WEST VIRGINIA CODE CHAPTER 18 ARTICLE 2

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§18-2-1. Creation; composition; appointment, qualifications, terms, and removal of members; offices.

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

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

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

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

Notwithstanding the provisions of §6-5-5 of this code, no person who has been convicted of an offense under the provisions of §61-8A-1 *et seq.*, §61-8B-1 *et seq.*, §61-8C-1 *et seq.*, and §61-8D-1 *et seq.* of this code in which the victim is a minor may hold office as a member of the state board.

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§18-2-2.

Repealed.

Acts, 1947, Reg. Sess., Ch. 72.

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§18-2-3. Meetings; compensation and expenses of members.

The state board shall hold at least six meetings in every year at such times and places as it may prescribe. It may meet at such other times as may be necessary, such meetings to be held upon its own resolution or at the call of the president of the state board. The members of the state board, other than the ex officio members of the board, shall be paid $100 per diem each day or any part thereof spent in the performance of their duties under this article, and shall be reimbursed for all reasonable and necessary expenses actually incurred incident to the performance of their duties. The State Superintendent of Schools, the chancellor of the board of trustees and the chancellor of the board of directors shall be reimbursed for such expenses, but shall not receive a per diem allowance. Upon presentation of itemized sworn statements, the per diem and reimbursement payments shall be made from appropriations made by the Legislature to the state board.

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§18-2-4. Organization; appointment, compensation and duties of secretary.

At its first regular meeting in every year the state board shall elect one of its members as president, who may serve an unlimited number of terms, but no more than two consecutive terms, and one as vice president of the board. The state superintendent shall be the chief executive officer of the state board and, subject to its direction, shall execute its policies.

The state board shall appoint a secretary and fix the secretary's salary to be paid out of the general school fund upon warrants drawn by the state superintendent. The secretary shall keep a record of the proceedings of the state board and shall perform such other duties as it may prescribe.

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§18-2-5. Powers and duties generally; specific powers and duties for alternatives that improve student learning.

(a) Subject to and in conformity with the Constitution and laws of this state, the State Board of Education shall exercise general supervision of the public schools of the state, and shall promulgate rules in accordance with the provisions of article three-b, chapter twenty-nine-a of this code for carrying into effect the laws and policies of the state relating to education. The rules shall relate to the following:

(1) Standards for performance and measures of accountability;

(2) Physical welfare of students;

(3) Education of all children of school age;

(4) School attendance;

(5) Evening and continuation or part-time day schools;

(6) School extension work;

(7) Classification of schools;

(8) Issuing certificates based upon credentials;

(9) Distribution and care of instructional resources by county boards;

(10) General powers and duties of county boards, teachers, principals, supervisors and superintendents; and

(11) Such other matters pertaining to the public schools of the state as the state board considers necessary and expedient.

(b) The state board, in exercising its constitutional responsibility for the general supervision of public schools, must do so as provided by general law. Included within the general law is the process for improving education which has been recognized by the court as the method chosen by the Legislature to measure whether a thorough and efficient education is being provided. The court further recognized that the resulting student learning is the ultimate measure of a thorough education and that it must be achieved in an efficient manner. To achieve this result, the state board must have reasonable discretion to balance the local autonomy and flexibility needed by schools to deliver a thorough and efficient education with the letter of the laws as enacted for school operations.

(c) The purpose of this subsection is to authorize the state board to approve alternatives to the letter of the laws enacted for school operations in the areas enumerated in this subsection. The state board may approve such alternatives as proposed by a county board or

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school if, in the sole judgment of the state board, the alternatives meet the spirit and intent of the applicable statutes and are intended solely to optimize student learning.

(1) The Legislature finds that alternatives are warranted and may be approved by the state board on a case-by-case basis when a county board submits to the state board a comprehensive plan for optimizing student learning that:

(A) Achieves the spirit and intent of the laws for an instructional term that provide the instructional time necessary for students to meet or exceed the high quality standards for student performance adopted by the state board;

(B) Ensures sufficient time within the instructional term to promote the improvement of instruction and instructional practices;

(C) Incorporates a school calendar approved in accordance with the approval process required by section forty-five, article five of this chapter;

(D) Allows for school-level determination of alternatives affecting time within the school day that preserve the spirit and intent of providing teachers with: (i) Sufficient planning time to develop engaging, differentiated instruction for all students in all classes, which includes at least forty minutes in length for the elementary level and as required by section fourteen, article four, chapter eighteen-a of this code for the secondary level; and (ii) Collaborative time for teachers to undertake and sustain instructional improvement. This determination may be made only in the form of a school policy that is part of the school's strategic improvement plan and is approved by a vote of the faculty senate; and

(E) Has the sole purpose of improving student learning and that improvement is evident within a reasonable period.

(2) The Legislature makes the following findings for consideration by the state board with respect to optimizing student learning:

(A) Maximizing learning time is a critical factor needed to improve student learning and requires multiple strategies and policies that support great teaching and learning;

(B) Learning time is that portion of instructional time in the school day during which a student is paying attention and receiving instruction that is appropriately leveled, and learning is taking place. Learning time must not be assumed to be the time that a student is seated at a desk, but may be achieved through a variety of methods that actively engage students in learning;

(C) A student's time engaged in learning is maximized when the student is allowed to progress and acquire competency at a pace which challenges his or her interest and intellect while receiving guidance and assistance when needed. Instructional strategies to help personalize student learning in this manner are frequently assisted by technology;

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(D) Providing teachers with the resources and support needed to engage students in meaningful, appropriately leveled learning for as much time as is possible during the school day may be as important as facilities, equipment and staff development for maximizing learning time and improving student learning;

(E) Successful schools are distinguishable from unsuccessful schools by the frequency and extent to which teachers discuss professional practices, collectively design materials and inform and critique one another;

(F) Even successful schools must be self-renewing systems and learning organizations marked by deliberate effort to identify helpful knowledge and spread its use within the organization;

(G) Unless teachers are collectively involved in planning and implementing school improvement, it is unlikely to be sustained; and

(H) Given sufficient control over their own programs and supportive district leadership and policies, schools themselves may best be suited to determine the variety of methods through which time during the school day is allocated for teachers to plan individually and collectively to maximize learning time. Examples of methods used by successful schools include, but are not limited to, scheduling, using special subject teachers and guest presenters, dedicating time set aside for staff development, implementing alternative staff utilization patterns, providing opportunities for administrators to teach, and utilizing accrued instructional time.

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

The State Board of Education shall file 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.

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§18-2-5b. Medicaid-eligible children; school health services advisory committee.

(a) The state board shall:

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

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

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

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

(1) The number and age of children eligible for Medicaid;

(2) The number and age of children with Medicaid coverage;

(3) The types of Medicaid-eligible services provided;

(4) The frequency of services provided;

(5) The Medicaid dollars reimbursed; and

(6) Any problems encountered in the implementation of this system.

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

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

(1) The person within the Department of Education responsible for coordinating the

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provision of and billing for school-based Medicaid services in schools throughout the state, who shall provide secretarial, administrative, and technical support to the advisory committee;

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

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

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

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

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

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

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

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§18-2-5c. Birth certificate required upon admission to public school; required notice to local law-enforcement agency of missing children.

(a) No pupil shall be admitted for the first time to any public school in this state unless the person enrolling the pupil presents a copy of the pupil's original birth record certified by the state registrar of vital statistics confirming the pupil's identity, age, and state file number of the original birth record. If a certified copy of the pupil's birth record cannot be obtained, the person so enrolling the pupil shall submit an affidavit explaining the inability to produce a certified copy of the birth record: Provided, That if any person submitting such affidavit is in U.S. military service and is in transit due to military orders, a three-week extension shall be granted to such person for providing the birth records.

(b) Upon the failure of any person enrolling a pupil to furnish a certified copy of the pupil's birth record in conformance with subsection (a) above, the principal of the school in which the pupil is being enrolled or his designee shall immediately notify the local law-enforcement agency. The notice to the local law-enforcement agency shall include copies of the submitted proof of the pupil's identity and age and the affidavit explaining the inability to produce a certified copy of the birth record.

(c) Within fourteen days after enrolling a transferred pupil, the principal of the school in which the pupil has been enrolled or his designee shall request that the principal or his designee of the school in which the pupil was previously enrolled transfer a certified copy of the pupil's birth record.

(d) Principals and their designees shall be immune from any civil or criminal liability in connection with any notice to a local law-enforcement agency of a pupil lacking a birth certificate or failure to give such notice as required by this section.

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§18-2-5d. Duty of board to report guidelines for productive and safe schools.

[Repealed.]

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§18-2-5e. Higher education participation in development and use of public education assessments.

(a) It is the duty of the state board to consult with the duly selected representatives of public higher education appointed pursuant to subsection (b) of this section and to make full use of their expertise when developing assessment instruments to be administered in the public schools. Among other things, the higher education representatives shall assist the state board in assuring that assessment instruments provide meaningful data to be used by higher education pursuant to subsection (c) of this section.

(b) The chancellor of the Higher Education Policy Commission shall appoint appropriate representatives from the system of public higher education to participate in the development of any assessment instruments required by rules of the state board to be administered in grades nine through twelve of the public schools of this state. It is the responsibility of these higher education representatives to assist the state board in developing assessments that test the knowledge and skills needed for success in postsecondary education.

(c) Not later than the school year beginning in two thousand five, the Higher Education Policy Commission shall require that each institution's compact, as set forth in section two, article one-b, chapter eighteen-b of this code, includes provisions for incorporating the data generated by public education assessments into their decision making processes. The use of the data may include, but is not limited to, consideration as a factor in admission to postsecondary education, college placement, or determinations of necessity for remedial course work.

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§18-2-5f. Use of student social security numbers.

(a) Restrictions on use of student social security numbers. -- No public or private elementary or secondary school or college or university shall display any student's social security number to identify students for posting or public listing of grades, on class rosters or other lists provided to teachers, on student identification cards, in student directories or similar listings, or, unless specifically authorized or required by law, for any public identification purpose: Provided, That any student identification cards, directories or similar listings produced prior to July 1, 2002 shall not be subject to the provisions of this section.

(b) Use of social security numbers. -- Nothing in this section shall be construed as prohibiting the Higher Education Policy Commission, state institutions of higher education, state Board of Education, county boards of education or the public or private schools from using a student's social security number for internal record keeping purposes or studies.

(c) Social security number or alternative required for enrollment or attendance in public school. --

(1) Effective on July 1, 2003, the appropriate county board shall request the parent, guardian, or other responsible person to furnish the social security number of each child who is currently enrolled in a public school under the jurisdiction of the county board.

(2) Prior to admitting a child to a public school in this state, the appropriate county board shall request the parent, guardian, or other responsible person to furnish the social security number for each child who is to be enrolled after July 1, 2003.

(3) The county board shall inform the parent, guardian or other responsible person that, if he or she declines to provide a social security number for a child who is currently enrolled or for a child to be enrolled, the county board shall assign to the child a nine-digit number as designated by the state board.

(4) For any student who is attending a public school and for whom a social security number has not been provided, the county board shall make a request annually to the parent, guardian, or other responsible person to furnish the social security number.

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§18-2-5g

Repealed.

Acts, 2016 Reg. Sess., Ch. 88

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§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 "nongraduate," 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

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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

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(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 confidential student information or redacted data that is confidential under this section to any federal, state or local agency or other person or entity, 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, student or redacted data, 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;

(G) A federal agency is performing a compliance review; or

(H) In the event that the ACT or the SAT tests are adopted for use as the state summative assessment, nothing in this article prevents the ACT or the College Board from using a student's assessment results and necessary directory or other permissible information under this Act. If information classified as confidential is required, the ACT, SAT or College Board shall obtain affirmative written consent from the student if the student is eighteen years of

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age or older, or from the student's parent or guardian if the student is under eighteen years of age. The consent shall contain a detailed list of confidential information required and the purpose of its requirement.

(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

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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,

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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.

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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.

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§18-2-6. Classification and standardization of schools; standards for degrees and diplomas; certificates of proficiency; establishment of alternative education programs.

(a) The state board shall promulgate rules for the accreditation, classification, and standardization of all schools in the state, except institutions of higher education, and shall determine the minimum standards for granting diplomas, advanced certifications, and certificates of proficiency by those schools.

(1) The certificates of proficiency shall include specific information regarding the graduate's skills, competence, and readiness for employment, or honors and advanced education and shall be granted, along with the diploma, to every eligible high school graduate.

(2) The certificate of proficiency shall include the program of study major completed by the student only for those students who have completed the required major courses, or higher level courses, advanced placement courses, college courses, or other more rigorous substitutes related to the major, and the recommended electives.

(3) Students who have completed a secondary education program in a public, private, or home school and have continued to be enrolled in a program leading to an advanced certification or an advanced career education program shall be considered adults enrolled in regular secondary programs in accordance with §18-9A-2(i) of this code: Provided, That the State Superintendent of Schools, the Chancellor for the Council for Community and Technical College Education, the Chancellor of the Higher Education Policy Commission, and the Secretary of the Department of Commerce may designate additional programs that provide valuable workplace credentials and students enrolled in such programs shall also be considered adults enrolled in regular secondary programs in accordance with §18-9A-2(i) of this code.

(b) An institution of less than collegiate or university status may not grant any diploma or certificate of proficiency on any basis of work or merit below the minimum standards prescribed by the state board.

(c) A charter or other instrument containing the right to issue diplomas or certificates of proficiency may not be granted by the State of West Virginia to any institution or other associations or organizations of less than collegiate or university status within the state until the condition of granting or issuing the diplomas or other certificates of proficiency has first been approved in writing by the state board.

(d) The state board shall promulgate a rule for the approval of alternative education programs for disruptive students who are at risk of not succeeding in the traditional school structure.

(1) This rule may provide for the waiver of other policies of the state board, the establishment and delivery of a nontraditional curriculum, the establishment of licensure

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requirements for alternative education program teachers, and the establishment of performance measures for school accreditation.

(2) This rule shall provide uniform definitions of disruptive student behavior and uniform standards for the placement of students in alternative settings or providing other interventions including referrals to local juvenile courts to correct student behavior so that they can return to a regular classroom without engaging in further disruptive behavior.

(e) The state board shall establish up to five pilot projects at the elementary or middle school levels, or both, that employ alternative schools or other placements for disruptive students to learn appropriate behaviors so they can return to the regular classroom without further disrupting the learning environment. The state board shall report to the Legislative Oversight Commission on Education Accountability by December 1, 2010, on its progress in establishing the pilot projects and by December 1 in each year after that for the duration of the pilot projects on the effect of the projects on maintaining student discipline.

(f) If a student attends an approved alternative education program or the Mountaineer Challenge Academy, which is designated as a special alternative education program pursuant to §15-1B-24 of this code, and the student graduates or passes the high school equivalency tests within five years of beginning ninth grade, that student shall be considered graduated for the purposes of calculating the high school graduation rate used for school accreditation and school system approval, subject to the following:

(1) The student shall be considered graduated only to the extent that this is not in conflict with any provision of federal law relating to graduation rates;

(2) If the state board determines that this is in conflict with a provision of federal law relating to graduation rates, the state board shall request a waiver from the United States Department of Education; and

(3) If the waiver is granted, notwithstanding the provisions of §18-2-6(f)(1) of this code, the student graduating or passing the high school equivalency tests within five years shall be considered graduated.

