driving school or class and the course is accepted by the state board as adequately meeting and complying with the course standards established by the state board, then the aforementioned requirement shall be deemed fulfilled regarding that pupil.

~~On or before December thirty-first, two thousand,~~ Any secondary school pupil sixteen years of age or older, but under eighteen years of age, who has successfully completed a driver education course approved by the state board in a public, private, parochial ~~or denominational~~ secondary school within the state or a similar course in a secondary school of another state or in a commercial driving school or class and accepted by the state board as adequately meeting and complying with the course standards established by the state board, ~~shall, upon proper application and successful completion of all examination and driving tests required by law for issuance of an operator's license to a person eighteen years of age or older, be issued an operator's license without any restriction rather than the junior or probationary operator's license provided for in section three, article two, chapter seventeen-b of this code. On or after the first day of January, two thousand one, any secondary school pupil sixteen years of age or older, but under eighteen years of age, who has successfully completed a driver education course approved by the state board in a public, private, parochial or denominational secondary school within the state or a similar course in a secondary school of another state and accepted by the state board as adequately meeting and complying with the course standards established by the state board, shall be exempted from submitting a sworn affidavit certified by the parent, legal guardian, or other responsible adult over the age of twenty-one that the applicant has successfully completed the minimum number of hours of behind-the-wheel training as provided in section three-a, article two, chapter seventeen-b of the code.~~

~~§18-6-9. Commercial driver education schools -- Course of instruction; issuance and renewal of license; fee; application for license; inspections and revocation of license; lists of schools offering approved courses.~~

~~The state board shall prescribe a course of instruction for commercial driver education schools in West Virginia. The requirements and quality of the course of instruction prescribed for commercial driver education schools shall be at least equal to the minimum standards that are prescribed for secondary schools. The state superintendent shall issue licenses to commercial driver education schools which offer courses of instruction in driver education which comply with the course of study approved by the state board.~~

~~A fee of fifty dollars shall be charged by the state superintendent for the issuance of any such license, which may be renewed annually, for a fee of fifty dollars, so long as the licensee complies with the requirements of this article. Sums so received shall be deposited into the state treasury and credited to an account of the department of education for the administration of the provisions of this article.~~

~~An application for a license to operate a licensed commercial driver education school shall be made upon an official form prescribed by the state superintendent, and licenses shall be granted only when the state superintendent is satisfied that the school offers a course of driver education which complies with the requirements approved by the state board.~~

~~The state superintendent shall periodically cause an inspection to be made of all licensed schools. He shall revoke and require the surrender of the license of any school that fails to achieve and maintain the minimum course standards prescribed therefor or that he finds is not conducting a driver education course that is in conformity with the requirements approved by the state board.~~

~~The state superintendent shall maintain, file and make available at his office and at other places he selects lists of all public and nonpublic schools offering approved courses of driver education and all commercial schools holding licenses and those whose licenses have been revoked. The state superintendent shall keep the list current and shall furnish a copy of the list to the commissioner of motor vehicles and to the commissioner of insurance.~~

~~**§18-6-10. Same -- Posting of licenses; assignment or transfer; certificates to persons completing course; maximum tuition fee.**~~

~~No license for a commercial driver education school shall be assigned, transferred or used at any location other than that therein designated, and every license shall be posted in a conspicuous place at the school location designated.~~

~~Persons operating a licensed school shall issue a certificate upon an official form prescribed by the state superintendent to persons completing its driver education course. A record shall be kept of every certificate so issued.~~

~~Tuition of not more than one hundred dollars may be charged by a licensed commercial driver education school for each person enrolled therein.~~

House Bill 4384

Effective Date: June 2, 2014

Signed by Governor: March 21, 2014

Code Reference: Amends §18-20-1c

Title: Relating to education of exceptional children; requiring processes for certain other teachers of students with exceptional needs to either participate in the meeting to develop or document reading and understanding of the student's individualized education program; and requiring accommodations and modifications if needed or identified.

Major Provisions:

- Requires teachers in whose class or program a student with exceptional needs is enrolled to read and sign a copy of the student's individualized education program acknowledging that he or she has read and understands it
- Requires teachers in whose class or program a student with exceptional needs is enrolled to make accommodations and modifications for the student, if needed or identified, to help the student succeed in the class or program
- Includes, but is not limited to, teachers of music, musical education, art and driver education, and other instruction offered

ENROLLED

COMMITTEE SUBSTITUTE
FOR
H. B. 4384

(By Delegates Campbell, Poling, Perry, Tomblin, Young, Barrett, Lawrence,
Hartman, L. Phillips, Ferro and Hunt)

[Passed March 3, 2014; in effect ninety days from passage.]

AN ACT to amend and reenact §18-20-1c of the Code of West Virginia, 1931, as amended, relating to education of exceptional children; requiring processes for certain other teachers of students with exceptional needs to either participate in the meeting to develop or document reading and understanding of the student's individualized education program; and requiring accommodations and modifications if needed or identified.

Be it enacted by the Legislature of West Virginia:

That §18-20-1c of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

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 ~~shall be~~ 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, ~~such~~ the training shall be provided prior to ~~such~~ the placement. Where prior training is not possible, ~~such~~ the training shall be commenced no later than ten days following the placement of ~~said~~ the student into the regular classroom. Unavoidable delays in the provision of training ~~shall~~ may not result in the exclusion of a special needs student from any class ~~in the event~~ said if the training cannot be provided in ~~said~~ 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 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 twenty-one 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 ~~such~~ 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 two 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.

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

House Bill 4608

Effective Date: June 6, 2014

Signed by Governor: April 1, 2014

Code Reference: Adds §18-20-10

Title: Defining dyslexia and dyscalculia

Major Provisions:

- Expands definition of specific learning disabilities to include the alternative terms of dyslexia and dyscalculia as defined by the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders Fifth Edition (DSM-5)
- Defines dyslexia as 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
- Defines dyscalculia as 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
- Specifies that the State Board is responsible for:
 - Ensure all students receive necessary and appropriate screenings, evaluations and early assessments for specific learning disabilities
 - Ensure individualized education programs for students with specific learning disabilities ascribe to consistent standards
 - Providing ongoing information and education to parents regarding specific learning disabilities and the services available to students

ENROLLED

COMMITTEE SUBSTITUTE
FOR
H. B. 4608

(By Delegates Barrett, Lawrence, Young,
Tomblin and Campbell)

[Passed March 8, 2014; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-20-10, relating to defining dyslexia and dyscalculia; state board responsibilities; and specifying legislative findings.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §18-20-10, to read as follows:

ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.

§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 the root causes of 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 American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5), and the federal Individuals with Disabilities Education and Improvement Act of 2004 (IDEA) offer 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 IDEA and DSM-5 are the appropriate measure 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 is responsible for the following:

(1) Ensuring that all students receive the necessary and appropriate screenings, evaluations and early assessments for specific learning disabilities, including dyslexia and dyscalculia;

(2) Ensuring that any Individualized Education Program regarding specific learning disabilities, including dyslexia or dyscalculia, which is developed or implemented, is consistent with the provisions of this section; and

(3) Providing ongoing information and education to parents regarding specific learning disabilities, including dyslexia and dyscalculia, and the services available to students with such disabilities.

House Bill 4619

Effective Date: June 6, 2014

Signed by Governor: April 1, 2014

Code Reference: Amends §18-5B-3

Adds §18-5B-13

Title: Authorizing innovation school districts

Major Provisions:

- Authorizes the West Virginia Department of Education (WVDE) to create School District Innovation Zones
- Authorizes WVDE to authorize up to eight District Innovation Zones
- Establishes a maximum of two District Innovation Zones in each of the four identified categories of population: 1) Sparse Density, 2) Low Density, 3) Medium Density and 4) High Density for a total of eight approved Innovation Zones
- Specifies that District Innovation Zones are to be in order for a period of five years. A two-year extension may be applied for if the district has outstanding items to be completed from the existing Innovation Zone plan
- Requires that districts create a collaborative plan to be considered eligible. The plan must have approval of district staff and the local Board of Education, and be available in public meetings and identified school sites. District Innovation Zone plans may not be submitted prior to January 2015
- Specifies that Innovation Zone plans may include increased collaborations among staff and community, increased flexibility in professional development, resources, and staffing, and encourage innovative approaches to vocational and technical education
- Specifies that priority will be given to district plans that establish programs of entrepreneurial education and include at least one partner from the local business community
- Provides that the WVDE may revoke the District Innovation Zone designation for nonperformance or noncompliance

ENROLLED

H. B. 4619

(By Delegates M. Poling, Perry, Pethel, Lawrence, Barrett, Campbell, Rowan,
Pasdon, Hamrick, Westfall and Ambler)

[Passed March 8, 2014; in effect ninety days from passage.]

AN ACT to amend and reenact §18-5B-3 of the code of West Virginia, 1931, as amended; and to further amend said code by adding thereto a new section, designated §18-5B-13, all relating to school innovation zones Act; providing limited priority for limited years for certain entrepreneurship education innovation zones; authorizing innovation school districts; making legislative findings and providing intent and purpose of section; school system eligibility and application categories; providing for application process, review, content and periods; innovation school district plan purpose and content; plan development, approval and submission to state board; state board designation of innovation school districts; affect of designation and process for waiver of statutes, policies, rules and interpretations; limitation on waivers; revision and extension of plans; revocation of designation; affect of plan expiration on innovations; requiring state board rule; and annual review. Title Language

Be it enacted by the Legislature of West Virginia:

That §18-5B-3 of the code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be further amended by adding thereto a new section, designated §18-5B-13, all to read as follows:

ARTICLE 5B. SCHOOL INNOVATION ZONES ACT.

§18-5B-3. School innovation zones; application for designation; state board rule.

(a) A school, a group of schools, a subdivision or department of a group of schools, or a subdivision or department of a school may be designated as an innovation zone in accordance with this article.

(b) The state board shall promulgate a rule, including an emergency rule if necessary, in accordance with article three-b, chapter twenty-nine-a of this code to implement the provisions of this article. The rule shall include provisions for at least the following:

(1) A process for a school, a group of schools, a subdivision or department of a group of schools or a subdivision or department of a school to apply for designation as an innovation zone that encompasses at least the following:

(A) The manner, time and process for the submission of an innovation zone application;

(B) The contents of the application, which must include a general description of the innovations the school or schools seek to institute and an estimation of the employees who may be affected by the implementation of the innovations; and

(C) Factors to be considered by the state board when evaluating an application, which shall include, but are not limited to, the following factors:

(i) The level of staff commitment to apply for designation as an innovation zone as determined by a vote by secret ballot at a special meeting of employees eligible to vote on the plan, as provided in section six of this article;

(ii) Support from parents, students, the county board of education, the local school improvement council and school business partners; and

(iii) The potential for an applicant to be successful as an innovation zone; and

(2) Standards for the state board to review applications for designation as innovation zones and to make determinations on the designation of innovation zones.

(c) The state board shall review innovation zone applications in accordance with the standards adopted by the board and shall determine whether to designate the applicant as an innovation zone. The state board shall notify an applicant of the board's determination within sixty days of receipt of an innovation zone application.

When initially designating innovation zones after the enactment of this article by the first extraordinary session of the 2009 Legislature, the state board shall consider applicants for designation in the following order: (1) A school and groups of schools; (2) a group of schools seeking designation across the same subdivision or department of the schools; and (3) a school seeking designation of a subdivision or a department.

(d) When designating innovation zones under these provisions following the amendment and reenactment of this section by the Legislature at its regular session 2014, and for each of the four succeeding school years, the state board shall establish a priority for applications that include the establishment of entrepreneurship education programs as a curricular offering for students. To qualify under this priority, the program strategy must include the active involvement of one or more partners from the business community in program delivery. Nothing in this subsection requires the state board to designate all applicants that include the establishment of entrepreneurship education programs as innovation zones, or to exclude other qualified applicants for innovations in other areas from designation.

§18-5B-13. Innovation school district Act; legislative findings, intent and purpose; eligibility; application; innovation plan and plan approval; designation; waiver of statutes, policies, rules or interpretations; exceptions; progress reviews and annual reports; state board rule.

