WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1990

ENROLLED

HOUSE BILL No. 101

(By Mr. Speaker, Mr. Charles O. Spotted)

Passed March 15, 1990

In Effect Upon Passage
AN ACT to repeal section fourteen, article nine-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend article two of said chapter by adding thereto a new section, designated section five-b; to amend article two-b of said chapter by adding thereto a new section, designated section two-a; to amend and reenact section thirteen, article five of said chapter; to amend and reenact section one, article eight of said chapter; to amend and reenact sections four, five, five-a, seven, nine, ten, thirteen and thirteen-b, article nine-a of said chapter; to amend article nine-b of said chapter by adding thereto a new section, designated section six-a; to amend and reenact section one, article twenty of said chapter; to further amend said article twenty by adding thereto a new section, designated section one-b; to amend and reenact section seven, article two, chapter eighteen-a of said code; to amend and reenact sections five-a, five-b and seven, article four of said chapter; to further amend said article four by adding thereto a new section, designated section five-d; and to amend article one, chapter eighteen-b of said code by adding thereto a new section, designated section eleven, all relating to public education generally; authorizing the state board to become a medicaid provider and ascertaining eligible students; permitting the state board to delegate provider status in certain instances and requiring an annual report;
prohibiting withdrawal from participation in a multi-county vocational center; allowing county school boards to contract with colleges or universities or recognized campus organizations to provide school buses to transport college or university students, faculty and staff to and from such college or university; providing for the aforesaid contract to include cost of service and rules concerning student behavior; requiring certain individuals to be provided with information relating to vocational or higher education opportunities; deleting obsolete language pertaining to meetings and reports for the joint establishment of county school systems; conforming the compulsory school attendance age with other sections of the code; requiring test publishers to norm homeschooling standardized tests; authorizing an additional test choice; requiring the standardized test to be less than ten years old; providing the test results to be reported as a national percentile; requiring test results to be made available by a certain date; decreasing the professional educator ratio of fifty-five per thousand and establishing priorities in the event of a reduction in force; providing for a minimum number of principals and central office administrators; deleting obsolete language pertaining to the foundation allowance for the fiscal year one thousand nine hundred eighty-eight; removing the prohibition that certain school employees may not be reduced-in-force in certain instances; permitting counties with increasing student populations to apply for additional bus funding; providing ninety percent of transportation costs to counties to cover certain costs in transporting certain students to and from multicounty vocational schools; delaying the increase in the allowance for other current expense for one year; providing an appropriation of fifteen million four hundred forty thousand four hundred ninety-three dollars for the school building authority for the fiscal year beginning on the first day of July, one thousand nine hundred ninety and increasing such amount by at least seven million seven hundred thousand dollars in each subsequent year; changing the allowance for loss reduction to an allowance for counties in severe financial crisis; deleting obsolete language pertaining to total
state appropriation for the basic foundation program; providing for an amount of funds for salary equity; delaying allocation of funding for remedial and accelerated programs for one year; delaying submission of county board's budget to the state board until the tenth day next following the state board's transmittal of the final state aid computations; decreasing the maximum age addressed by special education programs; permitting special education program completion by students at least twenty-one years of age and enrolled prior to a certain date; requiring the education of exceptional and handicapped children in foster care and correctional facilities beginning on the first day of July, one thousand nine hundred ninety; deleting obsolete language pertaining to establishment of special education program for certain children; expanding the services provided to the severely handicapped to include handicapped children ages three through five, inclusive beginning the first day of July, one thousand nine hundred ninety; broadening the definition of the term "handicapped children" beginning the first day of July, one thousand nine hundred ninety; requiring state board of education to adopt rules to assure appropriate educational programs for certain children in foster care and correctional facilities beginning the first day of July, one thousand nine hundred ninety; removing the limits placed on counties for teacher and service personnel salary supplements for one year and changing certain effective dates; authorizing a salary equity appropriation; providing for an adjustment in substitute teacher compensation; requiring state funded institutions of higher education to provide appropriate services to meet the needs of students with handicapping conditions; and repealing the section providing for incentives for staffing improvements.

Be it enacted by the Legislature of West Virginia:

That section fourteen, article nine-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; that article two of said chapter be amended by adding thereto a new section, designated section five-b; that article two-b of said chapter be amended by adding
thereto a new section, designated section two-a; that section thirteen, article five of said chapter be amended and reenacted; that section one, article eight of said chapter be amended and reenacted; that sections four, five, five-a, seven, nine, ten, thirteen and thirteen-b, article nine-a of said chapter be amended and reenacted; that article nine-b of said chapter be further amended by adding thereto a new section, designated section six-a; that section one, article twenty of said chapter be amended and reenacted; that said article twenty be further amended by adding thereto a new section, designated section one-b; that section seven, article two, chapter eighteen-a of said code be amended and reenacted; that sections five-a, five-b and seven, article four of said chapter be amended and reenacted; that said article four be further amended by adding thereto a new section, designated section five-d; and that article one, chapter eighteen-b of said code be amended by adding thereto a new section, designated section eleven, all to read as follows:

CHAPTER 18. EDUCATION.

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-5b. Medicaid eligible children.

1 The state board of education, shall 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 to maximize federal reimbursement for all services available under the Omnibus Budget Reconciliation Act of one thousand nine hundred eighty-nine, 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: Provided,

11 That the state board may delegate this provider status and subsequent reimbursement to regional educational service agencies (RESA) and/or county boards of education: Provided, however, That annually the state board of education shall report to the legislature the number and age of children eligible for medicaid, the number and age of children with medicaid coverage, the types of medicaid eligible services provided, the frequency of services provided, the medicaid dollars
reimbursed; and that this report shall be on a county
by county basis and made available no later than the
first day of January, one thousand nine hundred ninety-
one, and annually thereafter.

ARTICLE 2B. AREA VOCATIONAL PROGRAM.

§18-2B-2a. Withdrawal from multi-county vocational
center prohibited.

Any county which participates in the operation of a
multi-county vocational center shall not be permitted to
withdraw from such participation.

ARTICLE 5. COUNTY BOARD OF EDUCATION.