(g) The state board shall promulgate a rule to support the operation of the National Guard Youth Challenge Program operated by the Adjutant General and known as the Mountaineer Challenge Academy which is designated as a special alternative education program pursuant to §15-1B-24 of this code for students who are at risk of not succeeding in the traditional school structure. The rule shall set forth policies and procedures applicable only to the Mountaineer Challenge Academy that provide for, but are not limited to, the following:

(1) Implementation of provisions set forth in §15-1B-24 of this code;

(2) Precedence of the policies and procedures designated by the National Guard Bureau for the operation of the Mountaineer Challenge Academy special alternative education program;

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(3) Consideration of a student participating in the Mountaineer Challenge Academy special alternative education program at full enrollment status in the referring county for the purposes of funding and calculating attendance and graduation rates, subject to the following:

(A) The student shall be considered at full enrollment status only for the purposes of calculating attendance and graduation rates to the extent that this is not in conflict with any provision of federal law relating to attendance or graduation rates;

(B) If the state board determines that this is in conflict with a provision of federal law relating to attendance or graduation rates, the state board shall request a waiver from the United States Department of Education;

(C) If the waiver is granted, notwithstanding the provisions of §18-2-6(g)(3)(A) of this code, the student shall be considered at full enrollment status in the referring county for the purposes of calculating attendance and graduation rates; and

(D) Consideration of the student at full enrollment status in the referring county is for the purposes of funding and calculating attendance and graduation rates only. For any other purpose, a student participating in the academy is considered withdrawn from the public school system;

(4) Articulation of the knowledge, skills, and competencies gained through alternative education so that students who return to regular education may proceed toward attainment or may attain the standards for graduation without duplication;

(5) Consideration of eligibility to take the high school equivalency tests by qualifying within the extraordinary circumstances provisions established by state board rule for a student participating in the Mountaineer Challenge Academy special alternative education program who does not meet any other criteria for eligibility; and

(6) Payment of tuition by a county board to the Mountaineer Challenge Academy for each student graduating from the academy with a high school diploma that resides in that county board’s school district. For purposes of this subdivision, "tuition" means an amount equal to 75 percent of the amount allotted per pupil under the school aid formula.

(h) Nothing in this section or the rules promulgated under this section compels the Mountaineer Challenge Academy to be operated as a special alternative education program or to be subject to any other laws governing the public schools except by its consent.

(i) The Legislature makes the following findings regarding students at risk:

(1) Defeated and discouraged learners. —

(A) Any child who is unlikely to graduate on schedule with both the skills and self-esteem necessary to exercise meaningful options in the areas of work, leisure, culture, civic affairs,

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and personal relationships may be defined as being an at-risk student;

(B) Problems associated with students at risk often begin for them in the early grades as they gradually fall further behind in the essential skills of reading, writing, and math;

(C) These problems may be accompanied by such behavior patterns as poor attendance, inattentiveness, negative attitudes, and acting out in class. These patterns are both symptoms of and added catalysts for students to become increasingly defeated and discouraged learners;

(D) By the middle grades, students with growing skill deficits usually know they are behind other students and have good reason to feel discouraged. A growing lack of self-confidence and self-worth, limited optimism for the future, avoidance of school and adults, and a dimming view of the relationship between effort and achievement are among the characteristics of defeated and discouraged learners;

(E) Public schools are expected to address the needs of all students, minimizing the likelihood that they will become at risk and giving additional attention to those who do; however, the circumstances involved with a becoming at risk often are complex and may include influences both within and outside of the school environment; and

(F) In fragile homes, a child who is at risk and is becoming a discouraged and defeated learner often lacks adequate support and may develop peer relationships that further exacerbate the difficulty of reengaging him or her in learning, school, and responsible social behavior.

(2) The Legislature further finds that the public schools should not be deterred from seeking and assisting with enrollment of students in an alternative program that helps remedy the discouragement, lessens skill deficits, and facilitates a successful return to public school.

(j) For this purpose, subject to approval of the county superintendent, a student enrolled in the public schools of the county may continue to be enrolled while also enrolled in an alternative program subject to the following conditions:

(1) The alternative program is approved by the state board;

(2) The student meets the general description of an at-risk student and exhibits behaviors and characteristics associated with a discouraged and defeated learner;

(3) The alternative program complies with all requests of the county superintendent for information on the educational program and progress of the student;

(4) The alternative program includes a family involvement component in its program. This component shall include, but is not limited to, providing for student and parent participation in activities that help address the challenging issues that have hindered the student's engagement and progress in learning;

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(5) The alternative program includes an on-site boarding option for students;

(6) The alternative program provides an individualized education program for students that is designed to prepare them for a successful transition back into the public schools; and

(7) The parents or legal guardian of the student make application for enrollment of the student in the alternative program, agree to the terms and conditions for enrollment, and enroll the student in the program.

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§18-2-6a. Sale of healthy beverages and soft drinks in schools.

(a) In order to generate funding for necessary programs and supplies, county boards may permit the sale of healthy beverages and soft drinks in county schools except during breakfast and lunch periods as follows:

(1) During a school day, soft drinks may not be sold in areas accessible to students in an elementary school, middle school or junior high school through vending machines on the premises, in school stores or in school canteens or through fund raisers by students, teachers, groups or by any other means. In elementary, middle school or junior high school, only healthy beverages may be sold in vending machines on the premises, in school canteens or through fund raisers by students, teachers, groups or by any other means. Nothing in this section shall be construed to prohibit or limit sale or distribution of any food or beverage item through fund-raising activities of students, teachers or educational groups when the items are intended for sale off the school grounds.(2) Those high schools which permit the sale of soft drinks through vending machines also shall offer for sale healthy beverages. Of the total beverages offered for sale, at least fifty percent shall be healthy beverages. Vending machines containing healthy beverages shall be in the same location or substantially similar location as vending machines containing soft drinks.

(3) The sale of healthy beverages and soft drinks shall be in compliance with the rules of the National School Lunch Program and the School Breakfast Program of the state Board and the Nutrition Service of the United States Department of Agriculture, which became effective on June 17, 1985. Seventy-five percent of the profits from the sale of healthy beverages and soft drinks shall be allocated by a majority vote of the faculty Senate of each school and twenty-five percent of the profits from the sale of healthy beverages and soft drinks shall be allocated to the purchase of necessary supplies by the principal of the school.

(b) For the purposes of this section:

(1) "School day" means the period of time between the arrival of the first student at the school building and the end of the last instructional period; and

(2) "Healthy beverage" means water, one hundred percent fruit and vegetable juice, low-fat milk and other juice beverages with a minimum of twenty percent real juice.

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§18-2-6b. General Educational Development (GED) diploma; legislative findings and intent; examination costs; testing materials and procedures; report required.

(a) The Legislature makes the following findings related to the General Educational Development (GED) examination:

(1) The GED examination is an instrument for success that can keep a student from dropping out of school and can transform the future for both school age and adult individuals who attain a GED diploma. One in every seven Americans with a high school credential has received the GED, as well as one in every twenty college students. For those who have not graduated from high school, attaining a GED diploma greatly increases their employment opportunities and earning potential.

(2) While West Virginia's average per-capita income has increased over the past ten years as the state's economy has held steady or grown slightly, most other states have shown declines. Despite these positive changes, West Virginia still ranks as one of the five poorest states in the nation. Additionally, many counties within the state fall far below the state average; therefore, the current cost of the GED examination is difficult for many citizens to afford without help, and significant cost increases will make the GED examination cost prohibitive.

(3) In addition to the cost factor, large areas of West Virginia are without broadband Internet access or without adequate broadband Internet access speeds, which results in diminished opportunities for rural residents to participate in the rapidly unfolding digital revolution compared to their nonrural neighbors. Citizens living in these areas have few opportunities to become adept in computer technology. Therefore, most such citizens, especially adults seeking to earn a GED years after leaving the public school system, are not proficient or even comfortable using the Internet.

(4) Individuals who may benefit most from earning a GED diploma are those who lack many of the skills needed to secure employment or to function successfully in an age dependent upon technology. Because such individuals also lack the financial resources to obtain those needed skills, if the GED is unattainable they are likely to remain in a state of poverty.

(b) It is the intent of the Legislature to make the GED diploma available to the widest possible range of state residents who have not achieved a high school diploma. To that end, an examination of the following issues is required:

(1) The impact on prospective GED test takers of the proposed changes in the design and delivery of the qualifying examination made by the American Council on Education (ACE) in 2011;

(2) The impact of the increase in costs per individual tested; and

(3) The alternatives available to reduce costs and to retain the option of pen and paper

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testing for those who desire it.

(c) The State Board shall perform an exhaustive study of the issues surrounding administration of the GED examination in the state including, but not limited to, the following:

(1) Analysis of research, pilot testing, or both, that was done in West Virginia by the American Council on Education prior to its decision to eliminate pen and paper examinations, along with the justifications offered for eliminating this type of examination as a possible option;

(2) Determination of the current and future costs to the state to provide GED examinations free of charge to eligible individuals; and

(3) Recommendations for statutory or rule changes to achieve the following goals:

(A) Reducing or controlling escalating costs of administering the GED examinations; and

(B) Retaining paper and pen testing for those individuals who request or require it; or

(C) Eliminating or reducing significantly the difficulty for individuals who are not comfortable or proficient in taking online examinations.

(d) The State Board shall complete its work and report its findings, conclusions and recommendations, together with drafts of any legislation or rule changes necessary to effectuate the recommendations, to the Legislative Oversight Commission on Education Accountability no later than July 1, 2012.

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§18-2-6c.

Repealed.

Acts, 1990 3rd. Ex. Sess., Ch. 4.

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§18-2-7. Courses of study; language of instruction.

The state Board of Education shall prescribe minimum standards in the courses of study to be offered in elementary schools, high schools, vocational schools and in all other kinds, grades and classes of schools or departments thereof, which may now or hereafter be maintained in the state, in whole or in part, from any state fund or funds: Provided, That the courses of study in the public schools in the state shall be prepared by the faculties, teachers or other constituted authority thereof, and shall, before going into effect, be submitted to the state Board of Education for its approval. The basic language of instruction in all schools, public, private and parochial, shall be the English language only. The state board shall not adopt any policies or rules which set out time requirements within the instructional day for instruction in kindergarten through fourth grade.

The state Board of Education shall accept American sign language as a credited course of study in a foreign language in elementary schools, high schools, vocational schools and in all other kinds, grades and classes of schools or departments thereof: Provided, That nothing in this section shall be construed to require the provision of instruction in American sign language that is not otherwise required by state or federal statute or regulation: Provided, however, That on or before January 6, 1995, the state board shall provide to the Governor and to the President of the Senate and the Speaker of the House of Delegates a plan for teaching American sign language in public schools, which plan shall include the form and manner proposed by the state board for implementation of the teaching of American sign language in the schools, the time frame for implementation and the projected cost of the implementation.

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§18-2-7a. Legislative findings; required physical education; program in physical fitness.

(a) The Legislature finds that obesity is a problem of epidemic proportions in this state. There is increasing evidence that all segments of the population, beginning with children, are becoming more sedentary, more overweight and more likely to develop health risks and diseases including Type II Diabetes, high blood cholesterol and high blood pressure. The Legislature further finds that the promotion of physical activity during the school day for school children is a crucial step in combating this growing epidemic and in changing the attitudes and behavior of the residents of this state toward health promoting physical activity.

(b) As a result of these findings, the State Department of Education shall establish the requirement that each child enrolled in the public schools of this state actively participates in physical education classes during the school year to the level of his or her ability as follows:

(1) *Elementary school grades.* –- Not less than 30 minutes of physical education, including physical exercise and age-appropriate physical activities, for not less than three days a week.

(2) *Middle school grades.* –- Not less than one full period of physical education, including physical exercise and age-appropriate physical activities, each school day of one semester of the school year.

(3) *High school grades.* –- Not less than one full course credit of physical education, including physical exercise and age-appropriate physical activities, which shall be required for graduation and the opportunity to enroll in an elective lifetime physical education course.

(c) In providing a physical education curriculum, a school employee may not restrict participation in:

(1) Recess or other physical activity offered as part of the school's physical education curriculum for a student enrolled in kindergarten or in a grade level below grade six as a penalty for the student's academic performance or behavior; or

(2) Physical activity offered as part of the school's physical education curriculum for a student enrolled in grade level six, seven, or eight as a penalty for the student's academic performance or behavior.

(d) The Office of Healthy Lifestyles shall coordinate with the West Virginia Department of Education, to help develop and implement initiatives to improve the physical fitness of students in West Virginia under §16-67-5 and §16-67-7 of this code.

(1) Research viability of programs such as:

(A) Develop a plan utilizing existing facilities, if available, to implement a mile trail

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surrounding the high schools or school grounds that would be open for the communities use to encourage participation in this fitness initiative.

(B) Implementing a school fitness month; that provides learning opportunities to students on maintaining their physical health.

(2) Providing the outcomes of all programs developed under this section to the Office of Healthy Lifestyles to include in the annual report to the Legislative Oversight Committee on Health and Human Resources Accountability under §16-67-5 of this code.

(e) Enrollment in physical education classes and activities required by the provisions of this section shall not exceed, and shall be consistent with, state guidelines for enrollment in all other subjects and classes: *Provided*, That schools which do not currently have the number of certified physical education teachers, do not currently have the required physical setting or would have to significantly alter academic offerings to meet the physical education requirements may develop alternate programs that will enable current staff, physical settings and offerings to be used to meet the physical education requirements established herein. These alternate programs shall be submitted to the state Department of Education and the Healthy Lifestyle Council for approval. Those schools needing to develop alternate programs shall not be required to implement this program until the school year commencing two thousand six.

(f) The state board shall prescribe a program within the existing health and physical education program which incorporates fitness testing, reporting, recognition, fitness events and incentive programs which requires the participation in grades four through eight and the required high school course. The state board shall adopt the Presidential Fitness Test as part of this program and ensure it is administered and operated in accordance with the guidance of the President's Council on Sports, Fitness, and Nutrition. For any areas of testing and preparation not addressed by the Presidential Fitness Test and the President's Council on Sports, Fitness, and Nutrition, those areas of the program shall be selected from nationally accepted fitness testing programs designed for school-aged children that test cardiovascular fitness, muscular strength and endurance, flexibility and body composition. The program shall include modified tests for exceptional students. Each school in the state shall participate in National Physical Fitness and Sports Month in May of each year and shall make every effort to involve the community it serves in the related events.

(g) The state board shall promulgate a rule in accordance with the provisions article three-b, chapter twenty-nine-a of this code that includes at least the following provisions to provide for the collection, reporting and use of body mass index data in the public schools:

(1) The data shall be collected using the appropriate methodology for assessing the body mass index from student height and weight data;

(2) The data shall be collected on a scientifically drawn sample of students;

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(3) The data shall be collected and reported in a manner that protects student confidentiality;

(4) The data shall be reported to the Department of Education; and

(5) All body mass index data shall be reported in aggregate to the Governor, the West Virginia Board of Education, the Office for Healthy Lifestyles, and the Legislative Oversight Commission on Health and Human Resources Accountability for use as an indicator of progress toward promoting healthy lifestyles among school-aged children.