(a) Legislative findings:

(1) High school completion is an essential milestone for all West Virginia students and impacts the future success of the individual, community and state as well as providing the pathway to and appreciation for life-long learning endeavors;

(2) There are significant correlations between educational attainment and labor market outcomes, greater labor force participation rate, increased employment rates, improved health, and decreased levels of poverty and crime. The negative impact on these linkages is most evident in the absence of high school completion;

(3) West Virginia as a state must improve in areas of student achievement, graduation rate, attendance, the college going rate and other indicators of academic success in public schools;

(4) Research identifies a number of effective strategies for engaging students that have the most positive impact on improving student success and high school graduation. Some of these strategies are school-community collaboration, safe learning environments, family engagement, early literacy development, mentoring and tutoring services, service learning opportunities, alternative and nontraditional schooling, offering multiple pathways and settings for attaining high school diplomas, after-school opportunities, individualized instruction and career and technical education;

(5) Among the major issues raised by the Efficiency Audit of West Virginia's Primary and Secondary Education System conducted by Public Works, LLC, is a description of West Virginia's system of schools as heavily regulated. The report expresses the advantages of more local autonomy to better meet the needs of students, elevate their aspirations, and prepare them for post-secondary education and careers. Among its general conclusions is the need to drive more educational decision-making to the level closest to the students, to the classroom and building level - allowing principals to lead and teachers to deliver the most effective curriculum for their students - and then holding them accountable for student success;

(6) The Goals for Education, Vision 2020: An Education Blueprint for Two Thousand Twenty include policy-oriented objectives for restoring the autonomy, authority, flexibility, and capacity of local schools and county boards to improve student learning to meet or exceed the expectations established by the state board and Legislature;

(7) Allowing exceptions from certain statutes, policies, rules and interpretations through the creation of innovation school districts will restore the autonomy, authority, flexibility, and capacity of local schools and county boards to enable greater local autonomy and encourage innovation over the important factors that impact student achievement and the delivery of educational services to improve student learning; and

(8) When educators, parents, elected officials, business leaders, faith-based leaders, human service personnel, judicial personnel and civic leaders collectively work together, they are often able to find innovative solutions to address school and community problems and implement a variety of innovative improvements that increase student

engagement, develop more flexible schedules, enhance student and teacher ownership of the learning process and increase student achievement.

(b) *Legislative intent and purpose of section:*

In light of the foregoing findings, it is the intent of the Legislature through this section to create a special category of innovation zones entitled "Innovation School Districts" to provide an additional tool for school systems in collaboration with community and business partners to plan and implement new approaches to improve the performance and progress of the students, schools and school system. This section is intended to establish a process that includes:

(1) Broad participation and collaboration in the establishment of an innovation school district plan that includes approaches to build the capacity of the district to improve the performance and progress of its students, schools and school system; and

(2) Provides multiple opportunities over a period of five years for a school system designated as an innovation school district to seek and receive exceptions to certain statutes, policies, rules and interpretations applicable throughout the county or at certain schools within the county as needed to best meet the needs of its students as the system moves forward with its partners toward fulfillment of its innovation school district plan.

(c) *School System Eligibility:*

All county boards are eligible to apply for designation as an innovation school district: *Provided*, That a district that has expended funds or incurred obligations in violation of section twenty-six, article eight, chapter eleven of this code is not eligible to apply for designation as an innovation school district, unless otherwise determined by the state board. The applications shall be taken in four categories: Sparse Density County; Low Density County; Medium Density County; and High Density County, as those terms are defined in section two, article nine-a of this chapter. The state board is authorized to designate no more than one county from each category as an innovation school district beginning July 1, 2015: *Provided*, That the State Board, after July 1, 2016, may designate one additional county from each category as an innovation school district as long as the number of counties designated at any one time does not exceed two counties from each category as innovation school districts, subject to other considerations included herein. The designation of counties as innovation school districts shall be on a competitive basis.

(d) *Application for designation as Innovation School District:*

The rule promulgated by the state board to implement this section shall include an application and approval process for innovation school district plans that includes, but is not limited to, the following provisions:

(1) The manner, time and process for the submission of innovation school district applications. The initial application deadline may not be prior to January 2015. If after consideration of the applications submitted to it during an application period, the state board in its sole discretion does not designate the allotted number of school systems in each density category as innovation school districts, the state board may establish another application period to permit county boards in a density category not filled to reapply. In addition, at any time the number of designated innovation school districts in a density category is less than the maximum number allowed by subsection (c) of this section due to the revocation or expiration of a designation, the state board may establish an application period and may select on a competitive basis new school systems to achieve the maximum number allowed by subsection (c) of this section per density category;

(2) The contents of the application, which must include:

(A) The innovation school district plan approved in accordance with subsection (f) of this section; and

(B) A general description of the innovations the school district seeks to institute as proposed in its innovation school district plan;

(3) Factors to be considered by the state board when evaluating an application, which shall include, but are not limited to, the following factors:

(A) Support from teachers, staff, parents, students, the county board of education, the local school improvement council and school business partners; and

(B) The potential for an applicant to be successful in raising student achievement as an innovation school district;

(4) Standards for the state board to review applications for designation as an innovation school district and to make determinations on the designation of a school system as an innovation school district; and

(5) An innovation zone application review committee and recommendation process which shall be the same committee and process as used for all other innovation zones under this article.

(e) *Innovation School District Plan:*

The innovation school district plan is intended to serve as the basis for the innovative activities of the school system and to provide a vision for the school improvement goals it will work to accomplish in collaboration with its school and community partners. The plan is not intended as a limit on the normal school improvement activities that all school systems are expected to pursue, nor is the plan intended as a restriction on the ability of the school system or its schools to pursue other innovative strategies in accordance with

the other provisions of this article. The innovation school district plan may include, but are not limited to, the following proposals:

(1) Methods for providing schools and communities with opportunities for greater collaboration to plan and implement systemic approaches that include evidence-based solutions for increasing graduation rates, increasing achievement and educational outcomes and reducing the number of dropouts;

(2) Innovative approaches to revitalize vocational and technical education, an essential mission of county boards;

(3) Increased collaborative site-based decision-making powers over the budgeting for and spending on programs and services for students;

(4) Increased collaborative site-based decision-making powers over teacher recruitment;

(5) Improved site-based mentoring, collaboration and support for strengthening the professional practices of new and emerging teachers, including recognizing and supporting school-based teacher leaders that perform these duties;

(6) Allowing a collaborative process which ensures accountability and transparency to all stakeholders, provides information and additional measures of the effects of specific innovations upon which the success of the plan may be judged, and documents student, school and school system success;

(7) Allows input and demonstrative buy-in from education personnel regarding appropriate professional development, supports, resources and working conditions.

(8) Allowing a collaborative site-based process to reduce certain requirements to allow staff to meet the school's mission;

(9) Allowing, through a collaborative site-based process, flexibility to the alternative teacher certification programs;

(10) Utilizing virtual school courses aligned with the Southern Regional Education Board's Standards for Quality Online Courses;

(11) Providing for greater autonomy for county board, and through the board's innovation's, for local schools; and

(12) Other innovation zone plans approved under the provisions of this article and being implemented in other schools and school systems throughout the state.

The innovation school district plan shall include a general description of the innovations the county school district seeks to institute, a proposed time line for implementation and measures for judging the success of the innovation school district plan.

(f) Innovation School District Plan - District Level Approval:

Prior to submitting an innovation school district plan to the state board, the county board shall:

(1) Form a broad based innovation school district stakeholders committee which may include, but is not limited to, educators, parents, elected officials, business leaders, faith-based leaders, human service personnel, judicial personnel and civic leaders, but at a minimum shall include the principals employed within the county, the chairs of the faculty senates of each school in the county, employee organization representatives, a school service person from each work site and parent representatives. The stakeholder committee shall compose a conceptual proposal for the purpose of soliciting input on a variety of approaches that may be undertaken within the county if designated as an innovation school district and to guide development of an innovation school district plan;

(2) Direct the county superintendent to hold a meeting of all regularly employed school employees to provide them an opportunity to examine and discuss the conceptual proposal. The superintendent shall direct that a vote of all regularly employed school employees in the county be conducted within fifteen days of the meeting to determine the level of school employee support for the conceptual proposal. The vote shall be by secret ballot administered by the panels created in subsection (c), section six of this article for each school and shall be administered in accordance with that subsection. For the vote to be valid, ballots must be cast by at least fifty percent of all regularly employed school employees in the county. Before proceeding with the succeeding subdivisions of this subsection, the conceptual proposal must be approved by at least two-thirds ballots cast voting to approve it. If not approved, the stakeholder committee may revise the conceptual proposal and, subject to direction of the county board, the superintendent shall repeat the steps set forth in this subdivision for a revote;

(3) Make its conceptual proposal for an innovation school district available to the public at least 20 days prior to the public town hall meetings required under subdivision (4) of this subsection. In order to comply with this public notice requirement, the proposed plan shall be posted on the county board's web site, as well as hard copies of the proposed plan being made available at all county school sites and the county's central office, for public viewing and copying;

(4) After the closure of the 20 day public review period, conduct public town hall meetings in at least three schools in the county, including at least one each at schools with separate secondary, middle and elementary programmatic levels, or as near as possible considering the county's facility infrastructure, for the purpose of soliciting input from those in attendance on the challenges affecting the quality of education in the county and the potential strategies and priorities for addressing them;

(5) Direct the county superintendent to hold a meeting of the innovation school district stakeholders committee following the public town hall meetings for the purpose of

reviewing the input gathered at the meetings and developing an innovation school district plan;

(6) Direct the county superintendent to hold a meeting of all regularly employed school employees to provide them an opportunity to examine and discuss the innovation school district plan. The superintendent shall direct that a vote of all regularly employed school employees in the county be conducted within fifteen days of the meeting to determine the level of school employee support for the innovation school district plan. The vote shall be conducted as provided in subdivision (2) of this subsection, except that for the vote to be valid, ballots must be cast by at least sixty percent of all regularly employed school employees in the county and the innovation school district plan must be approved by at least two-thirds of the ballots cast voting to approve it. If not approved, the stakeholder committee may revise the plan and, subject to direction of the county board, the superintendent shall repeat the steps set forth in this subdivision for a revote; and

(7) The plan may then be submitted by the county superintendent to the county board for a vote to submit the plan to the state board. The authority of a county board to vote to submit an innovation school district plan and the right to submit the plan and be designated as an innovation school district, if selected, in accordance with this section are not subject to or affected by the approval status of the school system or intervention in the authority of county board for school system operation pursuant to section five, article two-e of this chapter.

(g) State Board Designation of Innovation School Districts:

The state board shall review the innovation school district applications in accordance with the standards adopted by the board, shall determine the highest rated applicants in each category and shall determine whether to designate those applicants as innovation school districts. The designation of an applicant as an innovation school district is at the sole discretion of the state board. The state board shall notify each applicant of the board's determination within thirty days of the final determinations.

(h) Innovation School Districts:

The designation of a school system as an innovation school district authorizes the county board to submit requests to the state board for exceptions to statutes, policies, rules and interpretations that are required to permit implementation of the innovative strategies contemplated in its innovation school district plan. The designation as an innovation school district authorizes the county board to submit to submit multiple individual requests for exceptions to permit implementation of different strategies contemplated in the plan as the strategies are developed. Each request for an exception shall be submitted and may be approved by the state board subject to the following:

(1) The county board of a school system designated as an innovation school district may request an exception to a statute, policy, rule or interpretation by submitting an application to the state board that contains the following information:

(A) A description of the program or initiative the school system intends to implement at a school, group of schools or district-wide as an innovative strategy to improve student achievement if the request is approved by the state board;

(B) An explanation of the specific exception to a statute, policy, rule or interpretation, in the singular or plural, that the school system has identified as prohibiting or constraining the implementation of the program or initiative and why the exception is necessary;

(C) An explanation of how the program or initiative furthers the activities contemplated in the innovation school district plan;

(D) A certification by the county superintendent that the request for an exception was approved by a vote of the eligible employees in accordance with the process for voting as set forth in section six of this article; and

(E) Any other information the state board requires as set forth in its rule to implement this section.

(2) The state board shall review the request in accordance with the standards in its rule and shall determine whether to approve or disapprove the request. The approval or disapproval of a request is at the sole discretion of the state board in accordance with the requirements of this section.

(3) Except as provided in subdivision (5) of this subsection, the state board shall approve or disapprove the request within sixty days of receipt, subject to the following:

(A) No exceptions to state board policies, rules or interpretations are granted unless the state board approves the request at least conditionally pursuant to subdivisions (2) and (5) of this subsection; and

(B) If the request is disapproved, the state board shall communicate its reasons for the disapproval to the county board and shall make recommendations for improving the request. The county board may amend and resubmit the request.

(4) Upon approval of the request by the state board, all of the exceptions to state board policies, rules and interpretations that were requested are granted;

(5) If a request, or a part thereof, may not be implemented unless an exception to a statute is granted by an Act of the Legislature, the state board may approve the request, or the part thereof, only upon the condition that the Legislature acts to grant the exception. If the state board approves a request on that condition, the state board shall submit the request for an exception to a statute, along with supporting reasons, to the Legislative Oversight Commission of Education Accountability. The commission shall review the request and make a recommendation to the Legislature regarding the exception requested; and

(6) An innovation school district may not request an exception nor may an exception be granted from any of the following:

(A) A required statewide assessment program administered by the West Virginia Department of Education;

(B) Any provision of law or policy required by Public Law 94-142, Public Law No. 107-110 or other federal law;

(C) Sections two and seven, article two, chapter eighteen-a of this code and sections seven-a, seven-b, eight and eight-b, article four, chapter eighteen-a of this code, except that an innovation school district may make a job posting for a teacher vacancy in accordance with the procedures and the approval by a vote of the teachers as provided in section eight of this article; and

(D) Any statute, policy, rule or other requirements of the state board or other agency related to the health and safety of students or employees, any requirements imposed by ethics laws or opinions, any requirements imposed by open records or open meetings laws, any requirements related to financial or academic reporting or transparency, or any requirements designed to protect the civil rights of students or employees.