The boards, subject to the provisions of this chapter
and the rules and regulations of the state board, shall
have authority:

(1) To control and manage all of the schools and school
interests for all school activities and upon all school
property, whether owned or leased by the county,
including the authority to require that records be kept
of all receipts and disbursements of all funds collected
or received by any principal, teacher, student or other
person in connection therewith, any programs, activities
or other endeavors of any nature operated or carried on
by or in the name of the school, or any organization or
body directly connected with the school, to audit such
records and to conserve such funds, which shall be
deemed quasi-public moneys, including securing surety
bonds by expenditure of board moneys;

(2) To establish schools, from preschool through high
school, inclusive of vocational schools; and to establish
schools and programs, or both, for post high school
instruction, subject to approval of the state board of
education;

(3) To close any school which is unnecessary and to
assign the pupils thereof to other schools: Provided, That
such closing shall be officially acted upon and teachers
and service personnel involved notified on or before the
first Monday in April, in the same manner as provided
in section four of this article, except in an emergency, subject to the approval of the state superintendent, or under subdivision (5) of this section;

(4) To consolidate schools;

(5) To close any elementary school whose average daily attendance falls below twenty pupils for two months in succession and send the pupils to other schools in the district or to schools in adjoining districts. If the teachers in the school so closed are not transferred or reassigned to other schools, they receive one month's salary;

(6) (a) To provide at public expense adequate means of transportation, including transportation across county lines, for all children of school age who live more than two miles distance from school by the nearest available road; to provide at public expense and according to such regulations as the board may establish, adequate means of transportation for school children participating in board-approved curricular and extracurricular activities; and to provide in addition thereto at public expense, by rules and regulations and within the available revenues, transportation for those within two miles distance; to provide in addition thereto, at no cost to the board and according to rules and regulations established by the board, transportation for participants in projects operated, financed, sponsored or approved by the commission on aging: Provided, That all costs and expenses incident in any way to transportation for projects connected with the commission on aging shall be borne by such commission, or the local or county chapter thereof: Provided however, That in all cases the school buses owned by the board of education shall be driven or operated only by drivers regularly employed by the board of education: Provided further, That the county board may provide, under rules established by the state board, for the certification of professional employees as drivers of board-owned vehicles with a seating capacity of less than ten passengers used for the transportation of pupils for school-sponsored activities other than transporting students between school and home: And provided further, That the use of such
vehicles shall be limited to one for each school-sponsored
activity: And provided further, That buses shall be used
for extracurricular activities as herein provided only
when the insurance provided for by this section shall
have been effected;

(b) To enter into agreements with one another to
provide, on a cooperative basis, adequate means of
transportation across county lines for children of school
age subject to the conditions and restrictions of subdi-
visions (6) and (8) of this section;

(7) (a) To lease school buses operated only by drivers
regularly employed by the board to public and private
nonprofit organizations or private corporations to
transport school-age children to and from camps or
educational activities in accordance with rules and
regulations established by the board. All costs and
expenses incurred by or incidental to the transportation
of such children shall be borne by the lessee;

(b) To contract with any college or university or
officially recognized campus organizations to provide
transportation for college or university students, faculty
or staff to and from such college or university: Provided,
That only college and/or university students, faculty and
staff are being transported. The contract shall include
consideration and compensation for bus operators,
repairs and other costs of service, insurance and any
rules and regulations concerning student behavior.

(8) To provide at public expense for insurance against
the negligence of the drivers of school buses, trucks or
other vehicles operated by the board; and if the
transportation of pupils be contracted, then the contract
therefor shall provide that the contractor shall carry
insurance against negligence in such an amount as the
board shall specify;

(9) To provide solely from county funds for all regular
full-time employees of the board all or any part of the
cost of a group plan or plans of insurance coverage not
provided or available under the West Virginia public
employees insurance act;
(10) To employ teacher aides, to provide in-service training for teacher aides, the training to be in accordance with rules and regulations of the state board and, in the case of service personnel assuming duties as teacher aides in exceptional children programs, to provide a four-clock-hour program of training prior to such assignment which shall, in accordance with rules and regulations of the state board, consist of training in areas specifically related to the education of exceptional children;

(11) To establish and conduct a self-supporting dormitory for the accommodation of the pupils attending a high school or participating in a post high school program and of persons employed to teach therein;

(12) To employ legal counsel;

(13) To provide appropriate uniforms for school service personnel;

(14) To provide at public expense and under regulations as established by any county board of education for the payment of traveling expenses incurred by any person invited to appear to be interviewed concerning possible employment by such county board of education;

(15) To allow or disallow their designated employees to use publicly provided carriage to travel from their residences to their workplace and return: Provided, That such usage is subject to the supervision of such board and is directly connected with and required by the nature and in the performance of such employee's duties and responsibilities;

(16) To provide, at public expense, adequate public liability insurance, including professional liability insurance for board employees;

(17) To enter into agreements with one another to provide, on a cooperative basis, improvements to the instructional needs of each county. Said cooperative agreements may be used to employ specialists in a field of academic study or support functions or services, therefor. Such agreements shall be subject to approval by the state board of education; and
(18) To provide information about vocational or higher education opportunities to students with handicapping conditions. The board shall provide in writing to the students and their parents or guardians information relating to programs of vocational education and to programs available at state funded institutions of higher education. Such information may include sources of available funding, including grants, mentorships and loans for students who wish to attend classes at institutions of higher education.

"Quasi-public funds" as used herein means any money received by any principal, teacher, student or other person for the benefit of the school system as a result of curricular or noncurricular activities.

The board of each county shall expend under such regulations as it establishes for each child an amount not to exceed the proportion of all school funds of the district that each child would be entitled to receive if all the funds were distributed equally among all the children of school age in the district upon a per capita basis.

ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.

§18-8-1. Commencement and termination of compulsory school attendance; exemptions.

Compulsory school attendance shall begin with the school year in which the sixth birthday is reached prior to the first day of September of such year or upon enrolling in a publicly supported kindergarten program and continue to the sixteenth birthday.

Exemption from the foregoing requirements of compulsory public school attendance shall be made on behalf of any child for the following causes or conditions, each such cause or condition being subject to confirmation by the attendance authority of the county:

**Exemption A. Instruction in a private, parochial or other approved school.**—Such instruction shall be in a school approved by the county board of education and for a time equal to the school term of the county for the year. In all such schools it shall be the duty of the principal or other person in control, upon the request
of the county superintendent of schools, to furnish to the
county board of education such information and records
as may be required with respect to attendance, instruc-
tion and progress of pupils enrolled between the
entrance age and sixteen years;

Exemption B. Instruction in home or other ap-
proved place.