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§18-2-7b. Programs in drug prevention and violence reduction.

(a) In order for the schools to become healthy learning environments and to provide a strong defense against drug use and violence, the State Board of Education shall prescribe programs within the existing health and physical education program which teach resistance and life skills to counteract societal and peer pressure to use drugs, alcohol, and tobacco, and shall include counselors, teachers, and staff in full implementation of the program. The board shall also prescribe programs to coordinate violence reduction efforts in schools and between schools and their communities and to train students, teachers, counselors, and staff in conflict resolution skills. The program shall be comprehensive, interdisciplinary, and shall begin in elementary school.

(b) No later than the start of the 2018-2019 school year, a county board shall implement comprehensive drug awareness and prevention programs for students in grades K through 12 to receive instruction regarding the dangers of substance abuse. The purpose of the drug awareness and prevention program is to:

(1) Keep students from illegally using alcohol, tobacco, or other drugs;

(2) Reduce or eliminate the incidence and prevalence of student's alcohol, tobacco, and other drug abuse;

(3) Reduce the factors that place students at risk of abusing alcohol, tobacco, or other drugs through school and a community-based planning processes;

(4) Contribute to the development of school environments and alternative activities that are alcohol, tobacco, and drug-free;

(5) Increase the knowledge and skills of students, staff, and community members for avoiding the harmful effects of alcohol, tobacco, and drug use, and of blood borne pathogens;

(6) Actively involve staff, students, parents, and community members in the development and implementation of the drug awareness and prevention program plans;

(7) Facilitate an understanding and appreciation of the risks to, duties of, and likely actions by law-enforcement officers when conducting investigations; and

(8) Instruct how to respond to an officer during a vehicular or other stop or police interaction, including problematic or dangerous action and behaviors that could result in a person being detained or arrested.

(c) The county board shall coordinate the delivery of instruction to meet the purposes of subsection (b) of this section with educators, drug rehabilitation specialists, and law-enforcement agencies to periodically provide age appropriate student education on their experiences with the impacts of illegal alcohol and drug use.

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(d) Beginning with the 2018-2019 school year, instruction required pursuant to §18-2-9 of this code in the subject of health education in any of the grades six through 12 as considered appropriate by the county board shall include at least 60 minutes of instruction for each student on the dangers of opioid use, the additive characteristics of opioids, and safer alternatives to treat pain.

(e) Beginning with the 2020-2021 school year, comprehensive drug awareness and prevention programs for students in grades K through 12 may include faith-based electives, along with nonfaith-based electives, for drug awareness in classrooms. The state board shall promulgate a rule on how the faith-based electives can be offered in a way that is consistent with constitutional requirements.

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

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

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

(c) Beginning with the class of students entering 9th grade in the 2024-2025 school year and thereafter, each high school student shall complete one-half credit course of study in personal finance during their 8th, 9th, 10th, 11th, or 12th grade year as a requirement for high school graduation. The expansion of the grade levels to the 8th, 9th, and 10th grade during the 2025 regular session of the Legislature applies retroactively so that a student who has taken the finance course during the 8th, 9th, or 10th grade year prior to the effective date of the expansion satisfies the personal finance course graduation requirement of this subsection. The State Board of Education shall develop and issue implementation guidance to local school boards and other education agencies as to curriculum, content matter standards, eligible teacher certification(s), and graduation requirements the course may fulfill before July 1, 2024.

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

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§18-2-7d. Program in workforce preparedness.

(a) The Legislature finds that, in addition to specialized skills relating to specific professions and trades, students will be better prepared to enter the workforce and succeed in their chosen fields of employment or education by having the opportunity to participate in training related to general workforce preparedness, productive workplace skills and processes, time management and efficiency, and teamwork and leadership competencies in the workplace. The Legislature further finds that employers in the state are the best source for articulating the general skills and attributes they, in common, seek in future employees and that employers may collaborate in the development of a graduate profile incorporating these skills and attributes.

(b) The state board shall promulgate a rule pursuant to §29A-3B-1 *et seq.* of this code that adopts a program of instruction in general workforce and career preparedness for all students. The program of instruction shall include guidelines for schools working through their local school improvement councils and business partners to communicate to students the knowledge, college and career skills and life characteristics needed for success in occupations and entrepreneurship in the changing world of work. At the middle school level, the program may be integrated with comprehensive career exploration which also may include, but is not limited to, Career Technical Education foundational courses, stand-alone Career Exploration courses and mini courses, field trips, guest speakers, and career mentors as provided in the state board rule.

(c) Beginning with the school year 2022 — 2023, county boards of education shall provide elective Career Technical Education courses for middle school students that may include, but are not limited to, foundational Career Technical Education courses, Career Technical Education courses developed with a focus on high need occupational areas within the area or region, agriculture, industrial arts and family and consumer sciences.

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§18-2-7e. Business and community partnerships for improving student engagement and preparation; roles of school district leadership and local school improvement councils; future-ready graduate profile.

(a) The purpose of this section is to complement the delivery of programs in workforce preparation set forth in §18-2-7d of this code by providing a framework for schools, school systems, and communities to:

(1) Engage their local stakeholders in developing a shared vision of the knowledge, college, and career skills, and life characteristics that a future-ready graduate of their school system will need for success in occupations and entrepreneurship in the changing world of work;

(2) Build strategic partnerships that instill within students an awareness of the changing world of work, build an appreciation of the relevancy of academic subject matter for future success, nurture the whole child, and promote student acquisition of the knowledge, skills, and characteristics needed for success; and

(3) Provide an opportunity for students to gain valuable experience and skills in a workplace environment while still exploring their interests and abilities.

(b) A county board may establish a diverse stakeholder working group which may include, but is not limited, to educators from both public and higher education, businesses and business organizations, associations and authorities, families, students, community leaders, and any other stakeholders they may choose. Working with the school system leadership, the purpose of the stakeholder working group is to assist in the development of a succinct profile of a future-ready graduate of the school system containing the knowledge, college and career skills, and life characteristics that they agree are needed for success in occupations and entrepreneurship in the changing world of work. The school system leadership may include the stakeholders in creating visibility and support for their unique, shared vision of a future-ready graduate and in setting the stage for planning and action steps that may be necessary to prepare future-ready graduates. The school system leadership may engage external champions who are committed to the shared vision of a future-ready graduate to help generate community awareness and support for the project and to build strategic partnerships for program implementation. The action steps should include clearly articulating the profile of the future-ready graduate to participating schools, parents and the community, nurturing the whole child, and beginning the development of foundational knowledge, skills, and characteristics beginning in the early years of school, and establishing multiple paths toward college and career readiness for students that include internships, externships, and credentialing.

(c) Local school improvement councils can play a key role in the implementation of programs at the age appropriate grade levels by engaging the school's business and community partners, including two-year and four-year institutions of higher education, to help develop

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within students an awareness of the changing world of work and an appreciation of the relevancy of academic subject matter for success in various occupations and entrepreneurship. This may include, but is not limited to, presentations by guest speakers, demonstrations, hands-on creative projects, virtual or on-site visits to work places, and internships, externships, and credentialing appropriate for the grade levels of the school to reinforce the competencies students will need for success. Local school improvement councils may exercise their authority pursuant to §18-5A-3 of this code to seek waivers from rules, policies, interpretations, and statutes for plan implementation.

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§18-2-7f. Alternative educational opportunities for elective course credit.

(a) The Legislature finds and declares that:

(1) Programs outside of the traditional classroom have educational value;

(2) Many entities, including, but not limited to, nonprofit organizations, afterschool programs, businesses, and trade associations may have an interest in offering programs outside of the traditional classroom that are attractive to students and contain educational value;

(3) Learning opportunities that are designed to address the interests and aptitudes of the individual student will enable students to discover, develop, and apply their individual talents to realize their full potential;

(4) Policies that allow for educational opportunities outside of the traditional classroom exist in other states;

(5) Providing credit for alternative educational opportunities will enrich the learning environment of students and develop well-rounded individuals ready for a life of learning, productive work, and community involvement.

(b) *Program established*. — The State Board of Education shall establish, develop, and maintain a program whereby students can earn elective course credit for extended learning opportunities that take place outside of the traditional classroom setting. In accordance with the requirements of this section, the State Board of Education shall permit any high school student to receive up to six elective course credits towards graduation for participating and completing any approved extended learning opportunity program.

(c) *Eligibility of extended learning opportunity programs*. — Entities eligible to provide extended learning opportunity programs within a county shall be broadly defined and shall include, but are not limited to, the following:

(1) Nonprofit organizations;

(2) Businesses with established locations in the state;

(3) Trade associations;

(4) Parents of students involved in programs that may otherwise qualify as an alternative educational program;

(5) Teachers involved in programs outside of the traditional classroom; and

(6) School personnel involved in programs outside of the traditional classroom.

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In order to be certified as an eligible extended learning opportunity program, an individual or entity shall successfully complete an application process as established by the State Board of Education pursuant to the requirements of this section.

(d) *Application process*. — An extended learning opportunity program shall qualify for elective course credit if it has been approved by the State Board of Education. Individuals or entities seeking program accreditation shall complete an application form promulgated by the board, which shall include the following application criteria:

(1) A general explanation of the program's qualifications and benefits;

(2) An outline of the overall program, including its goals, competencies, and expected student outcomes;

(3) An outline of specific instructional activities, materials, and learning environments;

(4) Written content standards and objectives;

(5) A description of the facilities, if any, utilized by the program; and

(6) An explanation of how the program intends to monitor student progress and complete assessment and grading for participating students.

The State Board of Education shall consider a completed extended learning opportunity program application within 45 days of receipt. An approved extended learning opportunity provider shall comply with all applicable federal and state health and safety laws and regulations, as well as any standards and safeguards as provided by the State Board of Education. Background checks are required for all key personnel or instructional staff of an extended learning opportunity provider, and a program shall provide its background check policy to participating families. A participating program shall also have proof of insurance.

(e) *Program denial*. — If an extended learning opportunity program application is denied, the State Board of Education shall provide a detailed explanation of the reasons for the denial as well as an explanation of ways in which the program may improve its application in order to obtain a more favorable review by the board. Denial of an extended learning opportunity program application may not prohibit a provider from submitting another application aimed at addressing the concerns or improvements originally suggested by the board.

(f) *Program evaluation*. — An approved extended learning opportunity program shall be monitored and evaluated at the end of its first year by the State Board of Education, which may consider in its evaluation input from any participating school's principal or guidance counselors. If an extended learning opportunity program continues to meet the requirements of this section, its approval may be extended by the board for a period of five years.

Thereafter, the extended learning opportunity program shall be inspected and monitored on an annual basis. The State Board of Education may evaluate an approved program at any

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time and may disqualify an approved program if the provider has violated the requirements of state law or State Board of Education policies. An extended learning opportunity program may appeal any disqualification to the circuit court of Kanawha County or to the circuit court of the county in which the program is administered.

(g) *Program implementation and participation*. — Approved extended learning opportunity programs shall be implemented and coordinated at the local school level. The county boards of education shall adopt an alternative educational opportunities policy that facilitates implementation and participation in accordance with this section. The policy shall:

(1) Provide for a designee within each school that shall have primary responsibility for ensuring implementation and coordination of the extended learning opportunity policy; and

(2) Provide for a student seeking elective course credit in an accredited extended learning opportunity program to work with his or her designated advisor or guidance counselor towards participation in the program.

Students under the age of 18 shall have approval from a parent or legal guardian to participate in an extended learning opportunity program.

(h) *Student credit transfer*. — Students transferring from other schools may request acceptance of elective course credits awarded for completed extended learning opportunity programs. If the transferring student has completed a program previously approved by the State Board of Education, the credits shall be accepted and applied toward the student's transcript. Completion of nonapproved extended learning opportunity programs shall be evaluated in accordance with a county board of education's adopted policy on alternative educational opportunities for purposes of awarding credit.

(i) *Transportation*. — Because extending learning opportunity programs take place outside of the traditional classroom, transportation to and from an approved program is the responsibility of a student and his or her parent or legal guardian: *Provided*, That a local school district may provide transportation at its discretion.

(j) *Auditing of approved programs*. — The State Board of Education may audit approved extended learning opportunity programs at any time. If the audit results in findings that an approved program is not meeting the provisions of this section, then the board may disqualify the program immediately.

(k) The Department of Education shall prepare a report with respect to the implementation of extended learning opportunity programs in accordance with the provisions of this section to the Legislative Oversight Commission on Education Accountability no later than December 31, 2022.

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§18-2-7g. Youth Apprenticeship Program.

(a) In addition to any other registered apprenticeship programs, there is herein created the "Youth Apprenticeship Program," which shall allow for any public, private, or home school student in the eleventh or twelfth grade, or are 16 years or older, the opportunity to enroll in apprenticeship programs: *Provided*, That, no apprenticeship program shall be authorized for any occupation prohibited for children under the age of 16 in accordance with the requirements of §21-6-2 of this code.

(b) For the purposes of this section, "apprenticeship program" shall have the same meaning as defined in §21-1E-2 of this code.

(c) Any student participating in the program may receive secondary credit or other credentialing for the apprenticeship when the apprenticeship is approved by the local county board of education and in keeping with the rules of the Division of Labor (hereinafter "the division").

(d) The West Virginia Department of Education (hereinafter "the department") is responsible for establishing the Youth Apprenticeship Program, including setting standards, providing guidelines for county boards of education to approve local enterprise, and granting release time from public schools to participate in the program.

(1) The Youth Apprenticeship Program shall include a broad range of skills, including those specifically focused on manufacturing, engineering technology, administration and office technology, and health care.

(2) The county boards of education shall develop materials in conjunction with industry to promote awareness of apprenticeship for students and to encourage recruitment.

(3) The program shall create a structural linkage between secondary and postsecondary components of the program leading to the school awarding a high school diploma and postsecondary certification of occupational skills to the student.

(e) The department shall develop pilot projects for the 2024-2025 school year and shall implement and direct a comprehensive apprenticeship program for all school systems by the beginning of the 2025-2026 school year.

(f) Each apprenticeship shall meet the department’s criteria which shall include, but is not limited to:

(1) A detailed training plan between the employer and the apprentice that identifies specific work tasks that will develop workplace competency;

(2) A minimum of 135 classroom hours of related academic instruction and training;

(3) A minimum of 400 hours of on-the-job training;

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(4) A progressive wage schedule established by the participating employer;

(5) On-site evaluation of the student's performance; and

(6) Training remediation as necessary at the school site.

WV Legislature

§18-2-8. Course of study in fire prevention.

The state Board of Education shall, with the advice of the state Superintendent of Schools, prescribe a course of study in fire prevention for use in the public, private and parochial schools of this state, dealing with the protection of lives and property against loss or damage as a result of preventable fires. It shall be the duty of the county superintendent, Board of Education, directors, trustees, or other committees or persons having control of public, private and parochial schools in each county, village, city or school district, to arrange for such course of study in fire prevention and to compel its use in each school under their control or direction.

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§18-2-8a. Hunter safety orientation program.

(a) The Legislature finds that:

(1) Firearms and hunting are important parts of West Virginia's history, culture, and economy;

(2) Unfortunately, the use of firearms while hunting or at any other time can be dangerous when the firearms are not handled in a careful and safe manner; and

(3) Therefore, the opportunity of participating in a hunter safety orientation program should be offered to students in certain grades.