(i) *Revision, Extension and Revocation of Innovation School District Plan:*

(1) The county board of a school system designated as an innovation school district pursuant to this section may revise its innovation school district plan and resubmit its plan to the state board for approval after complying with all other applicable plan requirements set forth in this section for initial plan approval.

(2) The designation of a school system as an innovation school district shall be for a period of five years. The state board, upon request of the county board, may extend the designation for an additional two years if the school system has outstanding items in its school system collaborative innovation zone plan that it still wants to pursue and only for the purpose of pursuing those outstanding items.

(3) The state board after periodic review of an established innovation school district may, upon recommendation of the innovation zone application review committee, revoke the school district's designation as an innovation school district for noncompliance or nonperformance.

(i) *Affect of Plan Expiration on Innovations:*

The expiration of a school system's designation as an innovation school district does not negate any exceptions to statutes, policies, rules or interpretations granted to the school system unless and until specifically revoked, repealed or modified by the state board or by the Legislature, as applicable.

(k) State Board Rule and Annual Reviews:

The state board shall adopt, in accordance with article three-b, chapter twenty-nine-a of this code, a rule for the implementation of this section. The state board or its designated committee shall perform annual performance reviews and provide annual reports in accordance with section seven of this article.

Senate Bill 209

Effective Date: March 6, 2014

Signed by Governor: March 28, 2014

Code Reference: Amends §18-20-1

Title: Relating to special programs and services for exceptional children; requiring county boards to allow student with disabilities whose individualized education plan provides for a modified diploma to participate in graduation ceremony with same grade classmates; permitting continued special education services; and prohibiting county boards from denying continuing special education services to the student due to participation in graduation ceremony.

Major Provisions:

- Requires county boards to adopt policy that allows student with a disability whose individualized education program provides for a modified diploma to participate in graduation ceremonies with their same grade classmates when requested by parents in writing
- Prohibits county boards from denying continuing special education services to the student with a disability working toward a modified diploma due to participation in graduation ceremonies
- Provides that special education may be continued for a student working toward a modified diploma until the student reaches twenty-one (21)

ENROLLED

Senate Bill No. 209

(BY SENATORS BEACH, MILLER, COOKMAN, WALTERS AND FITZSIMMONS)

[Passed March 6, 2014; in effect from passage.]

AN ACT to amend and reenact §18-20-1 of the Code of West Virginia, 1931, as amended, relating to special programs and services for exceptional children; requiring county boards to allow student with disabilities whose individualized education plan provides for a modified diploma to participate in graduation ceremony with same grade classmates; permitting continued special education services; and prohibiting county boards from denying continuing special education services to the student due to participation in graduation ceremony.

Be it enacted by the Legislature of West Virginia:

That §18-20-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.

§18-20-1. Establishment of special programs and teaching services for exceptional children; 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.

(b) County boards of education 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 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: ~~Provided, That pupils receiving such homebound or visiting-teacher services shall not be included when computing adjusted enrollment as defined in section two, article nine-a, chapter eighteen of this code.~~ The state board shall adopt rules to advance and accomplish this program and to assure that all exceptional children in the state, including children in mental health facilities, residential institutions and private schools, will receive an education in accordance with the mandates of state and federal laws: *Provided, however,* 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 shall adopt a policy that allows a student with disabilities whose individualized education program provides for a modified diploma to participate in the graduation ceremony of his or her same grade classmates if requested in writing by his or her parent or legal guardian. The county board shall also permit the student to continue receiving his or her special education services after the graduation ceremony. The county board may not terminate, deny or declare the student ineligible for post-graduation ceremony special education services due to his or her participation in the graduation ceremony.

Senate Bill 252

Effective Date: June 6, 2014

Signed by Governor: March 26, 2014

Code Reference: Amends §18A-5-1a

Adds §18A-5-1d

Title: Allowing certain expelled students to return to school through Juvenile Drug Court

Major Provisions:

- Allows that when a student is expelled from school, the county board, county superintendent, principal, parent, guardian or custodian may refer the student to a Juvenile Drug Court. The judge assigned to Juvenile Drug Court shall determine whether the student is an appropriate candidate for the Court
- Establishes that successful completion of Juvenile Drug Court or certification by the Juvenile Drug Court judge that the student is making satisfactory progress toward successful completion warrants consideration for reduction of the expulsion period
- Requires that upon completion or certification of satisfactory progress, the county superintendent shall arrange a meeting with the Juvenile Drug Court treatment team and the student assistance team of the school from which the student was expelled to discuss the student's history, progress and potential for improvement. The student assistance team shall evaluate and recommend whether the student's expulsion period should be reduced and the student reinstated in school
- Requires that the student assistance team's recommendation shall be presented to the superintendent, who shall make the final determination. The superintendent shall prepare a statement detailing reasons for or against school reinstatement and submit the statement to the county board, the principal, the faculty senate and the local school improvement council for the school from which the student was expelled
- Establishes that a student to be reinstated shall be permitted to return to school no later than the tenth regular school day following notice by the court to the superintendent regarding the student's

successful completion or satisfactory progress toward successful completion of Juvenile Drug Court

ENROLLED

COMMITTEE SUBSTITUTE
FOR
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 252

(SENATORS PALUMBO AND NOHE, *original sponsors*)

[Passed March 8, 2014; in effect ninety days from passage.]

AN ACT to amend and reenact §18A-5-1a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18A-5-1d, all relating to allowing a school expulsion period to be reduced for certain student participants in Juvenile Drug Court; specifying individuals who may refer an expelled student to Juvenile Drug Court; designating responsibilities of Juvenile Drug Court, judge and treatment team of Juvenile Drug Court, county superintendent and student assistance team; granting Juvenile Drug Court jurisdiction over certain students; providing that successful completion or satisfactory progress toward successful completion of Juvenile Drug Court warrants consideration for reduced expulsion period; recommendations and determinations regarding expulsion period reduction; and providing for reinstatement of students in school, subject to approval of the superintendent.

Be it enacted by the Legislature of West Virginia:

That §18A-5-1a of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new section, designated §18A-5-1d, all to read as follows:

ARTICLE 5. AUTHORITY; RIGHTS; RESPONSIBILITY.

§18A-5-1a. Possessing deadly weapons on premises of educational facilities; possessing a controlled substance on premises of educational facilities; assaults and batteries committed by ~~pupils~~ students upon teachers or other school personnel; temporary suspension, hearing; procedure, notice and formal hearing; extended suspension; sale of narcotic; expulsion; exception; alternative education.

(a) A principal shall suspend a ~~pupil~~ student from school or from transportation to or from the school on any school bus if the ~~pupil~~ student, in the determination of the principal after an informal hearing pursuant to subsection (d) of this section, has: (i) Violated the provisions of subsection (b), section fifteen, article two, chapter sixty-one of this code; (ii) violated the provisions of subsection (b), section eleven-a, article seven of said chapter; or (iii) sold a narcotic drug, as defined in section one hundred one, article one, chapter sixty-a of this code, on the premises of an educational facility, at a school-

sponsored function or on a school bus. If a student has been suspended pursuant to this subsection, the principal shall, within twenty-four hours, request that the county superintendent recommend to the county board that the student be expelled. Upon such a request by a principal, the county superintendent shall recommend to the county board that the student be expelled. Upon such recommendation, the county board shall conduct a hearing in accordance with subsections (e), (f) and (g) of this section to determine if the student committed the alleged violation. If the county board finds that the student did commit the alleged violation, the county board shall expel the student.

(b) A principal shall suspend a ~~pupil~~ student from school, or from transportation to or from the school on any school bus, if the ~~pupil~~ student, in the determination of the principal after an informal hearing pursuant to subsection (d) of this section, has: (i) Committed an act or engaged in conduct that would constitute a felony under the laws of this state if committed by an adult; or (ii) unlawfully possessed on the premises of an educational facility or at a school-sponsored function a controlled substance governed by the uniform controlled substances act as described in chapter sixty-a of this code. If a student has been suspended pursuant to this subsection, the principal may request that the superintendent recommend to the county board that the student be expelled. Upon such recommendation by the county superintendent, the county board may hold a hearing in accordance with the provisions of subsections (e), (f) and (g) of this section to determine if the student committed the alleged violation. If the county board finds that the student did commit the alleged violation, the county board may expel the student.

(c) A principal may suspend a ~~pupil~~ student from school, or transportation to or from the school on any school bus, if the ~~pupil~~ student, in the determination of the principal after an informal hearing pursuant to subsection (d) of this section: (i) Threatened to injure, or in any manner injured, a ~~pupil~~ student, teacher, administrator or other school personnel; (ii) willfully disobeyed a teacher; (iii) possessed alcohol in an educational facility, on school grounds, a school bus or at any school-sponsored function; (iv) used profane language directed at a school employee or ~~pupil~~ student; (v) intentionally defaced any school property; (vi) participated in any physical altercation with another person while under the authority of school personnel; or (vii) habitually violated school rules or policies. If a student has been suspended pursuant to this subsection, the principal may request that the superintendent recommend to the county board that the student be expelled. Upon such recommendation by the county superintendent, the county board may hold a hearing in accordance with the provisions of subsections (e), (f) and (g) of this section to determine if the student committed the alleged violation. If the county board finds that the student did commit the alleged violation, the county board may expel the student.

(d) The actions of any ~~pupil~~ student which may be grounds for his or her suspension or expulsion under the provisions of this section shall be reported immediately to the principal of the school in which the student is enrolled. If the principal determines that the alleged actions of the ~~pupil~~ student would be grounds for suspension, he or she shall conduct an informal hearing for the ~~pupil~~ student immediately after the alleged actions have occurred. The hearing shall be held before the ~~pupil~~ student is suspended unless

the principal believes that the continued presence of the pupil student in the school poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, in which case the pupil student shall be suspended immediately and a hearing held as soon as practicable after the suspension.

The pupil student and his or her parent(s), guardian(s) or custodian(s), as the case may be, shall be given telephonic notice, if possible, of this informal hearing, which notice shall briefly state the grounds for suspension.

At the commencement of the informal hearing, the principal shall inquire of the pupil student as to whether he or she admits or denies the charges. If the pupil student does not admit the charges, he or she shall be given an explanation of the evidence possessed by the principal and an opportunity to present his or her version of the occurrence. At the conclusion of the hearing or upon the failure of the noticed student to appear, the principal may suspend the pupil student for a maximum of ten school days, including the time prior to the hearing, if any, for which the pupil student has been excluded from school.

The principal shall report any suspension the same day it has been decided upon, in writing, to the parent(s), guardian(s) or custodian(s) of the pupil student by regular United States mail. The suspension also shall be reported to the county superintendent and to the faculty senate of the school at the next meeting after the suspension.

(e) Prior to a hearing before the county board, the county board shall cause a written notice which states the charges and the recommended disposition to be served upon the pupil student and his or her parent(s), guardian(s) or custodian(s), as the case may be. The notice shall state clearly whether the board will attempt at hearing to establish the student as a dangerous student, as defined by section one, article one of this chapter. The notice also shall include any evidence upon which the board will rely in asserting its claim that the student is a dangerous student. The notice shall set forth a date and time at which the hearing shall be held, which date shall be within the ten-day period of suspension imposed by the principal.

(f) The county board shall hold the scheduled hearing to determine if the pupil student should be reinstated or should or, under the provisions of this section, must be expelled from school. If the county board determines that the student should or must be expelled from school, it also may determine whether the student is a dangerous student pursuant to subsection (g) of this section. At this, or any hearing before a county board conducted pursuant to this section, the pupil student may be represented by counsel, may call his or her own witnesses to verify his or her version of the incident and may confront and cross examine witnesses supporting the charge against him or her. The hearing shall be recorded by mechanical means unless recorded by a certified court reporter. The hearing may be postponed for good cause shown by the pupil student but he or she shall remain under suspension until after the hearing. The state board may adopt other supplementary rules of procedure to be followed in these hearings. At the conclusion of the hearing the county board shall either: (1) Order the pupil student reinstated

immediately at the end of his or her initial suspension; (2) suspend the ~~pupil~~ student for a further designated number of days; or (3) expel the ~~pupil~~ student from the public schools of the county.

(g) A county board that did not intend prior to a hearing to assert a dangerous student claim, that did not notify the student prior to the hearing that a dangerous student determination would be considered and that determines through the course of the hearing that the student may be a dangerous student shall schedule a second hearing within ten days to decide the issue. The hearing may be postponed for good cause shown by the ~~pupil~~ student, but he or she remains under suspension until after the hearing.