(a) Such instruction shall be in the home of such child
or children or at some other place approved by the
county board of education and for a time equal to the
school term of the county. If such request for home
instruction is denied by the county board of education,
good and reasonable justification for such denial must
be furnished in writing to the applicant by the county
board of education. The instruction in such cases shall
be conducted by a person or persons who, in the
judgment of the county superintendent and county
board of education, are qualified to give instruction in
subjects required to be taught in the free elementary
schools of the state. It shall be the duty of the person
or persons providing the instruction, upon request of the
county superintendent, to furnish to the county board of
education such information and records as may be
required from time to time with respect to attendance,
instruction and progress of pupils enrolled between the
entrance age and sixteen years receiving such instruc-
tion. The state department of education shall develop
guidelines for the homeschooling of special education
students including alternative assessment measures to
assure that satisfactory academic progress is achieved.

(b) Notwithstanding the provisions of subsection
(a) of this Exemption B, the person or persons providing
home instruction meet the requirements for Exemption
B when the conditions of this subsection are met:
Provided, That the county superintendent shall have the
right to seek from the circuit court of the county an
order denying the home instruction, which order may
be granted upon a showing of clear and convincing
evidence that the child will suffer educational neglect
or that there are other compelling reasons to deny home
instruction.
(1) The person or persons providing home instruction present to the county superintendent or county board of education a notice of intent to provide home instruction and the name and address of any child of compulsory school age to be instructed: Provided, That if a child is enrolled in a public school, notice of intent to provide home instruction shall be given at least two weeks prior to withdrawing such child from public school;

(2) The person or persons providing home instruction submit satisfactory evidence of (i) a high school diploma or equivalent and (ii) formal education at least four years higher than the most academically advanced child for whom the instruction will be provided or achievement of a score on the National Teachers Examination sufficient for teacher certification in this state;

(3) The person or persons providing home instruction outline a plan of instruction for the ensuing school year; and

(4) The child receiving home instruction annually takes a standardized test, to be administered at a public school in the county where the child resides, or administered by a licensed psychologist or other person authorized by the publisher of the test, or administered by a person authorized by the county superintendent or county board of education. The child shall be administered a test which has been normed by the test publisher on that child's age or grade group. In no event may the child's parent or legal guardian administer the test. Where a test is administered outside of a public school, the child's parent or legal guardian shall pay the cost of administering the test. The public school or other qualified person shall administer to children of compulsory school age the Comprehensive Test of Basic Skills, the California achievement test, the Stanford achievement test, or the Iowa tests of basic skills, achievement and proficiency which test will be selected by the public school, or other person administering the test, in the subjects of English, grammar, reading, social studies, science and mathematics; and shall be administered under standardized conditions as set forth by the published instructions of the selected test. No test shall
be administered if the publication date is more than ten
years from the date of the administration of the test.

Each child's test results shall be reported as a national
percentile for each of the six subjects tested. Each
child's test results shall be made available on or before
the thirtieth day of June of the school year in which the
test is to be administered to the person or persons
providing home instruction, the child's parent or legal
guardian and the county superintendent. Upon request
of a duly authorized representative of the West Virginia
department of education, each child's test results shall
be furnished by the person or persons providing home
instruction, or by the child's parent or legal guardian,
to the state superintendent of schools.

If the child's composite test results for any single year
for English, grammar, reading, social studies, science
and mathematics fall below the fortieth percentile on
the selected tests, the person or persons providing home
instruction shall initiate a remedial program to foster
achievement above that level. If, after one calendar year,
the child's composite test results are not above the
fortieth percentile level, home instruction shall no
longer satisfy the compulsory school attendance require-
ment exemption.

The superintendent or a designee shall offer such
assistance, including textbooks, other teaching materials
and available resources, as may assist the person or
persons providing home instruction subject to their
availability. Any child receiving home instruction may,
upon approval of the county board of education, exercise
the option to attend any class offered by the county
board of education as the person or persons providing
home instruction may deem appropriate subject to
normal registration and attendance requirements.

Exemption C. Physical or mental incapacity.—
Physical or mental incapacity shall consist of incapacity
for school attendance and the performance of school
work. In all cases of prolonged absence from school due
to incapacity of the child to attend, the written state-
ment of a licensed physician or authorized school nurse
shall be required under the provisions of this article:
Provided, That in all cases incapacity shall be narrowly defined and in no case shall the provisions of this article allow for the exclusion of the mentally, physically, emotionally or behaviorally handicapped child otherwise entitled to a free appropriate education;

Exemption D. Residence more than two miles from school or school bus route.—The distance of residence from a school, or school bus route providing free transportation, shall be reckoned by the shortest practicable road or path, which contemplates travel through fields by right of permission from the landholders or their agents. It shall be the duty of the county board of education, subject to written consent of landholders, or their agents, to provide and maintain safe foot bridges across streams off the public highways where such are required for the safety and welfare of pupils whose mode of travel from home to school or to school bus route must necessarily be other than along the public highway in order for said road or path to be not over two miles from home to school or to school bus providing free transportation;

Exemption E. Hazardous conditions.—Conditions rendering school attendance impossible or hazardous to the life, health or safety of the child;

Exemption F. High school graduation.—Such exemption shall consist of regular graduation from a standard senior high school;

Exemption G. Granting work permits.—The county superintendent may, after due investigation, grant work permits to youths under sixteen years of age, subject to state and federal labor laws and regulations: Provided, That a work permit may not be granted on behalf of any youth who has not completed the eighth grade of school;

Exemption H. Serious illness or death in the immediate family of the pupil.—It is expected that the county attendance director will ascertain the facts in all cases of such absences about which information is inadequate and report same to the county superintendent of schools;
Exemption I. Destitution in the home.—Exemption based on a condition of extreme destitution in the home may be granted only upon the written recommendation of the county attendance director to the county superintendent following careful investigation of the case. A copy of the report confirming such condition and school exemption shall be placed with the county director of public assistance. This enactment contemplates every reasonable effort that may properly be taken on the part of both school and public assistance authorities for the relief of home conditions officially recognized as being so destitute as to deprive children of the privilege of school attendance. Exemption for this cause shall not be allowed when such destitution is relieved through public or private means;

Exemption J. Church ordinances; observances of regular church ordinances.—The county board of education may approve exemption for religious instruction upon written request of the person having legal or actual charge of a child or children: Provided, That such exemption shall be subject to the rules and regulations prescribed by the county superintendent and approved by the county board of education;

Exemption K. Alternative private, parochial, church or religious school instruction.—In lieu of the provisions of Exemption A hereinabove, exemption shall be made for any child attending any private school, parochial school, church school, school operated by a religious order, or other nonpublic school which elects to comply with the provisions of article twenty-eight, chapter eighteen of the code of West Virginia.