(b) The State Board of Education shall establish and implement a program of instruction of hunter safety orientation with appropriate classes and hands-on training. The hunter safety orientation program may be scheduled for the regular hours of the school day, so as to work in conjunction with the regular course schedule, or may be scheduled outside of the regular hours of instruction for the school day, if the resources and student interest allow. To the extent possible, the hunter safety orientation program shall be conducted at school facilities and scheduled so that students attending the program class may also make use of regularly provided student transportation.

(c) The State Board of Education shall, with the advice of the state Superintendent of Schools and the Director of the Division of Natural Resources, promulgate a rule in accordance with the provisions of §29A-3B-1 *et seq*. of this code for the implementation of a hunter safety orientation program for use in the public schools of this state. The rule shall, at a minimum, include the following provisions:

(1) The hunter safety orientation program shall be offered at least once every spring semester in every middle school of the state. At the option of each county board of education, the hunter safety orientation program may also be offered during the fall semester in any middle school in the state or may be offered in any high school in the state: *Provided*, That the demand to take the hunter safety orientation program is sufficient and that certified instructors are available. If there is an insufficient number of students at a middle school requesting or registering for the class in a given semester, the school shall not be required to conduct the class that semester. The county board of education shall have the discretion to establish the minimum number of students requesting the safety orientation program class in a semester necessary to provide the class that semester.

(2) The hunter safety orientation program is voluntary to students;

(3) The hunter safety orientation program shall include instruction relating to:

(A) The protection of lives and property against loss or damage as a result of the improper use of firearms; and

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(B) The proper use of firearms in hunting, sport competition, and the care and safety of firearms in the home;

(4) The hunter safety orientation program may use materials prepared by any national nonprofit membership organization which has as one of its purposes the training of people in marksmanship and the safe handling and use of firearms; and

(5) The hunter safety orientation program shall be conducted by an instructor employed or certified by the Division of Natural Resources or who has other training necessary to conduct the program as determined by the state board.

(d) The Division of Natural Resources shall issue a certificate of training, required by §20-2-30a of this code, to any student who completes the hunter safety orientation program.

WV Legislature

§18-2-8b. West Virginia Remembers Program; rulemaking.

(a) There is hereby created the "West Virginia Remembers Program" whereby children in the public schools may learn about military service, patriotism and courage in the defense of our country from veterans who volunteer to share their experiences in the educational setting. Participation in the program by classroom teachers is voluntary and may not be considered a course requirement or mandatory in any other way.

(b) The state board may promulgate a rule in accordance with §29A-3B-1 *et seq.* of this code to implement this section with regard to solicitation of speakers from veterans' groups and maintenance of lists by county boards of available speakers.

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§18-2-9. Required courses of instruction.

(a) (1) In all public, private, parochial, and denominational schools located within this state there shall be given prior to the completion of the eighth grade at least one year of instruction in the history of the State of West Virginia. The schools shall require regular courses of instruction by the completion of the 12th grade in the history of the United States, in civics, in the Constitution of the United States, and in the government of the State of West Virginia for the purpose of teaching, fostering, and perpetuating the ideals, principles, and spirit of political and economic democracy in America, and increasing the knowledge of the organization and machinery of the government of the United States and of the State of West Virginia. The required courses shall include instruction on the institutions and structure of American government, such as the separation of powers, the Electoral College, and federalism. The required courses shall include instruction that provides students an understanding of American political philosophy and history, utilizing writings from prominent figures in Western civilization, such as Aristotle, Thomas Hobbes, John Locke, and Thomas Jefferson. The courses of instruction shall offer an objective and critical analysis of ideologies throughout history including, but not limited to, capitalism, republicanism, democracy, socialism, communism, and fascism. The required courses shall emphasize the use of primary sources and interactive learning techniques, such as mock scenarios, debates, and open and impartial discussions.

(2) The state board shall, with the advice of the state superintendent, and after consultation with other entities, prescribe the courses of study, including the basic course requirements for middle school and high school, and the academic standards listed in subdivision (1) of this subsection for these courses of study covering these subjects for the public schools, and publish an approved list of instructional resources pursuant to §18-2A-1 *et seq*. of this code. The curriculum used in the delivery of instruction shall cover the standards adopted for such courses. The other entities for consultation may include such organizations as the Florida Joint Center for Citizenship, the College Board, the Bill of Rights Institute, Hillsdale College, the Gilder Lehrman Institute of American History, the Constitutional Sources Project, educators, school administrators, postsecondary education representatives, elected officials, business and industry leaders, parents, and the public. Officials or boards having authority over the respective private, parochial, and denominational schools shall prescribe courses of study for the schools under their control and supervision similar to those required for the public schools.

(3) The state board shall provide testing or assessment instruments for the history and civics courses of instruction required by this section. These testing instruments shall:

(A) Be aligned with the academic standards required by this section;

(B) Be mandatory for students enrolled in those courses of instruction;

(C) Be cumulative by including questions about knowledge learned in prior history and civics courses; and

(D) Measure students' factual and conceptual knowledge including how the facts interrelate and the reasons behind historical documents and events.

(4) To further this study, every high school student eligible by age for voter registration shall be afforded the opportunity to register to vote pursuant to §3-2-22 of this code.

(b) The state board shall cause to be taught in all public schools of this state the subject of health education, including instruction in any of the grades six through 12 as considered appropriate by the county board, on: (1) The prevention, transmission, and spread of acquired immune deficiency syndrome and other sexually transmitted diseases; (2) substance abuse, including the nature of alcoholic drinks and narcotics, tobacco products, and other potentially harmful drugs, with special instruction as to their effect upon the human system and upon society in general; (3) the importance of healthy eating and physical activity in maintaining healthy weight; and (4) education concerning cardiopulmonary resuscitation and first aid, including instruction in the care for conscious choking, and recognition of symptoms of drug or alcohol overdose. The course curriculum requirements and materials for the instruction shall be adopted by the state board by rule in consultation with the Department of Health. The state board shall prescribe a standardized health education assessment to be administered within health education classes to measure student health knowledge and program effectiveness.

(c) An opportunity shall be afforded to the parent or guardian of a child subject to instruction in the prevention, transmission, and spread of acquired immune deficiency syndrome and other sexually transmitted diseases to examine the course curriculum requirements and materials to be used in the instruction. The parent or guardian may exempt the child from participation in the instruction by giving notice to that effect in writing to the school principal.

(d) After July 1, 2015, the required instruction in cardiopulmonary resuscitation in subsection (b) of this section shall include at least 30 minutes of instruction for each student prior to graduation on the proper administration of cardiopulmonary resuscitation (CPR) and the psychomotor skills necessary to perform cardiopulmonary resuscitation. The term "psychomotor skills" means the use of hands-on practicing to support cognitive learning. Cognitive-only training does not qualify as "psychomotor skills". The CPR instruction shall be based on an instructional program established by the American Heart Association or the American Red Cross, or another program which is nationally recognized and uses the most current national evidence-based emergency cardiovascular care guidelines and incorporates psychomotor skills development into the instruction. A licensed teacher is not required to be a certified trainer of cardiopulmonary resuscitation to facilitate, provide, or oversee such instruction. The instruction may be given by community members, such as emergency medical technicians, paramedics, police officers, firefighters, licensed nurses, and representatives of the American Heart Association or the American Red Cross. These community members are encouraged to provide necessary training and instructional resources such as cardiopulmonary resuscitation kits and other material at no cost to the schools. The requirements of this subsection are minimum requirements. A local school

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district may offer CPR instruction for longer periods of time and may enhance the curriculum and training components, including, but not limited to, incorporating into the instruction the use of an automated external defibrillator (AED): *Provided*, That any instruction that results in a certification being earned shall be taught by an authorized CPR/AED instructor.

(e) A full week of classes during the week selected by the county board of education shall be recognized as Celebrate Freedom Week. The purpose of Celebrate Freedom Week is to educate students about the sacrifices made for freedom in the founding of this country and the values on which this country was founded.

Celebrate Freedom Week shall include appropriate instruction in each social studies class which:

(1) Includes an in-depth study of the intent, meaning, and importance of the Declaration of Independence, the Emancipation Proclamation, and the Constitution of the United States with an emphasis on the amendments that are crucial to the survival of democracy and freedom, such as the Bill of Rights and the thirteenth, fourteenth, fifteenth, and nineteenth amendments;

(2) Uses the historical, political, and social environments surrounding each document at the time of its initial passage or ratification; and

(3) Includes the study of historical documents to firmly establish the historical background leading to the establishment of the provisions of the constitution and Bill of Rights by the founding fathers for the purposes of safeguarding our constitutional republic.

The requirements of this subsection are applicable to all public, private, parochial, and denominational schools located within this state. Nothing in this subsection creates a standard or requirement subject to state accountability measures.

(f) Beginning the 2018-2019 school year, students in public schools shall be administered a test the same as or substantially similar to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services between their ninth and 12th grade years as an indicator of student achievement in the area of civics education. The test results may be reported in the aggregate to the county board for evaluation by the board's curriculum director and reported to the board members. Nothing in this subsection creates a standard or requirement subject to state accountability measures.

(g) Beginning with the entering ninth grade class in the 2027-2028 school year, a public high school student shall be required to earn one unit of credit in a high school computer science course before the student graduates. "Computer science" means the study of computers, programming, and algorithms, including their principles, their hardware and software designs, their implementation, and their impact on society. Computer science does not include the study of everyday uses of computers and computer applications, such as

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keyboarding, word processing, digital literacy, or accessing the internet.

(1) The one credit required in this subsection may be earned in grades eight through twelve.

(2) A computer science course offered by a public high school shall:

(A) Be of high quality;

(B) Meet or exceed the curriculum standards established by the State Board of Education; and

(C) Be made available in a traditional classroom setting. Only if a traditional classroom setting is not feasible shall a school offer the course in a blended learning environment or an online-based or other technology-based format that is tailored to meet the needs of each participating student: *Provided*, That the intent of (C) shall not interfere with the schedule of homeschool students or virtual students.

(3) The one credit required in this subsection shall be allowed to substitute for one math credit or one personalized education plan credit.

(4) The one credit shall be approved for one credit in Career Technical Education (CTE): *Provided*, That the credit shall be relevant to the program of study.

(5) If a student uses a computer science course to fulfill a math, the school district shall denote that computer science course as equivalent to a high school math course, on the student's transcript for the purpose of admission to a higher education institution in this state.

(6) The state board shall adopt rules detailing how credit fulfillment under paragraph (3) of this subsection shall be granted. The rules shall ensure maximum flexibility for students.

(7) Beginning in August of 2026, the State Board of Education shall make available to all public schools a list of course options that can meet the requirements for this credit. The state board shall update the list as often as necessary: *Provided*, That the state board shall create an approved list of courses that may be substituted.

(8) The state board may adopt rules to administer this subsection, including rules for flexible options to license computer science teachers, which may include without limitation, approval codes, technical permits, ancillary licenses, and standard licenses. In adopting such rules, the board shall consider policy that ensures teacher subject area certification does not restrict the ability of students to earn a math or other substitution credit for a computer science course taken under this section.

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§18-2-9a. Elective courses of instruction on the Bible.

(a) County boards of education may offer to students in grade nine or above:

(1) An elective social studies course on the Hebrew Scriptures, Old Testament of the Bible;

(2) An elective social studies course on the New Testament of the Bible; or

(3) An elective social studies course on the Hebrew Scriptures and the New Testament of the Bible.

(b) The purpose of a course under this section is to:

(1) Teach students knowledge of biblical content, characters, poetry, and narratives that are prerequisites to understanding the development of American society and culture, including literature, art, music, mores, oratory, and public policy; and

(2) Familiarize students with, as applicable:

(A) The contents of the Hebrew Scriptures or New Testament;

(B) The history of the Hebrew Scriptures or New Testament;

(C) The literary style and structure of the Hebrew Scriptures or New Testament; and

(D) The influence of the Hebrew Scriptures or New Testament on law, history, government, literature, art, music, customs, morals, values, and culture.

(c) A student may not be required to use a specific translation as the sole text of the Hebrew Scriptures or New Testament and may use as the basic textbook a different translation of the Hebrew Scriptures or New Testament from that chosen by the county board or school.

(d) The county board of education shall submit to the West Virginia Department of Education the course standards for any elective to be offered pursuant to subsection (a), of this section including the teacher qualifications and required professional development.

(e) A course offered under this section shall follow applicable law and all federal and state guidelines in maintaining religious neutrality and accommodating the diverse religious views, traditions, and perspectives of students in the school. A course under this section may not endorse, favor, promote, disfavor, or show hostility toward, any particular religion or nonreligious faith or religious perspective. Any county board offering a course under this section, shall not violate any provision of the United States Constitution or federal law, the West Virginia Constitution or any state law, any administrative regulations of the United States Department of Education, or any rule of the state board. The state board shall provide guidance to the county boards on complying with the requirements of this subsection.

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

(a) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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§18-2-10. Certificates and awards.

The State Board shall promulgate rules and shall determine the minimum standards for the granting of certificates and awards for secondary vocational education, adult basic education, adult occupational education and adult technical preparatory education, subject to the provisions of section two, article two-b of this chapter and article three-a of chapter eighteen-b of this code.

The State Board shall provide a program of adult basic education at each state community and technical college campus where developmental education services are provided in cooperation with the West Virginia Council for Community and Technical College Education and the institutional board of governors of each college. This approach to providing adult basic education links these programs with developmental education and creates a simpler, clearer pathway for adults to enter college.

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§18-2-11. Sabbatical leaves for teachers and certain aides.

(a) The state board shall by December 1, 1988, establish by policy a sabbatical leave program. Such program participation shall be considered optional for each county board. Individuals employed as professional educators, as defined in section one, article one, chapter eighteen-a of this code, and aides shall be eligible for the sabbatical leave program: Provided, That such aides have a cumulative grade point of three and two tenths on a possible four point scale pursuant to successful completion of at least sixty-four semester hours of course work at an approved institution of higher education. Such policy shall establish the educational objectives, peer selection criteria and other guidelines the board deems necessary. The sabbatical leave policy shall provide that not less than ninety-five percent of sabbatical leaves granted shall be for classroom teachers and such policy shall not provide for the granting of sabbatical leave to any employee who has fewer than ten years of West Virginia public school service, nor shall compensation during such leave be more than one half of the employee's regular salary. While on sabbatical leave the employee shall be deemed to be a full-time employee for purposes of years of experience and participation in the Teachers Retirement System and the public employee insurance program. Any employee receiving a sabbatical leave shall be required to return to employment by the board which granted the leave for a period of at least one year or repay the compensation and benefits received during that time and have deducted the retirement credit and years of service credit accrued during sabbatical leave: Provided, however, That sabbatical leaves for teachers and certain aides shall be optional by the respective boards.

(b) Notwithstanding any other provision of this code to the contrary, if the state teacher of the year either works with programs approved by the state department or attends school at a college or university to further his or her education, the teacher shall receive a sabbatical from his or her position for up to one year in which the teacher has been selected as state teacher of the year: Provided, That if the state teacher of the year chooses to take a sabbatical, then the state department shall provide the county from where the teacher is taking the sabbatical with an allowance equal to the state average contractual salary for teachers.