A county board that expels a student, and finds that the student is a dangerous student, may refuse to provide alternative education. However, after a hearing conducted pursuant to this section for determining whether a student is a dangerous student, when the student is found to be a dangerous student, is expelled and is denied alternative education, a hearing shall be conducted within three months after the refusal by the board to provide alternative education to reexamine whether or not the student remains a dangerous student and whether the student shall be provided alternative education. Thereafter, a hearing for the purpose of reexamining whether or not the student remains a dangerous student and whether the student shall be provided alternative education shall be conducted every three months for so long as the student remains a dangerous student and is denied alternative education. During the initial hearing, or in any subsequent hearing, the board may consider the history of the ~~pupil's~~ student's conduct as well as any improvements made subsequent to the expulsion. If it is determined during any of the hearings that the student is no longer a dangerous student or should be provided alternative education, the student shall be provided alternative education during the remainder of the expulsion period.

(h) The superintendent may apply to a circuit judge or magistrate for authority to subpoena witnesses and documents, upon his or her own initiative, in a proceeding related to a recommended student expulsion or dangerous student determination, before a county board conducted pursuant to the provisions of this section. Upon the written request of any other party, the superintendent shall apply to a circuit judge or magistrate for the authority to subpoena witnesses, documents or both on behalf of the other party in a proceeding related to a recommended student expulsion or dangerous student determination before a county board. If the authority to subpoena is granted, the superintendent shall subpoena the witnesses, documents or both requested by the other party. Furthermore, if the authority to subpoena is granted, it shall be exercised in accordance with the provisions of section one, article five, chapter twenty-nine-a of this code.

Any hearing conducted pursuant to this subsection may be postponed: (1) For good cause shown by the ~~pupil~~ student; (2) when proceedings to compel a subpoenaed witness to appear must be instituted; or (3) when a delay in service of a subpoena hinders either party's ability to provide sufficient notice to appear to a witness. A ~~pupil~~

student remains under suspension until after the hearing in any case where a postponement occurs.

The county boards are directed to report the number of ~~pupils~~ students determined to be dangerous students to the state board of Education. The state board will compile the county boards' statistics and shall report its findings to the Legislative Oversight Commission on Education Accountability.

(i) ~~Pupils~~ Students may be expelled pursuant to the provisions of this section for a period not to exceed one school year, except that if a ~~pupil~~ student is determined to have violated the provisions of subsection (a) of this section the ~~pupil~~ student shall be expelled for a period of not less than twelve consecutive months: ~~Provided, That,~~ subject to the following:

(1) The county superintendent may lessen the mandatory period of twelve consecutive months for the expulsion of the ~~pupil~~ student if the circumstances of the ~~pupil's~~ student's case demonstrably warrant;

(2) Upon the reduction of the period of expulsion, the county superintendent shall prepare a written statement setting forth the circumstances of the ~~pupil's~~ student's case which warrant the reduction of the period of expulsion. The county superintendent shall submit the statement to the county board, the principal, the faculty senate and the local school improvement council for the school from which the ~~pupil~~ student was expelled. The county superintendent may use the following factors as guidelines in determining whether or not to reduce a mandatory twelve-month expulsion:

~~(1)~~ (A) The extent of the ~~pupil's~~ student's malicious intent;

~~(2)~~ (B) The outcome of the ~~pupil's~~ student's misconduct;

~~(3)~~ (C) The ~~pupil's~~ student's past behavior history; and

~~(4)~~ (D) The likelihood of the ~~pupil's~~ student's repeated misconduct; and

(E) If applicable, successful completion or making satisfactory progress toward successful completion of Juvenile Drug Court pursuant to section one-d of this section.

(j) In all hearings under this section, facts shall be found by a preponderance of the evidence.

(k) For purposes of this section, nothing herein may be construed to be in conflict with the federal provisions of the Individuals with Disabilities Education Act, 20 U. S. C. §1400 *et seq.*

(l) Each suspension or expulsion imposed upon a ~~pupil~~ student under the authority of this section shall be recorded in the uniform integrated regional computer information

system (commonly known as the West Virginia Education Information System) described in subsection (f), section twenty-six, article two, chapter eighteen of this code.

(1) The principal of the school at which the ~~pupil~~ student is enrolled shall create an electronic record within twenty-four hours of the imposition of the suspension or expulsion.

(2) Each record of a suspension or expulsion shall include the ~~pupil's~~ student's name and identification number, the reason for the suspension or expulsion, and the beginning and ending dates of the suspension or expulsion.

(3) The state board of ~~Education~~ shall collect and disseminate data so that any principal of a public school in West Virginia can review the complete history of disciplinary actions taken by West Virginia public schools against any ~~pupil~~ student enrolled or seeking to enroll at that principal's school. The purposes of this provision are to allow every principal to fulfill his or her duty under subsection (b), section fifteen-f, article five, chapter eighteen of this code to determine whether a ~~pupil~~ student requesting to enroll at a public school in West Virginia is currently serving a suspension or expulsion from another public school in West Virginia and to allow principals to obtain general information about ~~pupils'~~ students' disciplinary histories.

(m) Principals may exercise any other authority and perform any other duties to discipline ~~pupil~~ students consistent with state and federal law, including policies of the state board of ~~Education~~.

(n) Each county board is solely responsible for the administration of proper discipline in the public schools of the county and shall adopt policies consistent with the provisions of this section to govern disciplinary actions.

(o) For the purpose of this section, "principal" means the principal, assistant principal, vice principal or the administrative head of the school or a professional personnel designee of the principal or the administrative head of the school.

§18A-5-1d. Return to school through Juvenile Drug Court for certain students.

(a) When a student is expelled from school pursuant to section one-a of this article, the county board, county superintendent or principal for the school from which the student was expelled or the parent, guardian or custodian may refer the student to a Juvenile Drug Court, operated pursuant to section two-b, article five, chapter forty-nine of this code. Upon such referral, the judge assigned to Juvenile Drug Court shall determine whether the student is an appropriate candidate for Juvenile Drug Court.

(b) If the judge determines the student is an appropriate candidate for Juvenile Drug Court, then the court has jurisdiction over the student in the same manner as it has jurisdiction over all other persons in Juvenile Drug Court. Such jurisdiction over students includes the ability to issue any of the various sanctions available to the Juvenile Drug Court, including temporary detention.

(c)(1) Successful completion of Juvenile Drug Court or certification by the Juvenile Drug Court judge that the student is making satisfactory progress toward successful completion of Juvenile Drug Court warrants consideration for reduction of the expulsion period, pursuant to section one-a of this article.

(2) The Juvenile Drug Court shall notify the county superintendent of such completion or certification. The county superintendent shall arrange a meeting with the Juvenile Drug Court treatment team, the court and the student assistance team of the school from which the student was expelled to discuss the student's history, progress and potential for improvement.

(3) The student assistance team shall evaluate and recommend whether the student's expulsion period should be reduced and the student reinstated in school.

(4) The student assistance team's recommendation shall be presented to the superintendent, who shall make the final determination. The superintendent shall prepare a statement detailing reasons for or against school reinstatement and submit the statement to the county board. If the superintendent determines to reduce the expulsion period, he or she shall submit the statement required by subsection (i), section one-a of this article and place the student in an appropriate school within the district.

(5) A student to be reinstated shall be permitted to return to school no later than the tenth regular school day following notice by the court to the superintendent regarding the student's successful completion or satisfactory progress toward successful completion of Juvenile Drug Court.

Senate Bill 322

Effective Date: July 1, 2014

Signed by Governor: March 14, 2014

Code Reference: Amends §6-7-1

Title: Providing state compensate officials, officers and employees every two weeks with certain exceptions

Major Provisions:

- Specifies that all state employees paid on a current basis will be paid in arrears as part of the standardization of the state's accounting and payroll functions under the Enterprise Resource Planning Board

ENROLLED

COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 322

(BY SENATORS KESSLER (MR. PRESIDENT) AND M. HALL,
BY REQUEST OF THE EXECUTIVE)

[Passed March 5, 2014; to take effect July 1, 2014.]

AN ACT to amend and reenact §6-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing state agencies, state institutions of higher education and the Higher Education Policy Commission to transition all employees, officers and officials, except elected officials, into payment in arrears and to pay employees biweekly as part of the standardization of the state's accounting and payroll functions under the Enterprise Resource Planning Board.

Be it enacted by the Legislature of West Virginia:

That §6-7-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 7. COMPENSATION AND ALLOWANCES.

§6-7-1. State officials, officers and employees to be paid at least twice per month; new employees paid in arrears; effective date.

All full-time and part-time salaried and hourly officials, officers and employees of the state, state institutions of higher education and the Higher Education Policy Commission shall be paid at least twice per month, and under the same procedures and in the same manner as the State Auditor currently pays agencies: *Provided*, That on and after July 1, 2002, all new officials, officers and employees of the state, a state institution of higher education and the Higher Education Policy Commission, statutory officials, contract educators with higher education and any exempt official who does not earn annual and sick leave, except elected officials, shall be paid one pay cycle in arrears. The term "new employee" does not include an employee who transfers from one state agency, a state institution of higher education or the Higher Education Policy Commission to another state agency, another state institution of higher education or the Higher Education Policy Commission without a break in service: *Provided, however, That, after July 1, 2014, all state employees paid on a current basis will be converted to payment in arrears. For accounting purposes only, any payments received by such employees at the end of the pay cycle of the conversion pay period will be accounted for as a credit due the state. Notwithstanding any other code provision to the contrary, any such credit designation made for accounting of this conversion will be accounted for by the Auditor at the termination of an employee's employment and such accounting shall be documented in*

the employee's final wage payment. Nothing contained in this section is intended to increase or diminish the salary or wages of any official, officer or employee.

Senate Bill 391

Effective Date: July 1, 2014

Signed by Governor: March 31, 2014

Code Reference: Amends §18A-4-2 and §18A-4-8a

Title: Providing salary increase for teachers and school service personnel

Major Provisions:

- Grants a \$1,000 increase in basic salary for teachers, a 2% increase in basic salaries for service personnel, and a \$12 per month increase in the state equity supplement for service personnel, to bring the county salary schedules back to within equity, as defined in WVC §18A-4-5

- Establishes the goal of increasing the minimum required salary (basic plus state equity) of beginning teachers with a bachelor's degree and zero years of experience to \$43,000 by the 2019 fiscal year

ENROLLED

COMMITTEE SUBSTITUTE
FOR
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 391

(BY SENATORS KESSLER (MR. PRESIDENT) AND M. HALL,
BY REQUEST OF THE EXECUTIVE)

[Passed March 8, 2014; to take effect July 1, 2014]

AN ACT to amend to amend and reenact §18A-4-2 and §18A-4-8a of the Code of West Virginia, 1931, as amended, all relating to generally to increasing compensation for teachers and school service personnel; and expressing legislative goal.

Be it enacted by the Legislature of West Virginia:

That §18A-4-2 and §18A-4-8a of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.

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

(a) It is the goal of the Legislature to increase the state minimum salary for teachers with zero years of experience and an A. B. degree, including the equity supplement, to at least \$43,000 by fiscal year 2019.

(a) (b) Beginning July 1, 2014 ~~2014~~, 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 section five-a of this article during the contract year.