The completion of the eighth grade shall not exempt any child under sixteen years of age from the compulsory attendance provision of this article: Provided, That there is a public high school or other public school of advanced grades or a school bus providing free transportation to any such school, the route of which is within two miles of the child's home by the shortest practicable route or path as hereinbefore specified under Exemption D of this section.
ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-4. Foundation allowance for professional educators.

1 The basic foundation allowance to the county for professional educators shall be the amount of money required to pay the state minimum salaries, in accordance with provisions of article four, chapter eighteen of the code, to such personnel employed: Provided, that in making this computation no county shall receive an allowance for such personnel which number is in excess of fifty-five professional educators to each one thousand students in adjusted enrollment: Provided, however, That for the school year commencing on the first day of July, one thousand nine hundred ninety, no county shall receive an allowance for such personnel which number is in excess of fifty-four and thirty-three one-hundredths professional educators to each one thousand students in adjusted enrollment: Provided further, That for the school year commencing on the first day of July, one thousand nine hundred ninety-one and thereafter, no county shall receive an allowance for such personnel which number is in excess of fifty-three and one-half professional educators to each one thousand students in adjusted enrollment: And provided further, that any county not qualifying under the provision of section fourteen of this article shall be eligible for a growth rate in professional personnel in any one year not to exceed twenty percent of its total potential increase under this provision, except that in no case shall such limit be fewer than five professionals: And provided further, That the number of and the allowance for personnel paid in part by state and county funds shall be prorated: And provided further, That where two or more counties join together in support of a vocational or comprehensive high school or any other program or service, the professional educators for such school or program may be prorated among the participating counties on the basis of each one's enrollment therein and that such personnel shall be considered within the above-stated limit: And provided further, That in the school year beginning the first day of July, one thousand
nine hundred eighty-eight, and the succeeding school
year, each county board shall establish and maintain a
minimum ratio of fifty professional instructional
personnel per one thousand students in adjusted
enrollment, and in the school year beginning the first
day of July, one thousand nine hundred ninety, and for
each succeeding school year, each county board shall
establish and maintain a minimum ratio of fifty-one
professional instructional personnel per one thousand
students in adjusted enrollment: And provided further,
That no county shall have less than a total of five
principals and central office administrators. Any county
board which does not establish and maintain this
minimum ratio shall suffer a pro rata reduction in the
allowance for professional educators under this section,
and, further, any county board which does not establish
and maintain this minimum ratio shall utilize any and
all allocations to it by provision of section fourteen of
this article solely to employ professional instructional
personnel until the minimum ratio is attained. Every
county shall utilize methods other than reductions in
force, such as attrition and early retirement, before
implementing their reductions in force policy to comply
with the limitations of this section. Any reductions
resulting from the provisions of this section shall be
made in the following order: (1) central office adminis-
trators, (2) assistant principals, and (3) principals.

Every county board of education shall annually
determine the number of professional educators em-
ployed that exceeds the number allowed by the public
school support plan and determine the amount of salary
supplement that would be available per state authorized
employee if all expenditures for such excess employees
were converted to annual salaries for state authorized
professional educators. Such information shall be
published annually in each school report card of each
county.

§18-9A-5. Foundation allowance for service personnel.

The basic foundation allowance to the county for
service personnel shall be the amount of money required
to pay the annual state minimum salaries in accordance
with the provisions of article four, chapter eighteen-a of the code, to such service personnel employed: Provided, That no county shall receive an allowance for an amount in excess of thirty-four service personnel per one thousand students in adjusted enrollment: Provided, however, That the state superintendent of schools is authorized in accordance with rules and regulations established by the state board and upon request of a county superintendent, to waive the maximum ratio of thirty-four service personnel per one thousand students in adjusted enrollment and the twenty percent per year growth cap provided in this section, to the extent appropriations are provided, in those cases where the state superintendent determines that student population density and miles of bus route driven justify such waiver, except that no waiver shall be granted to any county whose financial statement shows a net balance in general current expense funds greater than three percent at the end of the previous fiscal year: Provided further, That on or before the first day of each regular session of the Legislature, the state board, through the state superintendent, shall make to the Legislature a full report concerning the number of waivers granted and the fiscal impact related thereto. Every county shall utilize methods other than reduction in force, such as attrition and early retirement, before implementing their reductions in force policy to comply with the limitations of this section.

For any county which has in excess of thirty-four service personnel per one thousand students in adjusted enrollment, such allowance shall be computed based upon the average state minimum pay scale salary of all service personnel in such county: Provided, That for any county having fewer than thirty-four service personnel per one thousand students in adjusted enrollment, in any one year, the number of service personnel used in making this computation may be increased the succeeding years by no more than twenty percent per year of its total potential increase under this provision, except that in no case shall such limit be fewer than two service personnel until the county attains the maximum ratio set forth: Provided, however, That where two or more
counties join together in support of a vocational or comprehensive high school or any other program or service, the service personnel for such school or program may be prorated among the participating counties on the basis of each one's enrollment therein and that such personnel shall be considered within the above-stated limit.

Every county board of education shall annually determine the number of service personnel employed that exceeds the number allowed by the public school support plan and determine the amount of salary supplement that would be available per state authorized employee if all expenditures for such excess employees were converted to annual salaries for state authorized service personnel. Such information shall be published annually in each school report card of each county.

§18-9A-5a. Ratio of foundation allowances for professional educators and service personnel to net enrollment.

(a) The purpose of this section is to establish maximum ratios between the numbers of professional educators and service personnel in the counties which are funded through the public school support plan and the net enrollment in the counties, such ratios are in addition to the ratios provided for in sections four and five of this article. It is the intent of the Legislature to adjust these ratios pursuant to legislative act as may be appropriate when additional personnel are needed to perform additional duties.