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§18-2-12. Computer science courses of instruction; learning standards; state board plan development.

(a) Legislative findings:

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

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

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

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

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

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

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

(c) Recognizing the importance of computer science instruction and how computer science instruction will assist students in their transition to post-secondary opportunities, the state board shall adopt a policy detailing the appropriate level of computer science instruction

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that shall be available to students at each programmatic level.

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

WV Legislature

§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;

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(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 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.

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§18-2-13a. Control of property and business affairs of state educational institutions.

The control of the financial, business and all other affairs of the state educational institutions named in the preceding section is hereby transferred from the state board of control to the state Board of Education. The state Board of Education shall, in respect to the control, management and property of such institutions, have the same rights and powers and shall perform the same duties as were heretofore exercised or performed by the state board of control. The title to all property of such institutions is hereby transferred to and vested in the state Board of Education.

WV Legislature

§18-2-13b. Additional authority of state Board of Education concerning revenue bonds for dormitories, homes or refectories.

[Repealed.]

WV Legislature

§18-2-13c. Payroll deductions for employees' participation in group insurance plans.

Whenever any employees of the West Virginia Board of Education or institutions operating under the jurisdiction of the West Virginia Board of Education shall be eligible to participate in any group insurance plan, the board shall have the authority to authorize such participation, and, upon the written request of any participating employee, may make periodic deductions from salary payments due such employee of the amount of the contribution he is required to make for such participation. Upon proper requisition of the board, the Auditor shall periodically issue a warrant, payable as specified in the requisition, for the total contributions so withheld from the salaries of all participating employees.

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§18-2-13d. Marshall University.

Notwithstanding any other provision of law, the state educational institution located at Huntington, West Virginia, previously known as Marshall College shall, after the effective date of this section, be known as Marshall University, and any reference to said Marshall College contained in law shall be construed to apply to Marshall University; and this university shall remain under the supervision and control of the state Board of Education.

WV Legislature

§18-2-13e. Transfer of property for the use of Marshall University.

On and after July 1, 1961, supervision and control of all of the real property, heretofore administered by the commissioner of public institutions containing one hundred eighty-four and one-half acres, more or less, located in Guyandotte district, Cabell county, and known as the "West Virginia Home for Aged and Infirmed Colored Men and Women" shall be transferred to the supervision and control of the West Virginia board of regents. The West Virginia board of regents shall be authorized to use the property for any purpose it may deem advisable in connection with the educational program of Marshall University. The title to all such property is hereby vested in the West Virginia board of regents, which board may at any time sell or otherwise dispose of all or any part of such property, however, the proceeds of any such sale or sales, less costs of sale, shall be utilized for capital improvements or expansion of the Marshall University campus or facilities.

WV Legislature

§18-2-13f. Responsibility for administration and provision of educational services in state correctional institutions.

The state board is responsible for the administration of programs for the education of all institutionalized school-age juveniles within facilities operated by the department of corrections. School-age juvenile means in this article any individual who would, if not institutionalized, be entitled to attend the public schools in accordance with (1) section five, article two of this chapter; (2) sections fifteen and eighteen, article five of this chapter; or (3) section one, article twenty of this chapter. To strengthen the administration of educational programs, there shall be: (1) A full-time principal or lead teacher at each department of corrections facility having any school-age juveniles and (2) a full-time director of educational services for institutionalized school-age juveniles employed by the Department of Education. Such principal or lead teacher shall be employed by and responsible to the director of educational services.

Classroom teachers and other school personnel shall be hired and provided as necessary to all institutionalized juveniles by the state Department of Education to the extent necessary to provide adequate and appropriate educational opportunity. Adequate and appropriate educational opportunity requires education services for institutionalized school-age juveniles on a twelve-month basis, excepting only normal school holidays and those additional days determined by the state Board of Education in consultation with the appropriate department head to be necessary. School personnel shall be responsible to the principal or lead teacher while providing educational services but shall comply with rules established by the department of corrections to ensure security and safety in the facility. Educational personnel employed at and by correctional facilities and institutions shall be permitted to transfer to comparable positions as school personnel of the state Department of Education if those personnel meet the qualifications established for those positions by the state Department of Education. The daily rate of pay of educational personnel employed by the state Department of Education shall be equivalent to the daily rate of pay of the comparable position in the public schools of the county where the institution is located.

There shall be a separate line item account of the budget of the state Department of Education for the education of institutionalized school-age juveniles. All money that the Legislature may annually appropriate for that purpose shall be placed into this account. This account shall be used solely for the education of such juveniles. Money for education of juveniles in the department of corrections shall be deposited in that account and accounted for separately.

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§18-2-13g. Procedure for contracting with insurers; licensing of insurer; exemption of certain insurers from premium and annuity taxes.

In contracting for the group insurance provided for in section thirteen-c and for the supplemental retirement benefits provided for in section thirteen-f of this article, as well as for other insurance benefits for any and all persons employed by it at institutions of higher learning under its control, the state Board of Education shall solicit proposals for the coverage sought, which proposals shall be obtained by public notice published as a Class II 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 state. Such notice shall be so published within fourteen consecutive days next preceding the final date for submitting proposals. The board may also solicit proposals by sending requests by mail to prospective insurers. Upon receipt and consideration of such proposals as may be submitted the board shall have the authority to accept the proposal of and contract with the insurer offering the insurance program or programs determined by the board, in its judgment, to be the most desirable to the beneficiaries thereof, whether such insurer be then licensed as an insurance company in this state or not: Provided, That no contract shall be made effective unless and until the insurance company becomes licensed as a life insurance company in accordance with article three, chapter thirty-three of this code, as amended: Provided further, That if such insurer shall be a life insurance company organized and operated without profit to any private shareholder or individual exclusively for the purpose of aiding and strengthening nonprofit institutions or foundations engaged primarily in education or research, by issuing insurance and annuity contracts only to or for the benefit of such institutions and to individuals engaged in the service of such institutions, it shall be exempt from the payment of premium and annuity taxes provided for by sections fourteen, fourteen-a and fifteen, article three, and any other pertinent premium tax sections, of chapter thirty-three of this code, as amended, as to all annuity or insurance contracts made with educational institutions located within, or relative to subjects of insurance resident in, West Virginia.

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§18-2-13h. Provision of educational services for school-age juveniles placed in residential facilities for custody and treatment.

(a) The state Board of Education and the Department of Human Services are authorized to provide for adequate and appropriate education opportunities for school-age juveniles placed in the following residential facilities as a result of proceedings commenced under the provisions of chapters twenty-seven and forty-nine of this code: Davis-Stuart, Inc., located in Lewisburg, West Virginia; the Elkins Mountain School, located in Elkins, West Virginia; the Abraxas Foundation of West Virginia, located in Waverly, West Virginia; and the Barboursville School, located in Barboursville, West Virginia.

(b) Subject to appropriations by the Legislature, the state board shall have the following authority: (1) To provide education programs and services for school-age juveniles on the grounds of residential facilities, pursuant to agreements with the Department of Human Services and the licensed child-care agencies of such department; (2) to hire classroom teachers and other school personnel necessary to provide adequate and appropriate education opportunities to these juveniles; and (3) to provide education services for school-age juveniles in residential facilities on a twelve-month basis.

(c) The Department of Human Services shall cooperate with the state board and the state superintendent in the establishment and maintenance of education programs authorized under this section. Subject to appropriations by the Legislature, the Department of Human Services shall provide, or cause to be provided, adequate space and facilities for such education programs. The state board shall not be required to construct, improve or maintain any building, other improvement to real estate or fixtures attached thereto at any residential facility for the purpose of establishing and maintaining an education program.

(d) The state Board of Education and the Department of Human Services are authorized to enter into agreements to provide adequate and appropriate education opportunities for school-age juveniles who are placed in residential facilities other than the facilities identified in this section.

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§18-2-14. Reports by state Board of Education, state commissioner of public institutions, and chief officers of state educational institutions to Auditor.

The state Board of Education and the state commissioner of public institutions shall, from time to time, as may be necessary, make a report to the Auditor, which shall state the name of each person employed by the state Board of Education at any of the institutions named in the next preceding section of this article, his official designation and rate of compensation per month (or by the day or week, if employed for less than a month), and out of what funds or appropriation the same is payable. The chief officer or head teacher of any such institution, or other person who may have been appointed for the purpose by the state commissioner of public institutions, shall make out and certify to the Auditor at the end of each month a list of persons to whom any payments may be due, stating for what purpose due, the amount due each person, and the fund or appropriation from which payable, one copy whereof shall be filed in the office of the institution where made, and one in the office of the state commissioner of public institutions. If the Auditor finds such list correct and in accordance with the report made to him by the state Board of Education and the state commissioner of public institutions, he may pay to the persons entitled thereto the amounts so certified as due each.

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§18-2-15.

Repealed.

Acts, 2013 Reg. Sess., Ch. 56.

WV Legislature

§18-2-15a.

Repealed.

Acts, 2013 Reg. Sess., Ch. 56.

WV Legislature

§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.

[Repealed].

WV Legislature

§18-2-16a. Construction of buildings and recreational facilities at state camp and conference center; charges for use; financing by revenue bonds or notes permissible; trustee for holders of bonds or notes; contents of trust agreement.

[Repealed].

WV Legislature

§18-2-16b. State camp and conference center; property transferred; powers and duties of Commissioner of Agriculture.

(a) Effective July 1, 2016, the state camp and conference center, known as the Cedar Lakes Camp and Conference Center and its facilities, authorized to be owned and operated by the West Virginia Board of Education under sections sixteen and sixteen-a, article two, chapter eighteen of this code is transferred to the Department of Agriculture. All real and personal property held by the West Virginia Board of Education, including all operating funds for the operations of the camp and conference center, and all employees of the West Virginia Board of Education primarily dedicated to those operations, are transferred to the Department of Agriculture, at their existing hourly rate and with all accrued benefits. All employees shall become will and pleasure employees in accordance with section four, article six, chapter twenty-nine of the code of West Virginia, and are exempt from coverage by classified service. The Commissioner of the Department of Agriculture is given all those powers, duties and responsibilities relating to the state camp and conference center previously vested in the West Virginia Board of Education and its Division of Vocational Education.

(b) All active full-time, permanent employees transferred to the Department of Agriculture pursuant to subsection (a) shall participate in the Public Employees Retirement System beginning July 1, 2016. Notwithstanding the provisions of article ten, chapter five of this code, employees transferred pursuant to this section shall be considered a member of the Public Employees Retirement System as of their original date of hire with the Cedar Lake Camp and Conference Center.

(c) The Consolidated Public Retirement Board shall transfer assets and service credit from the Teachers Retirement System Trust Fund into the Public Employees Retirement System Trust Fund for those employees who were members in the Teachers Retirement System no later than December 30, 2016. The amount of service credit recognized by the Teachers Retirement System as of June 30, 2016 for the transferring employees shall be the service credit transferred and recognized by the Public Employees Retirement System.

The amount of assets to be transferred for each employee who is a member of the Teachers Retirement System shall be computed as of July 1, 2016, using the July 1, 2015, actuarial valuation of the Teachers Retirement System, and updated with seven and one-half percent annual interest to the date of the actual asset transfer. The market value of the assets of the transferring employees in the Teachers Retirement System shall be determined as of the end of the month preceding the actual transfer. To determine the computation of the asset share to be transferred, the Consolidated Public Retirement Board shall:

(1) Compute the market value of the Teachers Retirement System assets as of the July 1, 2015, actuarial valuation date under the actuarial valuation approved by the Consolidated Public Retirement Board;

(2) Compute the actuarial accrued liabilities for all Teachers Retirement System retirees, beneficiaries, disabled retirees and terminated inactive members as of the July 1, 2015,

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actuarial valuation date;

(3) Compute the market value of active member assets in the Teachers Retirement System as of July 1, 2015, by reducing the assets value under subdivision (1) of this subsection by the inactive liabilities under subdivision (2) of this subsection;

(4) Compute the actuarial accrued liability for all active Teachers Retirement System members as of the July 1, 2015, actuarial valuation date approved by the Consolidated Public Retirement Board;

(5) Compute the funded percentage of the active members' actuarial accrued liabilities under the Teachers Retirement System as of July 1, 2015, by dividing the active members' market value of assets under subdivision (3) of this subsection by the active members' actuarial accrued liabilities under subdivision (4) of this subsection;

(6) Compute the actuarial accrued liabilities under the Teachers Retirement System as of July 1, 2015, for active employees transferring to the Public Employees Retirement System; and

(7) Determine the assets to be transferred from the Teachers Retirement System to the Public Employees Retirement System by multiplying the active members' funded percentage determined under subdivision (5) of this subsection by the transferring active members' actuarial accrued liabilities under the Teachers Retirement System under subdivision (6) of this subsection and adjusting the asset transfer amount by interest at seven and five-tenths percent for the period from the calculation date of July 1, 2015, through the first day of the month in which the asset transfer is to be completed.

(d) Once an employee transfers from the Teachers Retirement System to the Public Employees Retirement System, the Teachers Retirement System shall bar any further liability and the transfer is an agreement whereby the transferring employee forever indemnifies and holds harmless the Teachers Retirement System from providing him or her any form of retirement benefit whatsoever until that employee obtains other employment which would make him or her eligible to reenter the Teachers Retirement System with no credit whatsoever for the amounts transferred to the Public Employees Retirement System.

(e) Assets for employees who are members in the Teachers Defined Contribution System pursuant to article seven-b, chapter eighteen, shall remain invested in his or her Teachers Defined Contribution retirement account until termination of employment with the Department of Agriculture.

WV Legislature

§18-2-17.

Repealed.

Acts, 2014 Reg. Sess., Ch. 47.

WV Legislature

§18-2-18.

Repealed.

Acts, 2013 Reg. Sess., Ch. 56.

WV Legislature

§18-2-19.

Repealed.

Acts, 1972 Reg. Sess., Ch. 104

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§18-2-20.

Repealed.

Acts, 1972 Reg. Sess., Ch. 104.

WV Legislature

§18-2-21.

Repealed.

Acts, 1972 Reg. Sess., Ch. 104.

WV Legislature

§18-2-22.

Repealed.

Acts, 1990 3rd. Ex. Sess., Ch. 4.

WV Legislature

§18-2-23.

Repealed.

Acts, 2013 Reg. Sess., Ch. 56.

WV Legislature

§18-2-23a.

Repealed.

Acts, 2013 Reg. Sess., Ch. 55.

WV Legislature

§18-2-24. Collaboration of state institutions of higher education having a teacher preparation program with the Center for Professional Development, state board and the regional education service agencies.

[Repealed]

WV Legislature

§18-2-25. Authority of county boards to regulate athletic and other extracurricular activities of secondary schools; delegation of authority to West Virginia Secondary School Activities Commission; authority of commission; approval of rules by state board; incorporation; funds; participation by private and parochial schools and by home-schooled students and participants in the Hope Scholarship Program or in a Microschool or Learning Pod.

(a) The county boards of education shall exercise the control, supervision, and regulation of all interscholastic athletic events, and other extracurricular activities of the students in public secondary schools, and of those schools of their respective counties. The county board of education may delegate control, supervision, and regulation of interscholastic athletic events and band activities to the West Virginia Secondary School Activities Commission.

