WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2002

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4022

(By Delegates Mezzatesta and Williams)

Passed March 9, 2002

In Effect Ninety Days from Passage
ENROLLED

H. B. 4022

(BY DELEGATES MEZZATESTA AND WILLIAMS)

[Passed March 9, 2002; in effect ninety days from passage.]

AN ACT to amend article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section thirty-five; and to amend article two, chapter eighteen-a of said code by adding thereto a new section, designated section six-a, all relating to establishing a more formal method to fund programs that strengthen student learning ability; requiring the state board to establish a process with certain elements and promulgate a rule to implement section; and providing released time for certain service personnel.

Be it enacted by the Legislature of West Virginia:

That article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section thirty-five; and that article two, chapter eighteen-a of said code be amended by adding thereto a new section, designated section six-a, to read as follows:

ARTICLE 2. STATE BOARD OF EDUCATION.
§18-2-35. Programs to strengthen student learning ability.

(a) The Legislature finds that schools that have implemented programs to strengthen student learning ability are reporting statistically significant improvement in the statewide test scores in reading, language and math of students referred to the programs. Therefore, it is the intent of the Legislature through this section to establish a more formal method to fund programs that strengthen student learning ability.

(b) The state board shall establish a program for strengthening student learning ability that includes the following:

1. A procedure for schools to apply for funds to implement programs to strengthen student learning ability in accordance with the provisions of this section;

2. Specific factors for determining the need for each school applying for funds in accordance with subsection (e) of this section;

3. A method for judging applications for funds on a competitive basis; and

4. A determination of the maximum percentage of total funds appropriated for the purposes of this section which may be distributed for use in grades six through twelve so that the priority for program implementation is at the prekindergarten and elementary levels.

(c) Except as provided in subsection (d) of this section, a school is not eligible to receive an award of funds appropriated for the purposes of this section unless the proposed program includes the following:

1. Assessment of the cognitive abilities of students;
(2) Physical screening that identifies barriers to a student’s ability to learn;

(3) Development of a student-specific program to improve student learning ability based on the results of the assessment and physical screening;

(4) Administration of learning development exercises that strengthen the ability of students to learn; and

(5) An evaluation of the program’s impact, including factors such as student test scores and other measures of student performance, the program’s impact on special education referrals, program cost and other information considered important for judging the value of the program.

(d) A school is eligible to receive an award of funds appropriated for the purposes of this section for the implementation of an early childhood system to strengthen student learning abilities that includes cognitive/perceptual exercises for all children which are clearly based on the same intellectual premise, and are intended to address for all students the same developmental needs, as the more individual specific remedies required for programs under subsection (c) of this section. The programs shall include a method for evaluating program impact using appropriate measures of early childhood student development and progress.

(e) All the funds appropriated for the purposes of this section shall be distributed to schools based upon need as determined by the state board. In determining need, the state board may consider such things as the assessment test scores of the students, percentage of students who are enrolled in special education programs, dropout rates, attendance rates, the number of at-risk students, monetary and in-kind resources available
from other sources that will be committed to the program and
any other indicators the state board determines appropriate.

(f) The state board shall promulgate a rule pursuant to
article three-b, chapter twenty-nine-a of this code to implement
the provisions of this section.

(g) Nothing in this section requires any specific level of
funding by the Legislature.

§18A-2-6a. Released time for service personnel.

In the assignment of position or duties of a service person
under a continuing contract, the board may provide for released
time of a service person for any special professional or govern-
mental assignment without jeopardizing the contractual rights
of such service or any other rights, privileges or benefits under
the provisions of this chapter. Released time shall be provided
for any service person while serving as a member of the
Legislature during any duly constituted session of that body and
its interim and statutory committees and commissions without
jeopardizing his or her contractual rights or any other rights,
privileges, benefits or accrual of experience for placement on
the state minimum salary schedule in the following school year
under the provisions of this chapter, board policy and law. For
the purposes of this section, service person is the singular of
service personnel as defined in section one, article one of this
chapter.
That Joint Committee on Enrolled Bills hereby certifies that the
foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 3

day of April, 2002.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/20/62
Time 3:59P