(b) Commencing with the school year one thousand nine hundred eighty-nine—ninety, and each year thereafter, in computing the basic foundation allowance to a county for professional educators and the basic foundation allowance to a county for service personnel under sections four and five of this article, a county shall not receive an allowance for such personnel which number per one thousand students in net enrollment is in excess of the number of professional educators and the number of service personnel in the county computed as follows:
Maximum professional educators per 1000 net enrollment the preceding year

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<th>Year</th>
<th>Professional Educators</th>
<th>Service Personnel</th>
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<td>1989-90</td>
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<td>43.5</td>
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(c) Every county shall utilize methods other than reductions in force, such as attrition and early retirement, before implementing their reductions in force policy to comply with the limitations of this section.

(d) For the school years one thousand nine hundred eighty-nine—ninety and one thousand nine hundred ninety—ninety-one only, if a school district loses more than six percent of the number chargeable for the previous school year for professional educator positions or service personnel positions, due to the maximum ratios established in subsection (b) of this section, it may apply to the state board for a waiver of said ratios to the extent that the loss exceeds either six percent of its professional educators or service personnel: Provided, That the county board of education establishes and maintains a minimum ratio of fifty professional instructional personnel per one thousand students in adjusted enrollment for the school year beginning the first day of July, one thousand nine hundred eighty-nine, and fifty-one professional instructional personnel per one thousand students in adjusted enrollment for the school year one thousand nine hundred ninety—ninety-one as required in section four of this article. Waivers shall be determined on a case by case basis according to rules adopted by the state board and granted to the extent funds are appropriated by the Legislature for this purpose. Prior to the adoption of such rules, the state board shall conduct a thorough review of the staffing patterns in each county. Any personnel positions funded as a result of a waiver granted under the provisions of
this subsection shall not be included in the computations set forth in sections four and five of this article.


1 The allowance in the foundation school program for each county for transportation shall be the sum of the following computations:

1. Eighty percent of the transportation cost within each county for maintenance, operation and related costs, exclusive of all salaries;

2. The total cost, within each county, of insurance premiums on buses, buildings and equipment used in transportation: Provided, That such premiums were procured through competitive bidding;

3. For the school year beginning the first day of July, one thousand nine hundred eighty-nine, and thereafter, an amount equal to ten percent of the current replacement value of the bus fleet within each county as determined by the state board, such amount to be used only for the replacement of buses. In addition, in any school year in which its net enrollment increases when compared to the net enrollment the year immediately preceding, a school district may apply to the state superintendent for funding for an additional bus. Furthermore, large, sparsely populated counties may also apply to the state superintendent for funding for additional mini-buses. The state superintendent shall make a decision regarding each application based upon an analysis of the individual school district's net enrollment history and transportation needs or, in the case of a large, sparsely populated county, the population of the county: Provided, That the superintendent shall not consider any application which fails to document that the county has applied for federal funding for additional buses. If the state superintendent finds that a need exists, a request for funding shall be included in the budget request submitted by the state board for the upcoming fiscal year.

4. Eighty percent of the cost of contracted transportation services and public utility transportation with
(5) Aid in lieu of transportation equal to the state average amount per pupil for each pupil receiving such aid within each county; and

(6) Ninety percent of the total cost of transportation operations and related expenses, excluding salaries and maintenance for transporting students to and from classes at a multi-county vocational center.

The total state share for this purpose shall be the sum of the county shares: Provided, That no county shall receive an allowance which is greater than one third above the computed state average allowance per mile multiplied by the total mileage in the county.

§18-9A-9. Foundation allowance for other current expense and substitute employees.

The total allowance for other current expense and substitute employees shall be the sum of the following:

(1) For current expense, for the year one thousand nine hundred ninety-one only, ten percent of the sum of the computed state allocation for professional educators and service personnel as determined in sections four and five of this article, and thereafter the rate shall be ten and six-tenths percent. Distribution to the counties shall be made proportional to the average of each county's average daily attendance for the preceding year and the county's second month net enrollment; plus

(2) For professional educator substitutes or current expense, two and five-tenths percent of the computed state allocation for professional educators as determined in section four of this article. Distribution to the counties shall be made proportional to the total county allocation for professional educators; plus

(3) For service personnel substitutes or current expense, two and five-tenths percent of the computed state allocation for service personnel as determined in section five of this article. Distribution to the counties shall be made proportional to the total county allocation
for service personnel.

§18-9A-10. Foundation allowance to improve instructional programs.

(a) Commencing with the school year beginning on the first day of July, one thousand nine hundred ninety, and thereafter, twenty-eight million eight hundred thousand dollars, in addition to funds which accrue from allocations due to increase in total local share above that computed for the school year beginning on the first day of July, one thousand nine hundred ninety, from balances in the general school fund, or from appropriations for such purpose shall be allocated to increase state support of counties as follows:

(1) Twenty percent of these funds shall be allocated to the counties proportional to adjusted enrollment; and

(2) Each county whose allocation in subsection (1) is less than one hundred fifty thousand dollars in any fiscal year shall then receive an amount which equals the difference between such amount received and one hundred fifty thousand dollars.

(b) The remainder of these funds shall be allocated according to the following plan for progress toward basic resources per pupil equity:

Beginning with the county which has the lowest basic resources per pupil and progressing through the counties successively to and beyond the county with the highest basic resources per pupil, the funds available shall be allocated in amounts necessary to increase moneys available to the county or counties to the basic resources per pupil level, as nearly as is possible, of the county having the next higher basic resources per pupil:

Provided, That to be eligible for its allocation under this section, a county board shall lay the maximum regular tax rates set out in section six-c, article eight, chapter eleven of this code: Provided, however, That moneys allocated by provision of this section shall be used to improve instructional programs according to a plan for instructional improvement which the affected county board shall file with the state board by the first day of
August of each year, to be approved by the state board by the first day of September of that year if such plan substantially complies with standards to be adopted by the state board: *Provided further,* That no part of this allocation may be used to employ professional educators in counties until and unless all applicable provisions of sections four and fourteen of this article have been fully utilized. Such instructional improvement plan shall be made available for distribution to the public at the office of each affected county board.