STATE MINIMUM SALARY SCHEDULE										
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Years Exp.	4th Class	3rd Class	2nd Class	- A.B.	A.B. +15	- M.A.	M.A. +15	M.A. +30	M.A. +45	Doctorate
0	26,917	27,606	27,872	29,315	30,076	31,843	32,604	33,365	34,126	35,161
1	27,245	27,934	28,200	29,833	30,594	32,362	33,123	33,883	34,644	35,679

2	27,574	28,262	28,528	30,352	31,113	32,880	33,641	34,402	35,163	36,198
3	27,902	28,590	28,856	30,871	31,631	33,399	34,160	34,920	35,681	36,716
4	28,474	29,162	29,428	31,633	32,394	34,162	34,923	35,683	36,444	37,479
5	28,802	29,490	29,756	32,152	32,913	34,680	35,441	36,202	36,963	37,998
6	29,130	29,818	30,084	32,670	33,431	35,199	35,960	36,720	37,481	38,516
7	29,458	30,147	30,412	33,189	33,950	35,717	36,478	37,239	38,000	39,035
8	29,786	30,475	30,741	33,707	34,468	36,236	36,997	37,757	38,518	39,553
9	30,114	30,803	31,069	34,226	34,987	36,754	37,515	38,276	39,037	40,072
10	30,443	31,131	31,397	34,746	35,506	37,274	38,035	38,796	39,556	40,591
11	30,771	31,459	31,725	35,264	36,025	37,793	38,553	39,314	40,075	41,110
12	31,099	31,787	32,053	35,783	36,543	38,311	39,072	39,833	40,593	41,628
13	31,427	32,115	32,381	36,301	37,062	38,830	39,590	40,351	41,112	42,147
14	31,755	32,443	32,709	36,820	37,580	39,348	40,109	40,870	41,630	42,665
15	32,083	32,771	33,037	37,338	38,099	39,867	40,627	41,388	42,149	43,184
16	32,411	33,099	33,365	37,857	38,617	40,385	41,146	41,907	42,667	43,702
17	32,739	33,428	33,693	38,375	39,136	40,904	41,665	42,425	43,186	44,221
18	33,067	33,756	34,022	38,894	39,655	41,422	42,183	42,944	43,705	44,740
19	33,395	34,084	34,350	39,412	40,173	41,941	42,702	43,462	44,223	45,258
20	33,723	34,412	34,678	39,931	40,692	42,459	43,220	43,981	44,742	45,777
21	34,052	34,740	35,006	40,449	41,210	42,978	43,739	44,499	45,260	46,295
22	34,380	35,068	35,334	40,968	41,729	43,496	44,257	45,018	45,779	46,814
23	34,708	35,396	35,662	41,487	42,247	44,015	44,776	45,536	46,297	47,332
24	35,036	35,724	35,990	42,005	42,766	44,534	45,294	46,055	46,816	47,851
25	35,364	36,052	36,318	42,524	43,284	45,052	45,813	46,574	47,334	48,369
26	35,692	36,380	36,646	43,042	43,803	45,571	46,331	47,092	47,853	48,888

27	36,020	36,708	36,974	43,561	44,321	46,089	46,850	47,611	48,371	49,406
28	36,348	37,037	37,302	44,079	44,840	46,608	47,368	48,129	48,890	49,925
29	36,676	37,365	37,631	44,598	45,358	47,126	47,887	48,648	49,408	50,443
30	37,004	37,693	37,959	45,116	45,877	47,645	48,405	49,166	49,927	50,962
31	37,333	38,021	38,287	45,635	46,396	48,163	48,924	49,685	50,445	51,480
32	37,661	38,349	38,615	46,153	46,914	48,682	49,443	50,203	50,964	51,999
33	37,989	38,677	38,943	46,672	47,433	49,200	49,961	50,722	51,483	52,518
34	38,317	39,005	39,271	47,190	47,951	49,719	50,480	51,240	52,001	53,036
35	38,645	39,333	39,599	47,709	48,470	50,237	50,998	51,759	52,520	53,555

STATE MINIMUM SALARY SCHEDULE

YEARS EXP	4TH CLASS	3 RD CLASS	2 ND CLASS	A.B.	A.B. +15	M.A.	M.A. +15	M.A. +30	M.A. +45	DOCTORATE
0	27,917	28,606	28,872	30,315	31,076	32,843	33,604	34,365	35,126	36,161
1	28,245	28,934	29,200	30,833	31,594	33,362	34,123	34,883	35,644	36,679
2	28,574	29,262	29,528	31,352	32,113	33,880	34,641	35,402	36,163	37,198
3	28,902	29,590	29,856	31,871	32,631	34,399	35,160	35,920	36,681	37,716
4	29,474	30,162	30,428	32,633	33,394	35,162	35,923	36,683	37,444	38,479
5	29,802	30,490	30,756	33,152	33,913	35,680	36,441	37,202	37,963	38,998
6	30,130	30,818	31,084	33,670	34,431	36,199	36,960	37,720	38,481	39,516
7	30,458	31,147	31,412	34,189	34,950	36,717	37,478	38,239	39,000	40,035
8	30,786	31,475	31,741	34,707	35,468	37,236	37,997	38,757	39,518	40,553
9	31,114	31,803	32,069	35,226	35,987	37,754	38,515	39,276	40,037	41,072
10	31,443	32,131	32,397	35,746	36,506	38,274	39,035	39,796	40,556	41,591
11	31,771	32,459	32,725	36,264	37,025	38,793	39,553	40,314	41,075	42,110
12	32,099	32,787	33,053	36,783	37,543	39,311	40,072	40,833	41,593	42,628
13	32,427	33,115	33,381	37,301	38,062	39,830	40,590	41,351	42,112	43,147
14	32,755	33,443	33,709	37,820	38,580	40,348	41,109	41,870	42,630	43,665
15	33,083	33,771	34,037	38,338	39,099	40,867	41,627	42,388	43,149	44,184
16	33,411	34,099	34,365	38,857	39,617	41,385	42,146	42,907	43,667	44,702
17	33,739	34,428	34,693	39,375	40,136	41,904	42,665	43,425	44,186	45,221
18	34,067	34,756	35,022	39,894	40,655	42,422	43,183	43,944	44,705	45,740
19	34,395	35,084	35,350	40,412	41,173	42,941	43,702	44,462	45,223	46,258
20	34,723	35,412	35,678	40,931	41,692	43,459	44,220	44,981	45,742	46,777
21	35,052	35,740	36,006	41,449	42,210	43,978	44,739	45,499	46,260	47,295
22	35,380	36,068	36,334	41,968	42,729	44,496	45,257	46,018	46,779	47,814
23	35,708	36,396	36,662	42,487	43,247	45,015	45,776	46,536	47,297	48,332
24	36,036	36,724	36,990	43,005	43,766	45,534	46,294	47,055	47,816	48,851
25	36,364	37,052	37,318	43,524	44,284	46,052	46,813	47,574	48,334	49,369
26	36,692	37,380	37,646	44,042	44,803	46,571	47,331	48,092	48,853	49,888
27	37,020	37,708	37,974	44,561	45,321	47,089	47,850	48,611	49,371	50,406
28	37,348	38,037	38,302	45,079	45,840	47,608	48,368	49,129	49,890	50,925
29	37,676	38,365	38,631	45,598	46,358	48,126	48,887	49,648	50,408	51,443
30	38,004	38,693	38,959	46,116	46,877	48,645	49,405	50,166	50,927	51,962
31	38,333	39,021	39,287	46,635	47,396	49,163	49,924	50,685	51,445	52,480

32	<u>38,661</u>	<u>39,349</u>	<u>39,615</u>	<u>47,153</u>	<u>47,914</u>	<u>49,682</u>	<u>50,443</u>	<u>51,203</u>	<u>51,964</u>	<u>52,999</u>
33	<u>38,989</u>	<u>39,677</u>	<u>39,943</u>	<u>47,672</u>	<u>48,433</u>	<u>50,200</u>	<u>50,961</u>	<u>51,722</u>	<u>52,483</u>	<u>53,518</u>
34	<u>39,317</u>	<u>40,005</u>	<u>40,271</u>	<u>48,190</u>	<u>48,951</u>	<u>50,719</u>	<u>51,480</u>	<u>52,240</u>	<u>53,001</u>	<u>54,036</u>
35	<u>39,645</u>	<u>40,333</u>	<u>40,559</u>	<u>48,709</u>	<u>49,470</u>	<u>51,237</u>	<u>51,998</u>	<u>52,759</u>	<u>53,520</u>	<u>54,555</u>

~~(b)~~ (c) Six hundred dollars shall be paid annually to each classroom teacher who has at least twenty 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.

~~(e)~~ (d) To meet the objective of salary equity among the counties as set forth in section five of this article, each teacher shall be paid an equity 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 thirty-five 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 thirty-five 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 thirty-five 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 thirty-five 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 thirty-five 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 thirty-five 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 thirty-five 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 thirty-five 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 thirty-five 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 thirty-five 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 section five-a of this article; (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) The minimum monthly pay for each service employee shall be as follows:

(1) Beginning July 1, ~~2014~~ 2014, 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 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 set forth in this subdivision.

STATE MINIMU M PAY SCALE PAY GRADE								
Years	-	-	-	-	-	-	-	-
Exp.	Pay Grade							
-	A	B	C	D	E	F	G	H
0	1,627	1,648	1,689	1,741	1,793	1,855	1,886	1,958
1	1,659	1,680	1,721	1,773	1,825	1,887	1,918	1,990
2	1,691	1,712	1,753	1,805	1,857	1,919	1,950	2,022
3	1,723	1,744	1,785	1,837	1,889	1,951	1,982	2,054
4	1,755	1,776	1,817	1,869	1,921	1,983	2,014	2,087
5	1,787	1,808	1,849	1,901	1,953	2,015	2,046	2,119
6	1,819	1,840	1,882	1,933	1,985	2,047	2,078	2,151
7	1,852	1,872	1,914	1,965	2,017	2,079	2,110	2,183
8	1,884	1,904	1,946	1,997	2,049	2,111	2,142	2,215

9	1,916	1,936	1,978	2,030	2,081	2,143	2,174	2,247
10	1,948	1,969	2,010	2,062	2,113	2,176	2,207	2,279
11	1,980	2,001	2,042	2,094	2,145	2,208	2,239	2,311
12	2,012	2,033	2,074	2,126	2,178	2,240	2,271	2,343
13	2,044	2,065	2,106	2,158	2,210	2,272	2,303	2,375
14	2,076	2,097	2,138	2,190	2,242	2,304	2,335	2,407
15	2,108	2,129	2,170	2,222	2,274	2,336	2,367	2,439
16	2,140	2,161	2,202	2,254	2,306	2,368	2,399	2,472
17	2,172	2,193	2,235	2,286	2,338	2,400	2,431	2,504
18	2,204	2,225	2,267	2,318	2,370	2,432	2,463	2,536
19	2,237	2,257	2,299	2,350	2,402	2,464	2,495	2,568
20	2,269	2,289	2,331	2,383	2,434	2,496	2,527	2,601
21	2,301	2,321	2,363	2,415	2,466	2,528	2,559	2,634
22	2,333	2,354	2,395	2,447	2,498	2,561	2,593	2,666
23	2,365	2,386	2,427	2,479	2,531	2,594	2,625	2,699
24	2,397	2,418	2,459	2,511	2,563	2,627	2,658	2,732
25	2,429	2,450	2,491	2,543	2,596	2,659	2,691	2,764
26	2,461	2,482	2,523	2,576	2,629	2,692	2,723	2,797
27	2,493	2,514	2,555	2,608	2,661	2,724	2,756	2,829
28	2,525	2,546	2,588	2,641	2,694	2,757	2,789	2,863
29	2,557	2,579	2,621	2,673	2,726	2,790	2,821	2,896
30	2,591	2,611	2,654	2,706	2,759	2,822	2,854	2,928
31	2,623	2,644	2,687	2,739	2,792	2,855	2,887	2,961
32	2,656	2,676	2,719	2,772	2,824	2,888	2,919	2,994
33	2,689	2,709	2,752	2,805	2,857	2,920	2,953	3,026

34	2,721	2,743	2,785	2,838	2,890	2,954	2,986	3,059
35	2,754	2,775	2,817	2,870	2,923	2,987	3,018	3,092
36	2,787	2,808	2,850	2,903	2,956	3,019	3,051	3,124
37	2,819	2,841	2,883	2,936	2,989	3,052	3,083	3,157
38	2,852	2,873	2,915	2,968	3,021	3,084	3,116	3,190
39	2,885	2,906	2,948	3,001	3,054	3,117	3,149	3,222
40	2,917	2,939	2,980	3,033	3,087	3,150	3,181	3,256

STATE MINIMUM PAY SCALE PAY GRADE

YEARS EXP.	PAY GRADE							
	A	B	C	D	E	F	G	H
0	1,660	1,681	1,723	1,776	1,829	1,892	1,924	1,997
1	1,692	1,714	1,755	1,808	1,862	1,925	1,956	2,030
2	1,725	1,746	1,788	1,841	1,894	1,957	1,989	2,062
3	1,757	1,779	1,821	1,874	1,927	1,990	2,022	2,095
4	1,790	1,812	1,853	1,906	1,959	2,023	2,054	2,129
5	1,823	1,844	1,886	1,939	1,992	2,055	2,087	2,161
6	1,855	1,877	1,920	1,972	2,025	2,088	2,120	2,194
7	1,889	1,909	1,952	2,004	2,057	2,121	2,152	2,227
8	1,922	1,942	1,985	2,037	2,090	2,153	2,185	2,259
9	1,954	1,975	2,018	2,071	2,123	2,186	2,217	2,292
10	1,987	2,008	2,050	2,103	2,155	2,220	2,251	2,325
11	2,020	2,041	2,083	2,136	2,188	2,252	2,284	2,357
12	2,052	2,074	2,115	2,169	2,222	2,285	2,316	2,390
13	2,085	2,106	2,148	2,201	2,254	2,317	2,349	2,423
14	2,118	2,139	2,181	2,234	2,287	2,350	2,382	2,455
15	2,150	2,172	2,213	2,266	2,319	2,383	2,414	2,488
16	2,183	2,204	2,246	2,299	2,352	2,415	2,447	2,521
17	2,215	2,237	2,280	2,332	2,385	2,448	2,480	2,554
18	2,248	2,270	2,312	2,364	2,417	2,481	2,512	2,587
19	2,282	2,302	2,345	2,397	2,450	2,513	2,545	2,619
20	2,314	2,335	2,378	2,431	2,483	2,546	2,578	2,653
21	2,347	2,367	2,410	2,463	2,515	2,579	2,610	2,687
22	2,380	2,401	2,443	2,496	2,548	2,612	2,644	2,719
23	2,412	2,434	2,476	2,529	2,582	2,646	2,678	2,753
24	2,445	2,466	2,508	2,561	2,614	2,680	2,711	2,787
25	2,478	2,499	2,541	2,594	2,648	2,712	2,745	2,819
26	2,510	2,532	2,573	2,628	2,682	2,746	2,777	2,853
27	2,543	2,564	2,606	2,660	2,714	2,778	2,811	2,886
28	2,576	2,597	2,640	2,694	2,748	2,812	2,845	2,920
29	2,608	2,631	2,673	2,726	2,781	2,846	2,877	2,954
30	2,642	2,663	2,707	2,760	2,814	2,878	2,911	2,987
31	2,675	2,697	2,741	2,794	2,848	2,912	2,945	3,020
32	2,709	2,730	2,773	2,827	2,880	2,946	2,977	3,054
33	2,743	2,763	2,807	2,861	2,914	2,978	3,011	3,087
34	2,775	2,797	2,841	2,895	2,948	3,012	3,045	3,120