(b) The West Virginia Secondary School Activities Commission is composed of the principals, or their representatives, of those secondary schools whose county boards of education have certified in writing to the State Superintendent of Schools that they have elected to delegate the control, supervision, and regulation of their interscholastic athletic events and band activities of the students in the public secondary schools in their respective counties to the commission. The West Virginia Secondary School Activities Commission may exercise the control, supervision, and regulation of interscholastic athletic events and band activities of secondary schools, delegated to it pursuant to this section. The rules of the West Virginia Secondary School Activities Commission shall contain a provision for a proper review procedure and review board and be promulgated in accordance with the provisions of chapter 29A of this code, but shall, in all instances, be subject to the prior approval of the state board. The West Virginia Secondary School Activities Commission, may, with the consent of the State Board of Education, incorporate under the name of West Virginia Secondary School Activities Commission, Inc., as a nonprofit, nonstock corporation under the provisions of chapter 31 of this code. County boards of education may expend moneys for and pay dues to the West Virginia Secondary School Activities Commission, and all moneys paid to the commission, as well as moneys derived from any contest or other event sponsored by the commission, are quasi-public funds as defined in §18-5-1 *et seq*. of this code, and the funds of the commission are subject to an annual audit by the State Tax Commissioner.

(c) The West Virginia Secondary School Activities Commission shall promulgate reasonable rules providing for the control, supervision, and regulation of the interscholastic athletic events and other extracurricular activities of private and parochial secondary schools as elect to delegate to the commission control, supervision, and regulation, upon the same terms and conditions, subject to the same rules and requirements and upon the payment of the same fees and charges as those provided for public secondary schools. Any such private or parochial secondary school shall receive any monetary or other benefits in the same manner and in the same proportion as any public secondary school.

(d) Notwithstanding any other provision of this section, or the commission's rules, the commission shall consider eligible for participation in interscholastic athletic events and

other extracurricular activities of secondary schools a student who is receiving home instruction pursuant to §18-8-1(c) of this code, is a participant in the Hope Scholarship Program, pursuant to §18-8-1(m) of this code and as provided for in §18-31-1, *et seq*. of this code, or participates in a microschool or learning pod, pursuant to §18-8-1(n) of this code, and who:

(1) Has demonstrated satisfactory evidence of academic progress for each year in compliance with the provisions of that subsection: *Provided*, That the student's average test results are within or above the fourth stanine in all subject areas;

(2) Has not reached the age of 19 by August 1 of the current school year;

(3) Is an amateur who receives no compensation but participates solely for the educational, physical, mental, and social benefits of the activity;

(4) Agrees to comply with all disciplinary rules of the West Virginia Secondary School Activities Commission and the county board in which the student lives; and

(5) Agrees to obey all rules of the West Virginia Secondary School Activities Commission governing awards, all-star games, parental consents, physical examinations, and vaccinations applicable to all high school athletes.

Eligibility is limited to participation in interscholastic athletic events and other extracurricular activities at the public secondary school serving the attendance zone in which the student lives: *Provided*, That students who leave a school during the school year are subject to the same transfer protocols that apply to member-to-member transfers. Reasonable fees may be charged to the student to cover the costs of participation in interscholastic athletic events and other extracurricular activities.

(e) Students enrolled in a private school shall be eligible to participate in extracurricular activities at the public secondary school serving the attendance zone in which the student lives if the extracurricular activity is not offered at the student's private school: *Provided*, The student meets the requirements of subsection (d)(4) and (d)(5) of this section: *Provided, however*, That elementary and middle school students enrolled in any private, parochial or church school or school of a religious order or other nonpublic school who have played against at least two public schools during the previous regular athletic season shall be eligible to participate in county athletic tournaments held at the end of the athletic season, except for invitational tournaments.

(f) The West Virginia Secondary School Activities Commission shall recognize preparatory athletic programs, whose participants attend a secondary school in West Virginia for academic instruction, as nonparticipating members of the commission solely for the purpose of competing on the national level: *Provided*, That the preparatory athletic program shall pay the same fees as member schools. Such recognition does not entitle the preparatory athletic program to compete against a member school during the regular season or in any

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commission state championship events. The commission may promulgate an emergency rule pursuant to subsection (b) of this section, if necessary, to carry out the intent of this subsection.

WV Legislature

§18-2-25a. Management of concussions and head injuries in athletics at West Virginia Secondary School Activities Commission member high school or middle school.

(a) The Legislature makes the following findings:

(1) Concussions are one of the most commonly reported injuries in children and adolescents who participate in sports and recreational activities. The Centers for Disease Control and Prevention estimates that as many as 3.9 million sports-related and recreation-related concussions occur in the United States each year;

(2) A concussion is caused by a blow or motion to the head or body that causes the brain to move rapidly inside the skull. The risk of catastrophic injuries or death is significant when a concussion or head injury is not properly evaluated and managed;

(3) Concussions are a type of brain injury that can range from mild to severe and can disrupt the way the brain normally functions;

(4) Concussions can occur in any organized or unorganized sport or recreational activity and can result from a fall or from players colliding with each other or with obstacles;

(5) Concussions occur with or without loss of consciousness, but the vast majority occur without loss of consciousness;

(6) The interscholastic athlete who continues to play or practice with a concussion or symptoms of head injury is especially vulnerable to greater injury and even death; and

(7) Even with generally recognized return-to-play-and-practice standards for concussion and head injury, some affected interscholastic athletes are prematurely returned to play or practice resulting in increased risk of physical injury or death to the athletes in the state of West Virginia.

(b) For the purposes of this section, "interscholastic athlete" means any athlete who is participating in interscholastic athletics at a high school or middle school that is a member of the West Virginia Secondary School Activities Commission. "Licensed health care professional" means a health care provider whose licensed scope of practice includes the ability to diagnose and treat an injury or disease.

(c) The West Virginia Secondary School Activities Commission shall promulgate rules pursuant to §18-2-25 of this code that address concussions and head injuries in interscholastic athletes: Provided, That prior to state board approval and notwithstanding the exemption provided in §29A-1-3 of this code, the state board shall submit the rule to the Legislative Oversight Commission on Education Accountability pursuant to §29A-3B-9 of this code.

(d) The rules required by this section shall include, but are not limited to, the following:

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(1) Guidelines and other pertinent information to inform and educate appropriate school administrators, coaches, interscholastic athletes, and their parents or guardians of the nature and risk of concussion and head injury including the risks of continuing to play or practice after a concussion or head injury;

(2) A concussion and head injury information sheet that shall be signed and returned by the interscholastic athlete and the athlete's parent or guardian on an annual basis before the interscholastic athlete begins practice or competition;

(3) A requirement that each head coach of an interscholastic sport at a high school or middle school who is a member of the West Virginia Secondary School Activities Commission complete a commission-approved concussion and head injury recognition and return-to-play protocol course annually;

(4) A requirement that an interscholastic athlete who is suspected by a licensed health care professional or by his or her head coach or licensed or registered athletic trainer of having sustained a concussion or head injury in a practice or game shall be removed from competition at that time;

(5) A requirement that an interscholastic athlete who has been removed from play or practice may not return to play or practice until the athlete is evaluated by a licensed health care professional trained in the evaluation and management of concussions and receives written clearance to return to play and practice from the licensed health care professional;

(6) A list of the respective categories of licensed health care professionals including, but not limited to, licensed physical therapists and licensed or registered athletic trainers who, if properly trained in the evaluation and management of concussions, are authorized to provide written clearance for the interscholastic athlete to return to play; and

(7) A requirement that all member schools must submit a report to the West Virginia Secondary School Activities Commission within 30 days of an interscholastic athlete suffering or being suspected of suffering a concussion or head injury in a practice or game. The report must state whether an evaluation by a licensed health care professional verified that a concussion or head injury was actually suffered, whether the athlete received written clearance to return to play or practice and, if written clearance was given, the number of days between the incident and the actual return to play or practice. If written clearance to return to play is given after 30 days of the incident, a report update shall be submitted. The West Virginia Secondary School Activities Commission shall compile and submit the reports to the appropriate state and national organization or agencies to analyze and make determinations on whether the rule required by this section needs to be amended or if equipment worn by interscholastic athletes needs to be changed accordingly. The West Virginia School Activities Commission also shall submit the reports to the Legislative Oversight Commission on Health and Human Resources Accountability.

(e) Any member school not complying with the requirements of this section, and rules

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promulgated thereof, shall be subject to the disciplinary actions ordered by the West Virginia Secondary School Activities Commission: Provided, That the West Virginia Secondary School Activities Commission shall promulgate rules to establish guidelines for noncompliance and related disciplinary actions: Provided, however, That prior to state board approval and notwithstanding the exemption provided in §29A-1-3 of this code, the state board shall submit the rule to the Legislative Oversight Commission on Education Accountability pursuant to §29A-3B-9 of this code.

WV Legislature

§18-2-25b. Emergency action plans for athletics.

(a) No later than August 1, 2017, the West Virginia Secondary School Activities Commission shall promulgate rules to establish guidelines for emergency action plans for athletics designed to respond to athletic injuries that occur on school property during school-sponsored athletic events. The rules shall address, at a minimum:

(1) Protocols for practices and for games;

(2) Directives for personnel or equipment which should be available on sports fields or in school buildings for both girls' and boys' teams; and

(3) Training needed for school or volunteer personnel on an as-needed basis.

(b) All member schools shall submit an emergency action plan for athletics to the West Virginia Secondary School Activities Commission and their county boards of education by December 31, 2017: *Provided*, That the county boards shall keep the emergency plan of each school in the county on file and, unless otherwise provided for, provide a copy of each school's emergency action plan for athletics to each local emergency response agency that has a role in the plan.

(c) Any person licensed by, or certified or registered in, this state to provide health care or professional health care services who renders services of a medical nature to students under this section, who has an agreement with a county board of education that defines the scope of his or her duties as such, and for which no remuneration is demanded or received, is not liable for any civil damages as a result of rendering such services, or as a result of any act or failure to act in providing or arranging further medical treatment.

(1) The limitation of liability only applies if the services are provided in accordance with acceptable standards of care and the licensed health care provider is not grossly negligent or does not demonstrate willful misconduct.

(2) Any liability is limited to the applicable limits of the professional liability insurance provided by the State Board of Risk and Insurance Management in effect at the time.

(3) Nothing in this subsection nullifies the immunity from civil liability as granted pursuant to §55-7-15 of this code or federal law except to the extent to which the actions are covered within the applicable limits of the professional liability insurance provided by the State Board of Risk and Insurance Management pursuant to this section and in effect at the time.

(d) Any member school not complying with the requirements of this section, and rules promulgated thereof, shall be subject to the disciplinary actions ordered by the West Virginia Secondary School Activities Commission: *Provided*, That the West Virginia Secondary School Activities Commission shall promulgate rules to establish guidelines for noncompliance and related disciplinary actions: *Provided, however*, That prior to state board approval and notwithstanding the exemption provided in §29A-1-3 of this code, the state

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board shall submit the rule to the Legislative Oversight Commission on Education Accountability pursuant to §29A-3B-9 of this code.

WV Legislature

§18-2-25c. Defibrillator required at certain events.

(a) In memory of Alex Miller, a Roane County football player who collapsed and died during a school football game, this law shall be known as The Alex Miller Law.

(b) By the 2021-2022 school year, the West Virginia Secondary School Activities Commission shall require that an automated external defibrillator device, as well as a posted emergency action plan, be present on the school or event grounds during the duration of all athletic events and practices under the control, supervision, and regulation of the commission, and that appropriate school sports personnel be trained in the use of the device.

(c) The commission shall propose rules for promulgation by the State Board in accordance with §29A-3B-1 *et seq.* of this code to implement the provisions of this section including proximity.

(d) No individual, school, county board of education, or other entity shall be held liable for civil damages when such individual, school, county board of education, or other entity in good faith attempted to comply with the requirements of this section or rules promulgated pursuant thereto.

WV Legislature

§18-2-25d. Clarifying participation for sports events to be based on biological sex of the athlete at birth.

(a) The Legislature hereby finds:

(1) There are inherent differences between biological males and biological females, and that these differences are cause for celebration, as determined by the Supreme Court of the United States in United States v. Virginia (1996);

(2) These inherent differences are not a valid justification for sex-based classifications that make overbroad generalizations or perpetuate the legal, social, and economic inferiority of either sex. Rather, these inherent differences are a valid justification for sex-based classifications when they realistically reflect the fact that the sexes are not similarly situated in certain circumstances, as recognized by the Supreme Court of the United States in Michael M. v. Sonoma County, Superior Court (1981) and the Supreme Court of Appeals of West Virginia in Israel v. Secondary Schools Act. Com'n (1989);

(3) In the context of sports involving competitive skill or contact, biological males and biological females are not in fact similarly situated. Biological males would displace females to a substantial extent if permitted to compete on teams designated for biological females, as recognized in Clark v. Ariz. Interscholastic Ass'n (9th Cir. 1982);

(4) Although necessarily related, as concluded by the United States Supreme Court in Bostock v. Clayton County (2020), gender identity is separate and distinct from biological sex to the extent that an individual's biological sex is not determinative or indicative of the individual's gender identity. Classifications based on gender identity serve no legitimate relationship to the State of West Virginia's interest in promoting equal athletic opportunities for the female sex; and

(5) Classification of teams according to biological sex is necessary to promote equal athletic opportunities for the female sex.

(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) "Biological sex" means an individual's physical form as a male or female based solely on the individual's reproductive biology and genetics at birth.

(2) "Female" means an individual whose biological sex determined at birth is female. As used in this section, "women" or "girls" refers to biological females.

(3) "Male" means an individual whose biological sex determined at birth is male. As used in this section, "men" or "boys" refers to biological males.

(c) Designation of Athletic Teams. —

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(1) Interscholastic, intercollegiate, intramural, or club athletic teams or sports that are sponsored by any public secondary school or a state institution of higher education, including a state institution that is a member of the National Collegiate Athletic Association (NCAA), National Association of Intercollegiate Athletics (NAIA), or National Junior College Athletic Association (NJCAA), shall be expressly designated as one of the following based on biological sex:

(A) Males, men, or boys;

(B) Females, women, or girls; or

(C) Coed or mixed.

(2) Athletic teams or sports designated for females, women, or girls shall not be open to students of the male sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport.

(3) Nothing in this section shall be construed to restrict the eligibility of any student to participate in any interscholastic, intercollegiate, or intramural athletic teams or sports designated as “males,” “men,” or “boys” or designated as “coed” or “mixed”: *Provided*, That selection for a team may still be based on those who try out and possess the requisite skill to make the team.

(d) Cause of Action. —

(1) Any student aggrieved by a violation of this section may bring an action against a county board of education or state institution of higher education alleged to be responsible for the alleged violation. The aggrieved student may seek injunctive relief and actual damages, as well as reasonable attorney’s fee and court costs, if the student substantially prevails.

(2) In any private action brought pursuant to this section, the identity of a minor student shall remain private and anonymous.

(e) The State Board of Education shall promulgate rules, including emergency rules, pursuant to §29A-3B-1 et. seq. of this code to implement the provisions of this section. The Higher Education Policy Commission and the Council for Community and Technical College Education shall promulgate emergency rules and propose rules for legislative approval pursuant to §29A-3A-1 et. seq. of this code to implement the provisions of this section.