(c) Commencing with the school year beginning on the first day of July, one thousand nine hundred ninety, fifteen million four hundred forty thousand four hundred ninety-three dollars shall be paid into the school building capital improvements fund created by section six, article nine-d of this chapter, and shall be used solely for the purposes of said article nine-d. In each fiscal year thereafter, fifty percent of the funds which accrue due to an increase in local share above that computed for the school year beginning on the first day of July, one thousand nine hundred eighty-seven, shall be paid into the school building capital improvements fund created by section six, article nine-d of this chapter, and shall be used solely for the purposes of said article nine-d: *Provided,* That in each such subsequent fiscal year, not less than seven million seven hundred thousand dollars shall be added to the amount of the prior year's appropriation for such fund.

(d) There shall be appropriated seven million, four hundred ten thousand, six hundred sixty-eight dollars for aid to counties which may be expended by the county boards for the initiation, and/or improvements of special education programs including employment of new special education professional personnel solely serving exceptional children; instructional programs which utilize state of the art technology; training of educational personnel to work with exceptional children; and supportive costs such as materials, transportation, contracted services, minor renovations and other costs directly related to the special education delivery process prescribed by the state board. The appropriation may
also be used for nonpersonnel costs associated with the
maintenance of special education programs in accor-
dance with such rules as established by the state board.
The appropriation includes out-of-state instruction and
may be expended to provide instruction, care and
maintenance for educable persons who are severely
handicapped and for whom the state provides no
facilities.

(e) There shall be appropriated two million, one
thousand, seven hundred thirty-two dollars to be used
by the state department of education which may be
expended for the purposes of paying staff and operating
costs of both administrative/program personnel and
instructional personnel delivering education to handi-
capped children in facilities operated by the state
department of health; paying state department of
education staff, current expenses and equipment;
supporting a gifted summer camp; and supporting
special state projects, including, but not limited to,
(1) an instructional materials center for visually
handicapped children at the West Virginia Schools for
the Deaf and the Blind, (2) the state special olympics
program, (3) the West Virginia advisory council for the
education of exceptional children at the West Virginia
College of Graduate Studies, (4) statewide training
activities or other programs benefiting exceptional
children and (5) the state very special arts program.

§18-9A-13. Allowance for counties in severe financial
crisis.

For the fiscal year beginning on the first day of July,
one thousand nine hundred ninety only, there shall be
an allowance for counties who have suffered a severe
financial crisis for two or more consecutive years, as
determined by the department of education, after taking
under consideration funding stability, sparcity of
population and staffing ratio to students, among other
factors. The amount of such allowance shall be deter-
mined by policies adopted by the state board of
education. The amount of such allowance shall be
contingent upon appropriations provided by the Legis-
lature and shall be allocated to counties in accordance
with policies adopted by the state board of education.

§18-9A-13b. Allowances for remedial and accelerated education programs and salary equity.

For the school year one thousand nine hundred eighty-nine—ninety, only, funds which accrue from allocations due to changes in adjusted enrollment above that computed for the school year beginning on the first day of July, one thousand nine hundred eighty-seven, shall be distributed for the purpose of achieving equity within the state basic foundation program.

Commencing with the school year beginning on the first day of July, one thousand nine hundred ninety-one and thereafter, funds which accrue from allocations due to changes in adjusted enrollment above that computed for the school year beginning on the first day of July, one thousand nine hundred eighty-seven, or from appropriations for such purpose, shall be allocated to increase state support for salary equity and to develop and implement remedial and accelerated programs in the following manner:

Eighty percent of these funds shall be allocated for the purpose of attaining salary equity among the counties pursuant to section five, article four, chapter eighteen-a, except that for the school year commencing on the first day of July, one thousand nine hundred ninety only, the allocation to salary equity shall be made in accordance with the provisions of section five-d, article four, chapter eighteen-a of this code; and

Twenty percent of these funds shall be allocated to implement remedial and accelerated programs as developed under guidelines of the state board, except that for the school year commencing on the first day of July, one thousand nine hundred ninety only, the allocation to implement remedial and accelerated programs shall be made only to the extent funds are appropriated for such programs.

ARTICLE 9B. STATE BOARD OF SCHOOL FINANCE.

§18-9B-6a. Delaying submission of budget.
Notwithstanding any other provisions of the code to the contrary, the county board shall not be required to submit its budget for approval by the state board of education as provided by section twelve-a, article eight, chapter eleven of this code and sections six and seven of article nine-b, chapter eighteen of this code, until the tenth day next following the state board's transmittal of final state aid computations following the adoption of the state budget, but no later than the thirtieth day of May: Provided, That, in any year in which the state budget is not adopted on or before the first day of May, the state board may require the county board to adopt a preliminary budget and to submit it to the state board no later than the thirtieth day of May, and when final computations of state aid are transmitted to the county board, the county board shall make such adjustments as are necessary prior to final adoption of the budget.

ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.

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

In accordance with the following provisions, county boards of education throughout the state shall establish and maintain for all exceptional children between five and twenty-one years of age special educational programs, including, but not limited to, special schools or classes, regular classroom programs, home-teaching or visiting-teacher services for any type or classification as the state board shall approve. Special educational programs shall continue to be provided to those children who are at least twenty-one years of age and enrolled in the above mentioned "special education program" prior to the first day of September, one thousand nine hundred ninety-one, until they reach twenty-three years of age. Provisions shall be made for educating exceptional children (including the handicapped and the gifted) who differ from the average or normal in physical, mental or emotional characteristics, or in communicative or intellectual deviation characteristics, or in both communicative and intellectual deviation characteristics, to the extent that they cannot be educated safely or profitably in the regular classes of the
public schools or to the extent that they need special educational provisions within the regular classroom in order to educate them in accordance with their capacities, limitations and needs: Provided, That for the school year beginning on the first day of July, one thousand nine hundred ninety, provisions shall be made for educating exceptional children, including the handicapped, the gifted in grades one through eight, the pupils enrolled on the first day of July, one thousand nine hundred eighty-nine, in the gifted program in grades nine through twelve and the exceptional gifted in grades nine through twelve. The term “exceptional gifted” means those students in grades nine through twelve identified as gifted and at least one of the following: Behavior disorder, specific learning disabilities, psychological adjustment disorder, underachieving, or economically disadvantaged. Exceptional gifted children shall be referred for identification pursuant to recommendation by a school psychologist, school counselor, principal, teacher, parent or by self-referral, at which time the placement process, including development of an individualized education program, and attendant due process rights, shall commence. Exceptional gifted children, for purposes of calculating adjusted enrollment pursuant to section two, article nine-a of this chapter, shall not exceed one percent of net enrollment in grades nine through twelve. Nothing herein shall be construed to limit the number of students identified as exceptional gifted and who receive appropriate services. Each county board of education is mandated to provide gifted education to its students according to guidelines promulgated by the state board and consistent with the provisions of this chapter. Upon the recommendation of a principal, counselor, teacher and parent, a student who does not meet the gifted eligibility criteria may participate in any school program deemed appropriate for the student provided that classroom space is available. In addition, county boards of education may establish and maintain other educational services for exceptional children as the state superintendent of schools may approve.