35	<u>2,809</u>	<u>2,831</u>	<u>2,873</u>	<u>2,927</u>	<u>2,980</u>	<u>3,046</u>	<u>3,078</u>	<u>3,154</u>
36	<u>2,843</u>	<u>2,864</u>	<u>2,907</u>	<u>2,961</u>	<u>3,015</u>	<u>3,079</u>	<u>3,112</u>	<u>3,186</u>
37	<u>2,875</u>	<u>2,898</u>	<u>2,941</u>	<u>2,995</u>	<u>3,049</u>	<u>3,113</u>	<u>3,145</u>	<u>3,220</u>
38	<u>2,909</u>	<u>2,930</u>	<u>2,973</u>	<u>3,027</u>	<u>3,081</u>	<u>3,146</u>	<u>3,178</u>	<u>3,254</u>
39	<u>2,943</u>	<u>2,964</u>	<u>3,007</u>	<u>3,061</u>	<u>3,115</u>	<u>3,179</u>	<u>3,212</u>	<u>3,286</u>
40	<u>2,975</u>	<u>2,998</u>	<u>3,040</u>	<u>3,094</u>	<u>3,149</u>	<u>3,213</u>	<u>3,245</u>	<u>3,320</u>

(2) Each service employee shall receive the amount prescribed in the Minimum Pay Scale 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
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 of Coordinator of Services.....	H
Draftsman	D
Early Childhood Classroom Assistant Teacher – Temporary Authorization.....	E
Early Childhood Classroom Assistant Teacher – Permanent Authorization.....	E
Early Childhood Classroom Assistant Teacher – Paraprofessional Certificate.....	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 twelve college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

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

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

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

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

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

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

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

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

(10) A service person who holds one hundred twenty 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 fifteen college hours;

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

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

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

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

(f) To meet the objective of salary equity among the counties, each service person is paid an equity supplement, as set forth in section five of this article, of ~~\$152~~ \$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 section five-b of this article; (ii) ~~is~~ are paid in equal monthly installments; and (iii) ~~is~~ 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 six o'clock p. m. and five o'clock 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 section eight-b of this article 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 section eight, article five of this chapter, 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.

Senate Bill 394

Effective Date: June 4, 2014

Signed by Governor: March 28, 2014

Code Reference: Amends §18C-3-3

Title: Relating to establishing the Health Sciences Service Program; continuing special revolving fund account and designating new name of fund; modifying fund expenditure provisions; modifying certain defined term; and expanding and modifying program eligibility.

Major Provisions:

- Authorizes the Vice Chancellor for Health Sciences to administer the “Health Science Service Program” to provide an incentive for health professional students to complete their training and provide primary care in underserved areas of West Virginia
- Authorizes Vice Chancellor for Health Sciences to collect from scholarship program award recipients who fail to practice or teach in West Virginia under the terms of the scholarship agreement as set forth under this section; or an award agreement or the health sciences scholarship program previously established by this section
- Establishes that award preferences are to be given to West Virginia residents
- Expands eligibility to those enrolled or accepted for enrollment in an approved education program at a West Virginia institution leading to a degree or certification in the field of nurse practitioner, nurse educator, nurse midwife, physician assistant, dentist, pharmacist, physical therapist, doctoral clinical psychologist, licensed independent clinical social worker or other disciplines identified as shortage fields by the Vice Chancellor for Health Sciences
- Defines program awards of at least \$20,000 for medical and dental students and at least \$10,000 for all others
- Defines “Underserved area” to mean any primary care health professional shortage area located in the state as determined by the Bureau for Public Health or any additional health

professional shortage area determined by the Vice Chancellor
for Health Sciences

ENROLLED

Senate Bill No. 394

(BY SENATORS LAIRD, STOLLINGS, PLYMALE, WELLS, BEACH, CHAFIN, TUCKER, BOLEY,
CARMICHAEL AND JENKINS)

[Passed March 6, 2014; in effect ninety days from passage.]

AN ACT to amend and reenact §18C-3-3 of the Code of West Virginia, 1931, as amended, relating to establishing the Health Sciences Service Program; continuing special revolving fund account and designating new name of fund; modifying fund expenditure provisions; modifying certain defined term; and expanding and modifying program eligibility.

Be it enacted by the Legislature of West Virginia:

That §18C-3-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 3. HEALTH PROFESSIONALS STUDENT LOAN PROGRAMS.

§18C-3-3. Health Sciences ~~scholarship~~ Service Program; establishment; administration; eligibility.

(a) *Legislative findings.* -- The Legislature finds that there is a critical need for additional practicing health care professionals in West Virginia. Therefore, there is hereby created a Health Sciences ~~scholarship~~ Service Program to be administered by the Vice Chancellor for Health Sciences. The purpose of this program is to provide an incentive for health professional students to complete their training and provide primary care in underserved areas of West Virginia.

(b) ~~Establishment of Special account.~~ — There is hereby established continued a special revolving fund account under the Higher Education Policy Commission in the State Treasury ~~to be formerly~~ known as the “Health Sciences Scholarship Fund” ~~that and hereafter designated the Health Sciences Service Program Fund.~~ The fund shall be used to carry out accomplish the purposes of this section. The fund shall consist of one or more any of the following:

(1) All unexpended health sciences scholarship funds on deposit in the State Treasury on the effective date of this section;

(2) Appropriations as may be provided by the Legislature;

(3) Repayments, including interest as set by the Vice Chancellor for Health Sciences, collected from ~~scholarship program award~~ recipients who fail to practice or teach in West

Virginia under the terms of ~~the scholarship~~ an award agreement ~~or the health sciences scholarship program previously established by as set forth under this section; or~~ and

(4) Amounts that may become available from other sources.

Balances remaining in the fund at the end of the fiscal year ~~shall~~ do not expire or revert to the general revenue. All costs associated with the administration of this section shall be paid from the Health Sciences ~~scholarship~~ Service Program Fund under the direction of the Vice Chancellor for Health Sciences.

(c) *Eligibility requirements.* -- Award preference is given to West Virginia residents. An individual is eligible for consideration for a Health Sciences ~~scholarship~~ Service Program award if the individual:

(1) Either:

(A) Is a fourth-year medical student at the Marshall University School of Medicine, West Virginia School of Osteopathic Medicine or West Virginia University School of Medicine who has been accepted in a primary care internship/residency program in West Virginia; or

(B) Is enrolled ~~or accepted for enrollment~~ in an approved education program at a West Virginia institution leading to a degree or certification in the field of nurse practitioner, nurse educator, nurse midwife, physician assistant, dentist, pharmacist, physical therapist, doctoral clinical psychologist, licensed independent clinical social worker or other disciplines identified as shortage fields by the Vice Chancellor for Health Sciences; and

(2) Signs an agreement to practice for at least two years in an underserved area of West Virginia ~~as determined by the bureau of public health. An individual also is eligible for consideration for a health sciences scholarship~~ or, if the individual is pursuing a Master's Degree in nursing, and signs an agreement to teach at least two years for a school of nursing located in West Virginia, as may be determined by the Vice Chancellor for Health Sciences, after receiving his ~~or her~~ the master's degree. ~~Awarding preference will be given to West Virginia residents.~~

(d) *Scholarship Program awards.* -- Scholarships Program awards shall be in an amount ~~of set by the Higher Education Policy Commission of at least~~ \$20,000 for medical ~~students and dental students and at least~~ \$10,000 for all others and may be awarded by the Vice Chancellor for Health Sciences, with the advice of an advisory panel, from the pool of all applicants with a commitment to practice in an underserved area of West Virginia ~~as determined by the bureau for public health. Nothing herein shall be construed as granting and guaranteeing~~ This section does not grant or guarantee any applicant any right to such a scholarship program award.

(e) *Repayment provisions.* – A scholarship program award recipient who fails to practice in an underserved area of West Virginia within six months of the completion of his or her training, or who fails to complete his or her training or ~~who fails to complete the required teaching,~~ is in breach of contract and is liable for repayment of the total scholarship amount received plus program award and any accrued interest. The granting or renewal of a license to practice in West Virginia or to reciprocal licensure in another state based upon licensure in West Virginia ~~shall be~~ is contingent upon beginning payment and continuing payment until complete repayment of the ~~total scholarship amount if the recipient fails to practice in an underserved area~~ award and any accrued interest. ~~No~~ A license, renewal or reciprocity ~~shall~~ may not be granted to any persons whose repayments ~~are~~ is in arrears. The appropriate regulatory board shall inform all other states where a recipient has reciprocated based upon West Virginia licensure of any refusal to renew licensure in West Virginia as a result of failure to repay the ~~scholarship amount~~ award. This provision shall be explained in bold type in the ~~scholarship award~~ contract. Repayment terms, not inconsistent with this section, shall be established by the Vice Chancellor for Health Sciences pursuant to the rules required ~~under subsection (f)~~ of by this section.

(f) *Promulgation of Rules.* -- The Higher Education Policy Commission shall promulgate a rules pursuant to article three-a, chapter twenty nine-a of this code ~~necessary for the implementation to implement and administration of~~ administer this section.

(g) *Definitions.* -- ~~For purposes of the repayment provisions of this section, the term~~ As used in this section:

(1) “Training” means:

(A) The entire degree program or certification program for nurse midwives, nurse practitioners, nurse educators, physician assistants, dentists, pharmacists, physical therapists, doctoral clinical psychologists, licensed independent clinical social workers and other disciplines identified as shortage fields by the Vice Chancellor for Health Sciences; or ~~the term also means the completion of a degree program and includes completion of an approved residency/internship program for students pursuing a degree in medicine or a degree in osteopathy.~~

(B) Completion of a degree program and an approved residency/internship program for students pursuing a degree in medicine or osteopathy, or as otherwise may be designated for such students in the rule required by this section.

(2) “Underserved area” means any primary care health professional shortage area located in the state as determined by the Bureau for Public Health or any additional health professional shortage area determined by the Vice Chancellor for Health Sciences.

Senate Bill 1009

Effective Date: March 14, 2014

Signed by Governor: March 31, 2014

Code Reference: Amends §18-9A-2 and §18-9A-11
Repeals §11-1C-5b and §18-9A-2a

Title: Local Share Calculation

Major Provisions:

- Repeals retrospectively to June 30, 2013, provisions requiring the use of assumed assessed real property values based upon an assessment ratio study instead of actual assessed values for the purpose of computing local share for public school support purposes
- Repeals retrospectively to June 30, 2013, provisions requiring that the annual amount of local share be increased for a county board where, during the prior year, the real property assessments in that county were not at least fifty-four percent of market value, as indicated by the assessment ratio study
- Requires the tax commissioner to appoint special assessors to appraise and assess property in any county whenever property in that county is found to be assessed at less than sixty percent of its fair market value for two consecutive years
- Provides that the appointment of special assessors is not required where a county meets certain criteria prescribed by rule
- Provides that the county bear the expense of the appointment of such special assessors
- Specifies that beginning with the local share calculation for the fiscal year 2015, the allowance for uncollectible taxes in the local share calculation is to be reduced from five percent to four percent
- Expresses legislative intent to continue the computation of local share for public school support purposes based upon actual real property values rather than assumed assessed values
- Expresses legislative intent that the annual amount of local share for a

county board be computed without reference to whether the real property assessments in that county for the prior year were at least at fifty-four percent of market value

- Removes provisions requiring county school boards to provide funding for public libraries from discretionary retainage

ENROLLED

Senate Bill No. 1009

(BY SENATORS KESSLER (MR. PRESIDENT) AND M. HALL,
BY REQUEST OF THE EXECUTIVE)

[Passed March 14, 2014; in effect from passage.]