WV Legislature

§18-2-25e. Athletic eligibility of transfer students.

[Repealed].

WV Legislature

§18-2-26. Abolishment and transition of regional education service agencies.

(a) The regional education service agencies previously established by this section and W. Va. 126CSR72, filed October 15, 2015, and effective November 16, 2015, shall remain and may continue to operate in accordance with the provisions of this section prior to its amendment and reenactment at the Regular Session of the Legislature, 2017, and with said rule, unless and until modified by a cooperative agreement entered into by county boards within the agency boundaries or dissolved by said county boards: Provided, That on July 1, 2018, the regional education service agencies as provided under prior provisions of this section are dissolved.

(b) On July 1, 2018, all property, equipment and records held by the regional education service agencies necessary to effectuate the purposes of this article shall be transferred or liquidated or disbursed in accordance with section thirteen-c, article five of this chapter.

WV Legislature

§18-2-26a

Repealed

Acts, 2017 Reg. Sess., Ch. 72.

WV Legislature

§18-2-27. Authority to contract for programs, services and facilities.

The state Board of Education is authorized and empowered to enter into contracts and expend funds for programs, services and facilities provided by public and private educational institutions, associations, boards, agencies, consortia, corporations, partnerships, individuals and local, state and federal governmental bodies within and outside of West Virginia in order that maximum educational opportunities of high quality may be provided to the citizens of the state in the most economical manner: Provided, That in no event shall a contract for such services and facilities be entered into unless the board has determined that said services and/or facilities are necessary and that said services and/or facilities would be at a savings to the state.

Notwithstanding the provisions of this section, nothing herein contained shall supersede the responsibility and respective duties of the commissioner of finance and administration, the director of the Purchasing Division of such department and the Attorney General, for the execution and approval of the contracts entered into under this article and such contracts shall be in complete conformity with the provisions of articles three and five, chapter five-a of this code.

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§18-2-28.

Repealed.

Acts, 1990 3rd. Ex. Sess., Ch. 4.

WV Legislature

§18-2-29. Competitive grant program for selected schools and school districts.

[Repealed.]

WV Legislature

§18-2-30.

Repealed.

Acts, 2013 Reg. Sess., Ch. 56.

WV Legislature

§18-2-31.

Repealed.

Acts, 2013 Reg. Sess., Ch. 56.

WV Legislature

§18-2-32. Posthumous high school diplomas.

(a) This section shall be known as "Todd's Law".

(b) Notwithstanding any provision of this code to the contrary, the state board shall provide for the awarding of a high school diploma to a deceased student, at the request of the parent, guardian or custodian, if the student:

(1) Was enrolled in a public school in this state at the time of death;

(2) Was academically eligible, or on track to complete the requirements for graduation at the time of death; and

(3) Died after the completion of the eleventh grade school year.

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§18-2-33. Rules for antihazing.

(a) The Legislature hereby finds that hazing has become a problem in a limited number of public school-sponsored student organizations and that legal liability has already resulted from some of those activities. It is the intent of this section that problems with hazing in public school-sponsored student organizations be addressed.

(b) The state board shall promulgate legislative rules in accordance with article three-b, chapter twenty-nine-a of this code that addresses hazing in the public school system. The rules shall include at least the following:

(1) A definition of hazing;

(2) A definition of a public school-sponsored student organization that includes both cocurricular and extracurricular activities;

(3) A method to advise students and employees of the problems associated with hazing;

(4) Appropriate penalties or procedures for establishing penalties for students who haze while engaged in the activities of a public school-sponsored student organization; and

(5) Methods to prevent hazing in public school-sponsored organizations.

(c) The state board shall consider the antihazing law set forth in article sixteen, chapter eighteen in drafting the rules required by this section.

(d) Nothing in this section or in the policy promulgated in accordance with this section may be construed to prevent a suspension or expulsion executed in accordance with section one-a, article five, chapter eighteen-a of this code.

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§18-2-34. High school diplomas for surviving veterans of World War II, the Korean War, and the Vietnam Conflict.

(a) Notwithstanding any provision of this code to the contrary, the state board shall provide for the awarding of a high school diploma to any surviving veteran of World War II, the Korean War, or the Vietnam Conflict, who:

(1) Left school prior to graduation and served in the Armed Forces of the United States;

(2) Did not receive a high school diploma;

(3) Was discharged from the armed forces under honorable conditions; and

(4) Completes the application process as provided by the joint rules of the state board and the veterans' council.

(b) The state board and the veterans' council, created in article one, chapter nine-a of this code, shall jointly propose rules for the identification of eligible veterans and for awarding high school diplomas. The rules shall provide for an application process and the credentials required to receive a high school diploma.

(c) A diploma shall be awarded by the county board in the county in which the veteran resides or in the county in which the veteran would have received his or her diploma, whichever location the veteran chooses.

(d) For purposes of this section:

(1)"World War II veteran" means any veteran who performed wartime service between September 16, 1940, and December 31, 1946;

(2) "Korean War veteran" means any veteran who performed military service between June 27, 1950, and January 31, 1955;

(3) "Vietnam Conflict veteran" means any veteran who performed military service between February 28, 1961, and May 7, 1975.

WV Legislature

§18-2-35. Dress codes requiring school uniforms for students.

[Repealed.]

WV Legislature

§18-2-36. Framework for initiating comprehensive transformation of school leadership.

(a) Legislative findings.--

(1) The report and recommendations of Imagine West Virginia on Transforming School Leadership in West Virginia are clearly on point that school leadership and the essential role of the principal in achieving a high performing school are well documented, long studied and too often set aside. The report and recommendations also clearly recognize the value of providing teachers with authentic opportunities and resources to lead, influence professional practice, and assume shared responsibility for school and classroom improvement. The recommendations related to school leadership, the role, preparation and selection of the principal and a career ladder for teacher leaders once again bring the importance of strong school-level instructional leadership, including mechanisms for career advancement for teachers in leadership roles, to the forefront of discussions on school improvement. The state board posted the report recommendations for comment with the intent of providing a starting point for deeper deliberation and stakeholder input.

(2) Among the general conclusions of the Education Efficiency Audit of West Virginia's Primary and Secondary Education System is the need to drive more educational decision-making down 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. Such a system heightens the imperative for strong school leadership. The school climate and culture observed in high quality schools reflects strong leadership that develops shared beliefs and values among the staff, high expectations for all, and a safe, orderly and engaging environment. A key concept in developing good school leadership and then holding schools accountable for student performance is that they have the authority, resources and flexibility to affect the outcome.

(3) An increasing body of knowledge concludes that unless teachers are collectively involved in the planning and implementation of school improvement, it is unlikely to be sustained. Successful schools are distinguishable from unsuccessful ones by the frequency and extent to which teachers discuss professional practices, collectively design materials and inform and critique one another. Even successful schools must be self-renewing systems, learning organizations marked by deliberate effort to identify helpful knowledge and spread its use within the organization. Again, leadership by the principal combined with authentic roles for teacher leaders are necessary ingredients.

(4) The school responsibilities for accreditation adopted by the state board to implement West Virginia's performance based accreditation system embodied in section five, article two-e of this chapter, the Process for Improving Education, include a collective and collaborative process for continuous school improvement led by the principal. The process includes data analysis, goal setting, strategic planning, progress review and results analysis. It includes identifying what and where improvement is needed, establishing goals and a strategic plan for improved student learning, defining the roles and responsibilities of all

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team members, securing the professional development needed to achieve the goals, and sharing the responsibility and rewards for the results. The principal must foster and develop distributed leadership in order to focus collective action for improved school performance. The school's faculty and members of the Local School Improvement Council must participate effectively in the self-assessment and annual and cyclical reviews of school performance to effect a process of continuous improvement.

(5) The prior studies and Imagine WV report in which they are cited recognize that the job of principal has become overwhelming. The report focuses on instructional leadership as the most important role of the principal, but notes that it has become a less prominent function in the overall job of being a principal. The diminished time devoted to instructional leadership has been a gradual crowding out by other necessary functions, rather than a conscience choice. Just as important for high performing schools is the strong leadership role necessary for operations management, establishing the climate and culture of the school as a learning environment, and instructional leadership. All require strong leadership skills, but in a different context. They require different skill sets, all of which are needed to lead high quality schools. The reality, however, is that these many responsibilities inherent in the operation of high quality schools compete for time and it is difficult for principals to do them all well. Various scenarios have been discussed for enabling a heightened focus on instructional leadership, including the introduction of school manager positions or the broader use of assistant principals in all schools to allow greater principal attention to instructional improvement. A further scenario builds upon the research that high quality schools are distinguishable by the collective and collaborative involvement of teachers in sustained school improvement. It brings a heightened focus on instructional leadership to assist, and under direction of, the principal by providing authentic opportunities for teacher leaders to participate and assume greater responsibility. This scenario involves various approaches to reward excellent teaching, to provide the time necessary for excellent teachers to lead instructional improvement, and to enable excellent teachers to advance in their teaching careers and levels of compensation through instructional leadership positions without leaving the classroom completely.

(6) Emerging research and policy direction toward distributed leadership and shared responsibility for results as cited in these findings, elevate the focus for all teachers on instructional improvement, and particularly for excellent teachers to assume instructional leadership roles. In most schools today, excellent teachers rarely have authority, time, or sustained incentives to lead while teaching. Developing models for supporting new teacher induction, for professional development and mentoring for struggling teachers, and for teacher collaboration on instructional improvement all involve a role for teacher leaders. As professional educators, teachers should have an established structure through which they can advance their careers as experienced instructional leaders without leaving classroom teaching completely. Like other professionals, teachers should be afforded an opportunity to take on more responsibility, share their expertise with other less experienced teachers and advance their teaching career as teacher leaders. Like other professions, teaching should provide for a routine progression of continuing education for license maintenance and

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opportunities for salary advancement as additional knowledge, skill and expertise are acquired that directly affect student learning. Examples of leadership roles that may be performed by teachers include serving on the school leadership team, leading collective and collaborative processes for strategic improvement planning, leading teacher collaboration processes within the school day, leading the faculty senate, serving on the local school improvement council, supervising student teachers, serving as mentors and models for new and struggling teachers and teachers-in-residence, and helping arrange school level professional development. Ideally, in an opportunity culture for teachers, career paths and teacher pay will recognize and reward the value of excellent teaching and teacher leadership roles for extending excellent teaching to all students consistently.

(7) Education is a human resources intensive endeavor. It competes for talented professionals with other occupations with higher levels of compensation, particularly in the STEM fields. While opportunities for career advancement and added compensation for teachers under career ladder type arrangements may improve the attractiveness of the profession for excellent teachers, it will not replace the need for general salary increases. In West Virginia and nationally, the enrollments in college and university teacher preparation programs are declining. For West Virginia particularly, the need to recruit and retain excellent teachers is exacerbated by the increasing numbers of retirements of a very senior teaching force. Increasingly important will be a variety of methods for encouraging and supporting an interest in the teaching profession, preparing the next generation of educators, actively recruiting top talent graduating from teacher preparation programs and supporting their development through the first years of their careers. In the human resources intensive business of education, human resource development should not be left to chance.

(b) Legislative purpose, intent, process for stakeholder input; items for recommendation.--

(1) The purpose of this section is to provide a framework for development of the statutory and policy changes needed to support and sustain a comprehensive transformation of school leadership. A further purpose of this section is to initiate the comprehensive transformation of school leadership through a general statement of legislative intent to pursue this change in public policy and, thereby, provide assurances and parameters under which the work toward this change may proceed. It is expected that the transformation will affect both the public education system and the educator preparation programs at institutions of higher education to develop, prepare and credential teacher, principal and administrative leaders to accomplish a systemic change in school leadership. It is expected that the transformation will involve multiple, and in some cases sequential, steps that may require a period of years to accomplish to ensure that the necessary supports are in place to enable school leaders to meet the expectations of new roles and responsibilities and to finance the necessary improvements.

(2) It is further expected that the transformation will involve roles and responsibilities for leadership that may not match the certification and training of all of those currently in leadership positions. Therefore, the options for implementation will need to take the existing

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legacy into account to minimize cost and system disruption while bringing new models of leadership for instructional improvement to every school expeditiously. Finally, it is expected that district size and resources, school size and programmatic level, existing leadership positions, and differences in school performance may all be factors that will affect the transformation of school leadership within the various school systems and they should be afforded ample local flexibility for establishing priorities and implementation within their schools.

(3) The findings set forth in subsection (a) of this section provide a context for considering a leadership framework that promotes instructional improvement and for determining the statutory and policy changes needed to enable it. It is the intent of the Legislature to begin this transformation through a process of broad stakeholder input to consider and make recommendations to accomplish this task. Therefore, the state board shall convene the relevant stakeholders, including, but not limited to, principals, teachers, superintendents, county board members, educator preparation program personnel, legislators or their designees and a Governor's designee to assist the state board in developing state board policies, practices and recommended statutory changes consistent with the findings of this section. Among the issues the state board shall consider are:

(A) Issues relating to principal leadership that include, but are not limited to, the following:

(i) A clear definition of the role and responsibilities of principals and assistant principals in statute and policy that include leadership for instructional improvement;

(ii) The role and responsibilities of the principal as the legally responsible party in charge of the school with the added need for authority and flexibility to delegate responsibilities to accomplish a distributed leadership model for instructional improvement;

(iii) Leadership standards that include the essential role of the principal for leadership in developing a culture of collegiality and professionalism among the staff so that improving student learning is a shared responsibility;

(iv) The scope of topics to be covered in the preparation programs and certifications for principals and assistant principals;

(v) A process of preparing new principals that may include clinical experiences and mentoring through a partnership between higher education and county boards. It may include a commitment of county board resources to assist in the training, as well as a commitment from the candidate to stay in the system for some period of time;

(vi) The additional school-level tools needed to give good principals the flexibility and authority necessary for success, including additional independent, school-level authority needed to adequately fulfill the responsibilities;

(vii) A method of implementation under which the capacity of the principal for leading is a

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condition precedent to implementation of methods for distributed leadership;

(viii) Limitations on the employment of new principals to those candidates prepared and credentialed under the new standards, or some comparable standards approved by the state board, and limitations on the applicability of Master's degrees in education administration for advanced salary classification if earned after a certain date following state board approval of a new preparation program; and

(ix) Differentiation and improvements in the salary schedules and increments for principals subject to the newly defined roles and responsibilities for school leadership;

(B) Issues relating to teacher leadership that include, but are not limited to, the following:

(i) Various approaches that reward excellent teaching, provide authentic opportunities for excellent teachers to influence professional practice and enable excellent teachers to advance in their teaching careers and compensation without leaving the classroom completely including, but are not limited to, incentive increments, career lattice steps and career ladder positions;

(ii) Incentive increments in the salary scale for advanced degrees, approved course work or advanced certification in the teacher's area of certification and for excellent teaching;

(iii) Career lattice steps that provide extra pay and/or extra time for teachers for specific types of assignments made by the principal or, in some cases, by the faculty senate for instructional and school improvement work. These types of steps may not be permanent and may change or involve different teachers and team members from time to time depending on the needs of the school and the ability of teachers to participate;

(iv) Career ladder steps that are permanent steps for master teachers who possess the appropriate leadership certification to progress in teacher leadership positions with additional compensation and reduced teaching load to assume duties under the direction of the principal without leaving the classroom completely;