County boards of education shall establish and
maintain these special educational programs, including, but not limited to, special schools classes, regular class programs, home-teaching and visiting-teacher services. The special education programs shall include home-teaching or visiting-teacher services for children who are homebound due to injury or who for any other reason as certified by a licensed physician are home-bound for a period that has lasted or will last more than three weeks: Provided, That pupils receiving such homebound or visiting-teacher services shall not be included when computing adjusted enrollment as defined in section two, article nine-a, chapter eighteen of this code. The state board shall adopt rules to advance and accomplish this program and to assure that all exceptional children in the state, including children in mental health facilities, residential institutions and private schools, will receive an education in accordance with the mandates of state and federal laws: Provided, That commencing with the school year beginning on the first day of July, one thousand nine hundred ninety-one, all exceptional children in the state in foster care and correctional facilities, will receive an education in accordance with the mandates of state and federal laws.

§18-20-1b. Preschool programs for handicapped children; rules and regulations.

(a) During the school year beginning on the first day of July, one thousand nine hundred ninety-one, each county board of education shall develop a coordinated service delivery plan in accordance with standards for preschool programs for handicapped children to be developed by the state board of education and begin services where plans are already developed.

(b) Each county board of education shall establish and maintain special education programs, including, but not limited to, special classes, regular classes and home-teaching and visiting-teacher services for all handicapped children ages three through five inclusive.

As used in this section, the term “handicapped children” means those children who fall in any one of the following categories as defined or to be defined in
the state board of education standards for the education of exceptional children: Severe behavioral disorders, communication disordered, deaf-blind, developmentally delayed, hearing impaired, other health impaired including autism, physically handicapped, mentally impaired or visually impaired.

Before the first day of August, one thousand nine hundred ninety-one, the state board of education shall adopt rules to advance and accomplish this program and to assure that an appropriate educational program is available to all such children in the state, including children in mental health facilities, residential institutions, foster care, correctional facilities and private schools.

This section does not prevent county boards of education from providing special education programs, including, but not limited to, special schools or classes, regular class programs and home-teaching or visiting-teacher services for severely handicapped preschool children prior to such times as are required by this section.

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 2. SCHOOL PERSONNEL.

§18A-2-7. Assignment, transfer, promotion, demotion, suspension and recommendation of dismissal of school personnel by superintendent; preliminary notice of transfer; hearing on the transfer; proof required.

The superintendent, subject only to approval of the board, shall have authority to assign, transfer, promote, demote or suspend school personnel and to recommend their dismissal pursuant to provisions of this chapter. However, an employee shall be notified in writing by the superintendent on or before the first Monday in April if he is being considered for transfer or to be transferred, except that for the school year one thousand nine hundred eighty-nine—ninety only, the superintendent shall have until the fourth Monday of April to provide an employee with such written notice. Any teacher or
employee who desires to protest such proposed transfer may request in writing a statement of the reasons for the proposed transfer. Such statement of reasons shall be delivered to the teacher or employee within ten days of the receipt of the request. Within ten days of the receipt of the statement of the reasons, the teacher or employee may make written demand upon the superintendent for a hearing on the proposed transfer before the county board of education. The hearing on the proposed transfer shall be held on or before the first Monday in May, except that for the school year one thousand nine hundred eighty-nine—ninety only, the hearing shall be held on or before the fourth Monday in May, one thousand nine hundred ninety. At the hearing, the reasons for the proposed transfer must be shown.

The superintendent at a meeting of the board on or before the first Monday in May shall furnish in writing to the board a list of teachers and other employees to be considered for transfer and subsequent assignment for the next ensuing school year, except that for the school year one thousand nine hundred eighty-nine—ninety only, the superintendent shall have until the fourth Monday in May to provide the board with such written list. All other teachers and employees not so listed shall be considered as reassigned to the positions or jobs held at the time of this meeting. The list of those recommended for transfer shall be included in the minute record of such meeting and all those so listed shall be notified in writing, which notice shall be delivered in writing, by certified mail, return receipt requested, to such persons’ last known addresses within ten days following said board meeting, of their having been so recommended for transfer and subsequent assignment and the reasons therefor. The superintendent’s authority to suspend school personnel shall be temporary only pending a hearing upon charges filed by the superintendent with the board of education and such period of suspension shall not exceed thirty days unless extended by order of the board.

The provisions of this section respecting hearing upon
notice of transfer shall not be applicable in emergency situations where the school building becomes damaged or destroyed through an unforeseeable act and which act necessitates a transfer of such school personnel because of the aforementioned condition of the building.

ARTICLE 4. SALARIES, WAGES, AND OTHER BENEFITS.

§18A-4-5a. County salary supplements for teachers.

1 County boards of education in fixing the salaries of teachers shall use at least the state minimum salaries established under the provisions of this article. The board may establish salary schedules which shall be in excess of the state minimums fixed by this article, such county schedules to be uniform throughout the county as to the above stipulated training classifications, experience, responsibility and other requirements. Beginning with the school year commencing on the first day of July, one thousand nine hundred ninety-one, no such county schedule may exceed one hundred two and one-half percent of a schedule which incorporates the state minimum salary for teachers in effect on the first day of July, one thousand nine hundred ninety-one, and adopts a supplement which equals the highest supplement provided by a county on the first day of January, one thousand nine hundred ninety-one, so as to assist the state in meeting its objective of salary equity among the counties: Provided, That all teachers in the state shall be entitled to any increases in the minimum salary schedules established under the provisions of this article, and when a county schedule changes due to said increase in the state minimum salary taking effect after the first day of July, one thousand nine hundred ninety-one, it shall not be deemed to exceed the maximum salary schedule prescribed herein.