AN ACT to repeal §11-1C-5b of the Code of West Virginia, 1931, as amended; to repeal §18-9A-2a of said code; to amend and reenact §11-3-1 of said code; and to amend and reenact §18-9A-2 and §18-9A-11 of said code, all relating to the computation of local share for public school support purposes; repealing, retrospectively to June 30, 2013, provisions requiring the use of assumed assessed real property values that are based upon an assessment ratio study instead of actual real property values for the purpose of the computation of local share for public school support purposes; repealing, retrospectively to June 30, 2013, provisions that require that the annual amount of local share for which a county board of education is responsible be increased where, during the prior year, the real property assessments in that county were not at least fifty-four percent of market value as indicated by the assessment ratio study; requiring the Tax Commissioner to appoint special assessors to appraise and assess property in any county whenever property in that county is found to be assessed at less than sixty percent of its fair market value for two consecutive years; providing that appointment of special assessors is not required where a county meets certain criteria prescribed by rule; requiring Tax Commissioner to promulgate rules; providing that the county bear the expense of such special assessors; revising definitions; specifying that for fiscal years beginning after June 30, 2014, the State Board of Education shall use ninety-six percent of total assessed public utility valuation in the calculation of local share; specifying a four percent loss deduction in computation of local share for the fiscal year beginning on July 1, 2014, and for each fiscal year thereafter; expressing legislative intent to continue the computation of local share for public school support based upon actual real property values rather than assumed assessed real property values; expressing legislative intent that the annual amount of local share for which a county board of education is responsible continue to be computed without reference to whether the real property assessments in that county were at least fifty-four percent of market value in the prior year; and removing provisions requiring county school boards to provide funding for public libraries from discretionary retainage.

Be it enacted by the Legislature of West Virginia:

That §11-1C-5b of the Code of West Virginia, 1931, as amended, be repealed; that §18-9A-2a of said code be repealed; that §11-3-1 of said code be amended and reenacted; and that §18-9A-2 and §18-9A-11 of said code be amended and reenacted, all to read as follows:

CHAPTER 11. TAXATION.

ARTICLE 3. PROPERTY TAX ASSESSMENTS GENERALLY.

~~§11-1C-5b. Assessment for purpose of calculating local share.~~

~~(a) This section is effective the first day of July, two thousand thirteen.~~

~~(b) The Tax Commissioner shall calculate the total assessed values for the purpose of calculating local share for each county each year pursuant to this section and report the total assessed values to the State Board of Education on or before the first day of December of each year.~~

~~(c) To provide for assessors to assess at sixty percent of market value, it is the intent of the Legislature that local share, as set forth in section eleven, article nine-a, chapter eighteen of this code, be calculated assuming that the types of property included in the assessment ratio study in each county are assessed at a level in which the assessment ratio study indicates would be sixty percent of market value.~~

~~(d) For each of Classes II, III and IV as set forth in section five, article eight of this chapter, all real property of the type that is or would be included in the assessment ratio study if sold is assumed for the purpose of calculating local share to be assessed at the amount the property would be assessed at if all the property in the class were adjusted under the assumption that, using a ratio of sixty percent, all the property were under or over assessed to the same extent as that property included in the assessment ratio study so that using the assessment ratio study as an indicator all the property in the class would be assessed at the ratio of sixty percent of market value: *Provided*, That if the sales ratio analysis indicates that assessments are within ten percent of sixty percent of market value, assessments are considered to be sixty percent of market value for the purposes of this section.~~

~~(e) The amount of the assumed assessed values determined pursuant to subsection (d) of this section shall be added to the actual assessed values of personal property, farmland, managed timberland, public utility property or any other centrally assessed property provided in paragraphs (A), (B), (C) and (D), subdivision (2), subsection (a), section five of this article and the sum of these values is the total assessed value for the purpose of calculating local share.~~

§11-3-1. Time and basis of assessments; true and actual value; default; reassessment; special assessors; criminal penalty.

(a) All property, except public service businesses assessed pursuant to article six of this chapter, shall be assessed annually as of July 1 at sixty percent of its true and actual value; that is to say, at the price for which the property would sell if voluntarily offered for sale by the owner thereof, upon the terms as the property, the value of which is sought to be ascertained, is usually sold, and not the price which might be realized if the property were sold at a forced sale.

(b) Any conflicting provisions of subsection (a) of this section notwithstanding, the true and actual value of all property owned, used and occupied by the owner thereof exclusively for residential purposes shall be arrived at by also giving consideration to the fair and reasonable amount of income which the same might be expected to earn, under normal conditions in the locality wherein situated, if rented: *Provided*, That the true and actual value of all farms used, occupied and cultivated by their owners or bona fide tenants shall be arrived at according to the fair and reasonable value of the property for the purpose for which it is actually used regardless of what the value of the property would be if used for some other purpose; and that the true and actual value shall be arrived at by giving consideration to the fair and reasonable income which the same might be expected to earn under normal conditions in the locality wherein situated, if rented: *Provided, however*, That nothing herein shall alter the method of assessment of lands or minerals owned by domestic or foreign corporations.

(c) The taxes upon all property shall be paid by those who are the owners thereof on the assessment date whether it be assessed to them or others.

(d) If at any time after the beginning of the assessment year it be ascertained by the Tax Commissioner that the assessor, or any of his or her deputies, is not complying with this provision or that they have failed, neglected or refused, or is failing, neglecting or refusing after five days' notice to list and assess all property therein at sixty percent of its true and actual value as determined under this chapter, the Tax Commissioner ~~may~~ shall order and direct a reassessment of any or all of the property in any county, district or municipality where any assessor or deputy fails, neglects or refuses to assess the property in the manner herein provided. And, ~~for the purpose of making assessment and correction of values, if the Tax Commissioner has determined that the assessor has not complied or has so failed, neglected or refused to list and assess property as aforesaid for two or more consecutive years, for the purpose of making assessment and correction of values,~~ the Tax Commissioner ~~may~~ shall appoint one or more special assessors, unless the Tax Commissioner determines that such appointment should be made earlier, as necessity may require, to make assessment in any county and any such special assessor or assessors, as the case may be, has the power and authority now vested by law in assessors, and the work of such special assessor or assessors shall be accepted and treated for all purposes by the county boards of review and equalization and the levying bodies, subject to any revisions of value on appeal, as the true and lawful assessment of that year as to all property valued by him or her or them. The Tax Commissioner shall fix the compensation of all special assessors appointed, which, together with their actual expenses, shall be paid out of the county fund by the county commission of the county in which any such assessment is ordered, upon the receipt of a certificate of the Tax Commissioner filed with the clerk of the county commission showing the amounts due and to whom payable, after such expenses have been audited by the county commission. All of this subsection is subject to the following:

(1) Notwithstanding any other provision of this subsection to the contrary, if the Tax Commissioner has determined that the assessor has not complied or has so failed, neglected or refused to list and assess property as aforesaid for two consecutive years,

but the assessor can show that the criteria established by rule pursuant to this subsection are met, the Tax Commissioner is not required to appoint one or more special assessors pursuant to this section, and in lieu of appointing one or more special assessors, may again order and direct a reassessment of any or all of the property pursuant to this subsection;

(2) For any third or succeeding consecutive year or years that the Tax Commissioner determines that the assessor has not complied or has so failed, neglected or refused to list and assess property as aforesaid, the Tax Commissioner shall appoint one or more special assessors pursuant to the provisions of this subsection regardless of whether or not the assessor can show that he or she will list and assess property as aforesaid the next year; and

(3) For the purposes of determining consecutive years pursuant to this subsection, only tax years beginning on and after the July 1, 2013, assessment date may be considered a first year.

(4) For purposes of subdivision (1) of this subsection, criteria for determining whether the assessor has made a satisfactory showing that he or she will list and assess property as aforesaid for the year next succeeding the two assessment years specified in subdivision (1) of this subsection, the Tax Commissioner shall apply criteria based on: (A) Sales validity; (B) appraisal uniformity; (C) appraisal evaluation; and (D) such other criteria as the Tax Commissioner may prescribe. The Tax Commissioner shall promulgate a legislative rule to specify criteria for the treatment authorized herein for any such third year or succeeding consecutive year or years, and such administrative and procedural requirements and criteria as the Tax Commissioner may prescribe.

(e) Any assessor who knowingly fails, neglects or refuses to assess all the property of his or her county, as herein provided, shall be guilty of malfeasance in office and, upon conviction thereof, shall be fined not less than \$100 nor more than \$500, or imprisoned not less than three nor more than six months, or both, in the discretion of the court, and upon conviction, shall be removed from office.

(f) For purposes of this chapter and chapter eleven-a of this code, the following terms have the meanings ascribed to them in this section unless the context in which the term is used clearly indicates that a different meaning is intended by the Legislature:

(1) "Assessment date" means July 1 of the year preceding the tax year.

(2) "Assessment year" means the twelve-month period that begins on the assessment date.

(3) "Tax year" or "property tax year" means the next calendar year that begins after the assessment date.

(4) "Taxpayer" means the owner and any other person in whose name the taxes on the subject property are lawfully assessed.

**CHAPTER 18. EDUCATION.
ARTICLE 9A. PUBLIC SCHOOL SUPPORT.**

§18-9A-2. Definitions.

For the purpose of this article:

(a) "State board" means the West Virginia Board of Education.

(b) "County board" or "board" means a county board of education.

(c) "Professional salaries" means the state legally mandated salaries of the professional educators as provided in article four, chapter eighteen-a of this code.

(d) "Professional educator" shall be synonymous with and shall have the same meaning as "teacher" as defined in section one, article one of this chapter, and includes technology integration specialists.

(e) "Professional instructional personnel" means a professional educator whose regular duty is as that of a classroom teacher, librarian, attendance director or school psychologist. A professional educator having both instructional and administrative or other duties shall be included as professional instructional personnel for that ratio of the school day for which he or she is assigned and serves on a regular full-time basis in appropriate instruction, library, attendance or psychologist duties.

(f) "Professional student support personnel" means a "teacher" as defined in section one, article one of this chapter who is assigned and serves on a regular full-time basis as a counselor or as a school nurse with a bachelor's degree and who is licensed by the West Virginia Board of Examiners for Registered Professional Nurses. For all purposes except for the determination of the allowance for professional educators pursuant to section four of this article, professional student support personnel are professional educators.

(g) "Service personnel salaries" means the state legally mandated salaries for service personnel as provided in section eight-a, article four, chapter eighteen-a of this code.

(h) "Service personnel" means all personnel as provided in section eight, article four, chapter eighteen-a of this code. For the purpose of computations under this article of ratios of service personnel to net enrollment, a service employee shall be counted as that number found by dividing his or her number of employment days in a fiscal year by two hundred: *Provided*, That the computation for any service person employed for three and one-half hours or less per day as provided in section eight-a, article four, chapter eighteen-a of this code shall be calculated as one half an employment day.

(i) "Net enrollment" means the number of pupils enrolled in special education programs, kindergarten programs and grades one to twelve, inclusive, of the public schools of the county. Net enrollment further shall include:

(1) Adults enrolled in regular secondary vocational programs existing as of the effective date of this section, subject to the following:

(A) Net enrollment includes no more than one thousand of those adults counted on the basis of full-time equivalency and apportioned annually to each county in proportion to the adults participating in regular secondary vocational programs in the prior year counted on the basis of full-time equivalency; and

(B) Net enrollment does not include any adult charged tuition or special fees beyond that required of the regular secondary vocational student;

(2) Students enrolled in early childhood education programs as provided in section forty-four, article five of this chapter, counted on the basis of full-time equivalency;

(3) No pupil shall be counted more than once by reason of transfer within the county or from another county within the state, and no pupil shall be counted who attends school in this state from another state;

(4) The enrollment shall be modified to the equivalent of the instructional term and in accordance with the eligibility requirements and rules established by the state board; and

(5) For the purposes of determining the county's basic foundation program only, for any county whose net enrollment as determined under all other provisions of this definition is less than one thousand four hundred, the net enrollment of the county shall be increased by an amount to be determined in accordance with the following:

(A) Divide the state's lowest county student population density by the county's actual student population density;

(B) Multiply the amount derived from the calculation in paragraph (A) of this subdivision by the difference between one thousand four hundred and the county's actual net enrollment;

(C) If the increase in net enrollment as determined under this subdivision plus the county's net enrollment as determined under all other provisions of this subsection is greater than one thousand four hundred, the increase in net enrollment shall be reduced so that the total does not exceed one thousand four hundred; and

(D) During the 2008-2009 interim period and every three interim periods thereafter, the Legislative Oversight Commission on Education Accountability shall review the

~~provisions of~~ this subdivision to determine whether or not ~~they~~ these provisions properly address the needs of counties with low enrollment and a sparse population density.