(v) A clear definition in statute and policy of the role and responsibilities of career ladder teacher leaders that includes leadership for instructional improvement;

(vi) Career ladder teacher leader standards that include the essential role of leadership in developing a culture of collegiality and professionalism among the staff so that improving student learning is a shared responsibility;

(vii) The scope of topics to be covered in the preparation programs and certifications for career ladder teacher leaders;

(viii) Appropriate limitations on the number of teachers in career lattice positions and on the number of teachers in career ladder positions, separately, for schools of different size and programmatic level; and

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(ix) An additional incentive increment in the salary scale for excellent teachers and principals who accept transfer to a low performing school for a certain number of years;

(C) Issues relating to a leadership development pipeline that include, but are not limited to, the following:

(i) A comprehensive leadership development process for school systems to identify, recruit and train outstanding leadership candidates consistent with numbers needed to meet the projected needs of the school system;

(ii) A method for school-level identification of those teachers who most clearly demonstrate budding leadership qualities as potential candidates for development into the career ladder teacher leaders, assistant principals and principals of the future;

(iii) Appropriate school district and higher education partnerships for preparation, support and credentialing at each step so the focus on instructional leadership will become pervasive; and

(iv) Allowances that may be necessary to fill positions during the transition to new leadership models; and

(D) Issues related to local and state systems of support that include, but are not limited to, the following:

(i) Information management tools that enhance the capacity of school leaders and leadership teams to quickly assemble performance information on student learning and other aspects of the school's learning environment into the actionable intelligence needed for strategic planning, adjusting instructional strategies and focusing on individual student needs;

(ii) School-level tools or resources that give principals a flexible, timely and targeted way to meet the professional development needs of teachers at their school;

(iii) Methods to help ensure the uniformity and inter-rater reliability of the portion of the professional personnel performance evaluation based on teaching standards;

(iv) Additional state-level infrastructure that may be needed to support the additional credentialing and monitoring of course work and degree attainment for salary progressions and new leadership positions;

(v) Methods to support, encourage and facilitate school-level leadership for instructional improvement, to endorse and encourage innovation to improve the success of all students rather than rely on top-down enforcement of one size fits all approaches to education; and

(vi) Methods to establish an emphasis on human resource management including, but not limited to, approaches to improve the position posting and recruitment of new graduates for shortage area positions, and improving the retention of new professional personnel.

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(c) Reports and recommendations to Legislature and Governor.--

(1) Not later than regular session of the Legislature, 2018, the state board shall make a report to the Joint Standing Committee on Education and the Governor on transforming school leadership including, at a minimum:

(A) Recommendations on a general leadership structure and definitions of the roles and responsibilities for principals and teacher leaders;

(B) Identification of affected statutes and policies, including pending and completed policy revisions, and recommendations for statutory amendments, if any, needed to effectuate its recommendations;

(C) An outline of sequential implementation of the changes needed to transform school leadership, and recommendations for phased implementation, if any; and

(D) The estimated costs of implementation of the recommendations and statutory changes necessary to effectuate the recommendations along with potential funding sources from improved efficiencies or other cost savings from the 5 elimination of unnecessary operations or programs.

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§18-2-37.

Repealed.

Acts, 2013 Reg. Sess., Ch. 56.

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§18-2-38.

Repealed.

Acts, 2013 Reg. Sess., Ch. 56.

WV Legislature

§18-2-39. College and career readiness initiative.

[Repealed].

WV Legislature

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

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

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

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

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

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

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

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§18-2-40a. Education on and prevention of self-harm behavior and eating disorders.

(a) This section shall be known and cited as "Meghan's Law".

(b) *Training of public school employees and volunteers* – The state board shall promulgate, by September 1, 2022, a legislative rule pursuant to §29A-3B-1 *et seq*. of this code, and if necessary may promulgate an emergency rule in accordance with said article, to establish training requirements for all county board employees who might come into contact with a student, including full-time, part-time, and contract employees, as well as any volunteers of a school or school district that might come into contact with a student as such employees and volunteers may be further defined in the rule. The training shall be focused on developing skills, knowledge, and capabilities related to preventing, recognizing, and responding to students' self-harm behaviors and eating disorders. The rule shall provide for at least the following:

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

(A) Recognize warning signs of self-harm behaviors and eating disorders that can lead to serious health issues and death;

(B) Support the healthy development of students by learning how to appropriately respond to or refer a student who exhibits warning signs of self-harm or eating disorders; and

(C) Provide consistent and standard protocols for responding to disclosures or discovery of self-harm or an eating disorder;

(2) The rule shall contain provisions to ensure that public school employees complete the required training every three years; and

(3) The rule may provide for this training to be administered virtually or through self-review of materials and resources provided by the state board.

(c) *Education of middle school and high school students* — Beginning September 1, 2022, children in grades 5-12 shall receive information regarding self-harm and eating disorder signs, prevention, and treatment.

(1) This education shall occur at least once per academic school year.

(2) The information may be obtained from the Bureau for Behavioral Health and Health Facilities, a licensed healthcare provider, or from commercially developed awareness and prevention training programs for the awareness, treatment resources, and prevention of self-harm behavior and eating disorders approved by the state board in consultation with the bureau to assure the accuracy and appropriateness of the information.

(3) To facilitate this process and develop resources, the state board may promulgate a

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legislative rule pursuant to §29A-3B-1 *et seq*. of this code.

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§18-2-40b. Dissemination of information on suicide prevention.

Commencing one year from the date of reenactment of this section in the 2023 regular session of the Legislature, a public school that serves students in grades 6 to 12, inclusive, and that issues student identification cards shall have printed on either side of the student identification cards the information for the Suicide & Crisis Lifeline, which can be reached by calling or texting 988; and shall have printed on either side of the student identification cards the information for the Crisis Text line, which can be accessed by texting HOME to 741741.

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

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

(1) Developmentally appropriate education and resources;

(2) Social media usage and content;

(3) Implementation of best practices;

(4) Differing county and school sizes, demographics, etc. relating to implementation strategies;

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

(6) Rules informed by family voice;

(7) Offender dynamics;

(8) Child-on-child scenarios;

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

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

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

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

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

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

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

(D) Support the healthy development of children and youth and the building of protective factors to mitigate against their sexual victimization by adults or peers;

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

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

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

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

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

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

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

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

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

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

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§18-2-42. Providing career and technical education program information to students and parents; transcript of post-secondary credit; career technical education student participation in graduation ceremony.

(a) The State Board of Education, the Council for Community and Technical College Education, and the Department of Commerce shall coordinate efforts for the collection and dissemination of information on the career and technical cluster and major programs of study established for the public schools including, but not limited to, the following:

(1) Programs of study and the curriculum of courses at the secondary and post-secondary level established pursuant to §18B-3C-4 of this code that lead to an industry-recognized credential, a certificate of applied science degree or an associate degree that satisfy a workforce need;

(2) Programs of study and the curriculum of courses at the secondary level recognized pursuant to §21-1E-1 et seq. of this code, §29-3-9 of this code and §30-1E-1 et seq. of this code as satisfying a portion of the requirements for an apprenticeship and other employer sponsored training programs, as well as any associated programs of study and the curriculum of courses at the post-secondary level that enable the student to also satisfy the requirements for an associate degree; and

(3) The EDGE program, established by §18-13-1 et seq. of this code, which provides the opportunity for the student to obtain articulated credits that count toward high school graduation requirements, as well as count toward the student's achievement of a certificate or associate degree.

(b) The dissemination of the information on programs of study as provided in subsection (a) of this section shall be easily accessible to all students and their parents beginning in the middle school grades.

(c) All post-secondary credits earned by a public school student through the EDGE program and any other articulated credit and dual credit program shall be transcripted and provided to the student by the post-secondary institution at which the credit was earned.

(d) Any career technical education student who fulfills the high school graduation requirements required of other students in the district in which he or she is enrolled shall be eligible to participate in the graduation ceremony in the same manner as all other students in the district.

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§18-2-43. Addressing disciplinary action in West Virginia schools.

(a) The Department of Education shall analyze statewide data collected on school disciplinary action and, based on the findings of this data, develop a statewide program intended to address the number of disciplinary actions taken by school personnel and county school boards against students enrolled in grades K-12. This program will include information by subgroup, including, but not limited to, race, gender, and disability.

(b) County boards of education shall implement the program outlined in subsection (a) of this section with the ultimate goal of improving disciplinary outcomes.

(c) The Department of Education shall prepare a report on the findings of statewide disciplinary data and, in addition to these findings, provide a summary of the progress of the statewide program and individual county programs, evaluating the extent to which the programs have successfully led to making a positive impact in disciplinary actions in West Virginia school systems. The Department of Education shall present these findings to the Legislative Oversight Commission on Education Accountability every two years starting in the year 2022.

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

(a) The state board shall, in collaboration with law-enforcement agencies, criminal justice agencies, and other nongovernmental organizations with experience in child online safety issues and human trafficking prevention, develop a Safety While Accessing Technology (SWAT) education program for elementary and secondary school students in the State of West Virginia. The SWAT education program shall include instruction on the following topics:

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

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

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

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

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

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

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

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

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

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

(D) The potential of long-term and unforeseen consequences for sharing sexually suggestive

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or sexually explicit materials during past relationships; and

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

(b) The state board may develop and provide age-appropriate instructional materials and resources to assist county boards in establishing and implementing the SWAT education program. In developing any such instructional materials and resources, the board may collaborate with law-enforcement agencies, criminal justice agencies, and other nongovernmental organizations with expertise in child online safety issues and human trafficking prevention.

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

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

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

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

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

WV Legislature

§18-2-45. Patriotic societies; opportunity to speak and recruit at public schools.

(a) As used in this section, "patriotic society" means any youth group listed in Title 36 of the United States Code.

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

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

WV Legislature

§18-2-46. Requiring the Legislative Auditor to conduct periodic performance audits of the West Virginia Department of Education.

(a) The Joint Committee on Government and Finance, in conjunction with the Legislative Oversight Commission on Education Accountability ("LOCEA") may, at reasonable and prudent intervals, cause the Legislative Auditor to conduct performance audits of the West Virginia Department of Education, as well as county boards or local districts who utilize state funding: *Provided*, That LOCEA may request the Legislative Auditor perform a review upon a determination by the commission and approval by the Joint Committee on Government and Finance.

(b) The Legislative Auditor shall have the power and authority to conduct a performance audit of the West Virginia Department of Education, which shall allow the Legislative Auditor to inspect all records and accounts of the department and to examine the personnel of the department: *Provided*, That for any legally protected information provided or disclosed to the Legislative Auditor pursuant to this section, the Legislative Auditor shall protect the confidentiality, privacy, or security of the protected information in like manner and with the same duty as is required of the West Virginia Department of Education. Additionally, the Legislative Auditor may review productivity and meeting standards, while ensuring that local control is upheld.

(c) The Legislative Auditor shall complete an initial performance audit of the West Virginia Department of Education by December 1, 2025, and, on that date, deliver a report thereof to the Joint Committee on Government and Finance and to the Legislative Oversight Commission on Education Accountability.

WV Legislature

§18-2-47. Limitation on cell phones in classrooms; rule-making.

(a) *Purpose*. – Personal electronic devices contribute to a negative classroom environment with increased concerns relating to distractions, academic misconduct, bullying and/or harassment and other inappropriate behaviors. Concerns regarding the mental health of students with unfettered access to personal electronic devices are well-documented and are believed to prohibit the age-appropriate development of relationships, study skills, and other necessary skills to be successful.

(b) *Application*. – County boards of education shall develop a policy that includes, but is not limited to, the requirements established in this policy for implementation at the beginning of the 2025-2026 school year.

(c) *Definitions*. –

(1) "Personal Electronic Device" means any portable device capable of wireless communication or computing including, but not limited to, cellular phones, tablets, laptops, smartwatches, and portable gaming systems not provided by a county board of education.

(2) "Instructional Day" means the period of time from the start of the first instructional period to the end of the last instructional period, including transition times between classes.

(3) "Classroom Setting" means an environment where instruction or activities related to the school curriculum are occurring including, but not limited to, general classrooms, gymnasiums, common areas, or any other area where instruction may occur.

(d) *Prohibition of Personal Electronic Devices During Instructional Time*. – As personal electronic devices are a privilege and are not contributable to the appropriate development and growth of students, all personal electronic devices shall not be accessible to students for use in a classroom setting during instructional time, with the exception of exemptions set forth in this policy.

(e) *Minimum Requirements for County Board of Education Policies*. – County boards of education are required to adopt a policy that includes, but is not limited to, the following:

(1) Whether personal electronic devices will or will not be permitted on school property.

(2) If a county board decides that personal electronic devices will be permitted on school property, its policy must include a procedure for storing the devices that specifies where and how the devices will be stored during the instructional day.

(3) If a county board decides that personal electronic devices will be permitted on school property, students may be required to store the devices in containers or pouches provided by the county board.

(4) County boards of education policies shall include the following exemptions:

WV Legislature

(A) Students with an approved documented need, as required by a medical doctor or licensed healthcare professional or as a requirement of an Individualized Education Plan (IEP) or 504 plan, the student's health care provider's medical orders, or other written accommodation plan, may have access to personal electronic devices if the device relates to the student's specific need. An exemption related to a student's IEP, 504 plan, medical order, or other written accommodation shall include a timeline of the required exemption and specify what electronic device(s) shall be included in the exemption.

(B) County boards of education may include permission of specific personal electronic devices as related to the requirements of a county board of education approved work-based learning program. The approval shall include the specific course and purpose for which an electronic device may be used.

(5) County boards of education policies shall include consequences for students determined to have violated the policy including, but not limited to, the following:

(A) Penalties for a first offense, a second offense, and subsequent offenses;

(B) Confiscation of a student's personal electronic device(s) for violation of the policy and/or require the student's parent/guardian to retrieve the device(s); and,

(C) Prohibiting an individual student from possessing any device if previous misuse has been documented. However, if a student is prohibited from possessing electronic devices on school property, a conference shall be offered to the parent/guardian to discuss the reasoning for the prohibition.

(6) County board of education policies shall require schools to document all violations of the policy in the West Virginia Education Information System (WVEIS}.

(7) County boards of education shall make reasonable efforts to ensure that information related to acceptable use of personal electronic devices is disseminated to students and their parents/guardians including posting signs on school property and publishing the information in student handbooks, newsletters, social media, and county or school websites.

(8) The Local School Improvement Council (LSIC) of each school shall annually discuss the progress of implementing the county board's personal electronic device policy. The LSIC shall, at a minimum, review the relevant discipline data and make recommendations designed to promote student compliance with the policy.

(9) County boards shall require each school to develop and publish protocols regarding how parents/guardians may communicate with their children in a manner that does not distract the student in the learning environment. This may include, but is not limited to, establishing specific times when personal electronic devices are permissible, utilizing office staff to disseminate information from the parent/guardian, or any other applicable strategy designed to minimize disruption during instructional time.

WV Legislature

(f) *Severability.* – If any provision of this policy or the application thereof to any person or circumstance is held invalid, such federal legislation or invalidity shall not affect other provisions or applications of this policy.

WV Legislature

§18-2-48. Air rifles and rimfire rifles permitted for school teams.

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

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

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

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

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

WV Legislature