Counties may fix higher salaries for teachers placed in special instructional assignments, for those assigned to or employed for duties other than regular instructional duties, and for teachers of one-teacher schools, and they may provide additional compensation for any teacher assigned duties in addition to the teacher's regular instructional duties wherein such noninstruc-
tional duties are not a part of the scheduled hours of the regular school day. Uniformity also shall apply to such additional salary increments or compensation for all persons performing like assignments and duties within the county: Provided, That in establishing such local salary schedules, no county shall reduce local funds allocated for salaries in effect on the first day of January, one thousand nine hundred ninety, and used in supplementing the state minimum salaries as provided for in this article, unless forced to do so by defeat of a special levy, or a loss in assessed values or events over which it has no control and for which the county board has received approval from the state board prior to making such reduction.

Counties may provide, in a uniform manner, benefits for teachers which require an appropriation from local funds including, but not limited to, dental, optical, health and income protection insurance, vacation time and retirement plans excluding the state teachers retirement system. Nothing herein shall prohibit the maintenance nor result in the reduction of any benefits in effect on January one, one thousand nine hundred eighty-four, by any county board of education.

To further assist the state in meeting such objective, each county board of education shall provide to the state board of education on or before the first day of November, one thousand nine hundred eighty-nine, such information as the state board directs to assist the state superintendent of schools in preparing a report to be submitted to the Legislature on the first day of the regular session thereof in the year one thousand nine hundred ninety. Such report shall include findings, conclusions and recommendations with respect to benefits provided and meeting the objective of benefit equity among the counties.

§18A-4-5b. County salary supplements for school service personnel.

The county board of education may establish salary schedules which shall be in excess of the state minimums fixed by this article. Beginning with the school
year commencing on the first day of July, one thousand
nine hundred ninety-one, no such schedule may exceed
one hundred two and one-half percent of a schedule
which incorporates the state minimum salary for school
service personnel in effect on the first day of July, one
thousand nine hundred ninety-one, and adopts a monthly
supplement of two hundred and five dollars for zero
years of experience for all pay grades and which
increases said monthly supplement by two dollars for
each year of experience codified for school service
personnel in this article, so as to assist the state in
meeting its objective of salary equity among the
counties: Provided, That all school service personnel in
the state shall be entitled to any increases in the
minimum salary for school service personnel established
under the provisions of this article, and when a county
schedule changes due to said increase in the state
minimum salary taking effect after the first day of July,
one thousand nine hundred ninety-one, it shall not be
deemed to exceed the maximum salary schedule pres-
ccribed herein. Any county supplement for any position
which, on the first day of January, one thousand nine
hundred ninety-one, extends the schedule beyond the
maximum prescribed herein for such position shall be
exempt from the maximums stated herein, subject to the
approval of the state board, but no such supplement
shall be increased beyond the amount received on the
first day of January, one thousand nine hundred ninety-
one.

These county schedules shall be uniform throughout
the county with regard to any training classification,
experience, years of employment, responsibility, duties,
pupil participation, pupil enrollment, size of buildings,
operation of equipment or other requirements. Further,
uniformity shall apply to all salaries, rates of pay,
benefits, increments or compensation for all persons
regularly employed and performing like assignments
and duties within the county: Provided, That in estab-
lishing such local salary schedules, no county shall
reduce local funds allocated for salaries in effect on the
first day of January, one thousand nine hundred ninety,
and used in supplementing the state minimum salaries
as provided for in this article, unless forced to do so by
defeat of a special levy, or a loss in assessed values or
events over which it has no control and for which the
county board has received approval from the state board
prior to making such reduction.

Counties may provide, in a uniform manner, benefits
for service personnel which require an appropriation
from local funds including, but not limited to, dental,
optical, health and income protection insurance, vaca-
tion time and retirement plans excluding the state
teachers retirement system. Nothing herein shall
prohibit the maintenance nor result in the reduction of
any benefits in effect on January one, one thousand nine
hundred eighty-four, by any county board of education.

To further assist the state in meeting such objective,
each county board of education shall provide to the state
board of education on or before the first day of
November, one thousand nine hundred eighty-nine, such
information as the state board directs to assist the state
superintendent of schools in preparing a report to be
submitted to the Legislature on the first day of the
regular session thereof in the year one thousand nine
hundred ninety. Such report shall include findings,
conclusions, and recommendations with respect to
benefits provided and meeting the objective of benefit
equity among the counties.

§18A-4-5d. 1990 appropriation for salary equity.

Notwithstanding any other provisions of this code to
the contrary, for the fiscal year beginning on the first
day of July, one thousand nine hundred ninety only, not
less than twenty-seven million four hundred thousand
dollars shall be appropriated and expended for salary
equity among the counties in addition to such amounts
as were expended for such purpose prior to the effective
date of this section: Provided, That for professional
educators each person shall receive a minimum salary
equity adjustment of five hundred thirty-five dollars per
year and that for service personnel each person shall
receive a minimum salary equity adjustment of twenty
dollars per month: Provided, however, That the re-
mainder of the equity money shall be distributed as directed in section five of this article: Provided further, That an adequate amount of such funds shall be reserved to finance the appropriate foundation allowances for fixed charges as provided for in section six, article nine-a, chapter eighteen of this code: And provided further, That notwithstanding the provisions of said sections five and five-c of this article, foundation allowances other than for fixed charges shall not be financed from such funds.

§18A-4-7. Substitute teachers pay.

The pay of a substitute teacher shall not be less than eighty percent of the daily rate of the state basic salary paid to teachers: Provided, That any substitute teacher who teaches in excess of ten consecutive instructional days in the same position shall, thereafter, not be paid less than eighty percent of the daily rate of the state advanced salary based upon teaching experience: Provided, however, That any substitute teacher who teaches in excess of thirty days in the same position shall be paid the daily rate of the advanced salary, within that teacher's county.

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 1. GOVERNANCE.

§18B-1-11. Colleges and universities to provide appropriate services to meet needs of students with handicapping conditions.

Each state funded institution of higher education accepting students with handicapping conditions, such as physical, learning, or severe sensory disabilities, shall provide services in accordance with Rehabilitation Act 504 appropriate to meet the educational needs of these students. Such information shall be provided to local boards of education for information dissemination to students and parents to fulfill the goals of transition.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within act is approved this the 31st day of March, 1990.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/30/90
Time 4:01 PM