(j) "Sparse-density county" means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to subdivision (5), subsection (i) of this section, of the definition of "net enrollment", to the square miles of the county is less than five.

(k) "Low-density county" means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to subdivision (5), subsection (i) of this section, of the definition of "net enrollment", to the square miles of the county is equal to or greater than five but less than ten.

(l) "Medium-density county" means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to subdivision (5), subsection (i) of this section, of the definition of "net enrollment", to the square miles of the county is equal to or greater than ten but less than twenty.

(m) "High-density county" means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to subdivision (5), subsection (i) of this section, of the definition of "net enrollment", to the square miles of the county is equal to or greater than twenty.

(n) "Levies for general current expense purposes" means ~~ninety-four percent of the levy rate for county boards of education calculated or set by the Legislature pursuant to section six-f, article eight, chapter eleven of this code : *Provided, That beginning July 1, 2008, "levies for general current expense purposes" means ninety percent of the levy rate for county boards of education calculated or set by the Legislature pursuant to the provisions of section six-f, article eight, chapter eleven of this code: *Provided, however, That effective July 1, 2010, the definitions set forth in this subsection are subject to the provisions of section two-a of this article.**~~

(o) "Technology integration specialist" means a professional educator who has expertise in the technology field and is assigned as a resource teacher to provide information and guidance to classroom teachers on the integration of technology into the curriculum.

(p) "State aid eligible personnel" means all professional educators and service personnel employed by a county board in positions that are eligible to be funded under this article and whose salaries are not funded by a specific funding source such as a federal or state grant, donation, contribution or other specific funding source not listed.

~~§18-9A-2a. Definition of levies for general current expense purposes.~~

~~(a) For the purposes of this section only, "property" means only Classes II, III and IV properties exclusive of natural resources property as defined in section ten, article one-c, chapter eleven of this code, personal property, farmland, managed timberland, public utility property or any other centrally assessed property provided in paragraphs (A), (B),~~

~~(C) and (D), subdivision (2), subsection (a), section five, article one-c, chapter eleven of this code: *Provided*, That nothing in this subsection may be construed to require that levies for general current expense purposes be applied only to those properties that are included in this definition.~~

~~(b) For the purposes of this section only, the median ratio of the assessed values to actual selling prices in the assessment ratio study applicable to the immediately preceding fiscal year shall be used as the indicator to determine the percentage market value that properties are being assessed at.~~

~~(c) Notwithstanding any other provision of this section or section two of this article, effective July 1, 2013, for any county that is not assessing property at least at fifty-four percent of market value, "levies for general current expense purposes" means ninety-eight percent of the levy rate for county boards of education set by the Legislature pursuant to section six-f, article eight, chapter eleven of this code.~~

~~(d) Any county that receives additional state aid due to its using a percentage less than ninety-eight percent in the calculation of levies for general current expense purposes, shall report to the state board how the additional state aid was used. The state board shall compile the reports from all the county boards into a single report, and shall report to the Legislative Oversight Commission on Education Accountability how the county boards used this additional state aid. The report shall be made annually as soon as practical after the end of each fiscal year.~~

§18-9A-11. Computation of local share; appraisal and assessment of property; valuations for tax increment financing purposes; computations in growth counties; public library support.

(a) On the basis of each county's certificates of valuation as to all classes of property as determined and published by the assessors pursuant to section six, article three, chapter eleven of this code for the next ensuing fiscal year in reliance upon the assessed values annually developed by each county assessor pursuant to the provisions of articles one-c and three of ~~said~~ that chapter, the state board shall for each county compute by application of the levies for general current expense purposes, as defined in section two of this article, the amount of revenue which the levies would produce if levied upon one hundred percent of the assessed value of each of the several classes of property contained in the report or revised report of the value, made to it by the Tax Commissioner as follows:

(1) For each fiscal year beginning before July 1, 2014, the state board shall first take ninety-five percent of the amount ascertained by applying these rates to the total assessed public utility valuation in each classification of property in the county. For each fiscal year beginning after June 30, 2014, the state board shall first take ninety-six percent of the amount ascertained by applying these rates to the total assessed public utility valuation in each classification of property in the county; and

(2) For each fiscal year beginning before July 1, 2014, the state board shall then apply these rates to the assessed taxable value of other property in each classification in the

county as determined by the Tax Commissioner and shall deduct therefrom five percent as an allowance for the usual losses in collections due to discounts, exonerations, delinquencies and the like. For each fiscal year beginning after June 30, 2014, the state board shall then apply these rates to the assessed taxable value of other property in each classification in the county as determined by the Tax Commissioner and shall deduct therefrom four percent as an allowance for the usual losses in collections due to discounts, exonerations, delinquencies and the like. All of the amount so determined shall be added to the ninety-five or ninety-six percent, as applicable, of public utility taxes computed as provided in subdivision (1) of this subsection and this total shall be further reduced by the amount due each county assessor's office pursuant to ~~the provisions of~~ section eight, article one-c, chapter eleven of this code and this amount shall be the local share of the particular county.

As to any estimations or preliminary computations of local share required prior to the report to the Legislature by the Tax Commissioner, the state shall use the most recent projections or estimations that may be available from the Tax Department for that purpose.

~~(b) Effective the first day of July, two thousand thirteen, subsection (a) of this section is void and local share shall be calculated in accordance with the following: It is the intent of the Legislature that the computation of local share for public school support continue to be based upon actual real property values rather than assumed assessed real property values that are based upon an assessment ratio study, and that the annual amount of local share for which a county board of education is responsible continue to be computed without reference to whether the real property assessments in that county were at least fifty-four percent of market value in the prior year as indicated by the assessment ratio study. Accordingly, the effective date of the operation of this section as amended and reenacted during 2014, and the effective date of the operation of the repeal of section two-a of this article and the operation of the repeal of section five-b, article one-c, chapter eleven of this code, all as provided under this enactment, are expressly made retrospective to June 30, 2013.~~

~~(1) The state board shall for each county compute by application of the levies for general current expense purposes, as defined in sections two and two-a of this article, the amount of revenue which the levies would produce if levied upon one hundred percent of the assessed value calculated pursuant to section five-b, article one-c, chapter eleven of this code;~~

~~(2) Five percent shall be deducted from the revenue calculated pursuant to subdivision (1) of this subsection as an allowance for the usual losses in collections due to discounts, exonerations, delinquencies and the like; and~~

~~(3) The amount calculated in subdivision (2) of this subsection shall further be reduced by the sum of money due each assessor's office pursuant to the provisions of section eight, article one-c, chapter eleven of this code and this reduced amount shall be the local share of the particular county.~~

(c) Whenever in any year a county assessor or a county commission fails or refuses to comply with this section in setting the valuations of property for assessment purposes in any class or classes of property in the county, the State Tax Commissioner shall review the valuations for assessment purposes made by the county assessor and the county commission and shall direct the county assessor and the county commission to make corrections in the valuations as necessary so that they comply with the requirements of chapter eleven of this code and this section and the Tax Commissioner ~~shall~~ may enter the county and fix the assessments at the required ratios. Refusal of the assessor or the county commission to make the corrections constitutes grounds for removal from office.

(d) For the purposes of any computation made in accordance with ~~the provisions of this section, in any taxing unit in which tax increment financing is in effect pursuant to the provisions of article eleven-b, chapter seven of this code, the assessed value of a related private project shall be the base-assessed value as defined in section two of said article.~~

(e) For purposes of any computation made in accordance with ~~the provisions of this section, in any county where the county board of education has adopted a resolution choosing to use the provisions of the Growth County School Facilities Act set forth in section six-f, article eight, chapter eleven of this code, estimated school board revenues generated from application of the regular school board levy rate to new property values, as that term is designated in said section, may not be considered local share funds and shall be subtracted before the computations in subdivisions (1) and (2), subsection (a) of this section or in subdivisions (2) and (3), subsection (b) of this section, as applicable, are made.~~

(f) The Legislature finds that public school systems throughout the state provide support in varying degrees to public libraries through a variety of means including budgeted allocations, excess levy funds and portions of their regular school board levies ~~as may be provided by a special act.~~ A number of public libraries are situated on the campuses of public schools and several are within public school buildings serving both the students and public patrons. To the extent that public schools recognize and choose to avail the resources of public libraries toward developing within their students such legally recognized elements of a thorough and efficient education as literacy, interests in literature, knowledge of government and the world around them and preparation for advanced academic training, work and citizenship, public libraries serve a legitimate school purpose and may do so economically. ~~For the purposes of any computation made in accordance with the provisions of this section, the library funding obligation on the regular school board levies which is created by a special act and is due and payable from the levy revenues to a library shall be paid from the county school board's discretionary retainage, which is hereby defined as the amount by which the regular school board levies exceeds the local share as determined hereunder. If the library funding obligation which is created by a special act and is due and payable to a library is greater than the county school board's discretionary retainage, the library funding obligation created by the special act is amended and is reduced to the amount of the~~

~~discretionary retainage, notwithstanding any provisions of the special act to the contrary. Any excess of the discretionary retainage over the library funding obligation shall be available for expenditure by the county board in its discretion for its properly budgeted purposes. Therefore, county boards are encouraged to support public libraries within their counties.~~

~~(g) It is the intent of the Legislature that whenever a provision of subsection (f) of this section is contrary to any special act of the Legislature which has been or may in the future be enacted by the Legislature that creates a library funding obligation on the regular school board levy of a county, subsection (f) of this section controls over the special act. Specifically, the special acts which are subject to said subsection upon the enactment of this section during the two thousand seven regular session of the Legislature include:~~

~~(1) Enrolled Senate Bill No. 11, passed on the twelfth day of February, one thousand nine hundred seventy, applicable to the Berkeley County Board of Education;~~

~~(2) Enrolled House Bill No. 1352, passed on the seventh day of April, one thousand nine hundred eighty-one, applicable to the Hardy County Board of Education;~~

~~(3) Enrolled Committee Substitute for House Bill No. 2833, passed on the fourteenth day of March, one thousand nine hundred eighty-seven, applicable to the Harrison County Board of Education;~~

~~(4) Enrolled House Bill No. 161, passed on the sixth day of March, one thousand nine hundred fifty-seven, applicable to the Kanawha County Board of Education;~~

~~(5) Enrolled Senate Bill No. 313, passed on the twelfth day of March, one thousand nine hundred thirty-seven, as amended by Enrolled House Bill No. 1074, passed on the eighth day of March, one thousand nine hundred sixty-seven, and as amended by Enrolled House Bill No. 1195, passed on the eighteenth day of January, one thousand nine hundred eighty-two, applicable to the Ohio County Board of Education;~~

~~(6) Enrolled House Bill No. 938, passed on the twenty-eighth day of February, one thousand nine hundred sixty-nine, applicable to the Raleigh County Board of Education;~~

~~(7) Enrolled House Bill No. 398, passed on the first day of March, one thousand nine hundred thirty-five, applicable to the Tyler County Board of Education;~~

~~(8) Enrolled Committee Substitute for Senate Bill No. 450, passed on the eleventh day of March, one thousand nine hundred ninety-four, applicable to the Upshur County Board of Education; and~~

~~(9) Enrolled House Bill No. 2994, passed on the thirteenth day of March, one thousand nine hundred eighty-seven, applicable to the Wood County Board of Education.~~

~~(h) Notwithstanding any provision of any special act set forth in subsection (g) of this section to the contrary, the county board of any county with a special act creating a library obligation out of the county's regular school levy revenues may transfer that library obligation so that it becomes a continuing obligation of its excess levy revenues instead of an obligation of its regular school levy revenues, subject to the following:~~

~~(1) If a county board chooses to transfer the library obligation pursuant to this subsection, the library funding obligation shall remain an obligation of the regular school levy revenues until the fiscal year in which the excess levy is effective or would have been effective if it had been passed by the voters;~~

~~(2) If a county board chooses to transfer the library obligation pursuant to this subsection, the county board shall include the funding of the public library obligation in the same amount as its library funding obligation which exists or had existed on its regular levy revenues as one of the purposes for the excess levy to be voted on as a specifically described line item of the excess levy: *Provided*, That if the county board has transferred the library obligation to the excess levy and the excess levy fails to be passed by the voters or the excess levy passes and thereafter expires upon the time limit for continuation as set forth in section sixteen, article eight, chapter eleven of this code, then in any subsequent excess levy which the county board thereafter submits to the voters the library funding obligation again shall be included as one of the purposes of the subsequent excess levy as a specifically described line item of the excess levy;~~

~~(3) If a county board chooses to transfer the library obligation pursuant to this subsection, regardless of whether or not the excess levy passes, effective the fiscal year in which the excess levy is effective or would have been effective if it had been passed by the voters, a county's library obligation on its regular levy revenues is void notwithstanding any provision of the special acts set forth in subsection (g) of this section to the contrary; and~~

~~(4) Nothing in subdivision (3) of this subsection prohibits a county board from funding its public library obligation voluntarily.~~



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