Committee Substitute for House Bill 4006

By Delegates R. Romine, Blair, Espinosa, Higginbotham, Cowles, Criss, Ellington, Hamrick, Westfall, Atkinson and Statler

[Passed March 10, 2018; in effect ninety days from passage.]
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AN ACT to repeal §10-5-2a of the Code of West Virginia, 1931, as amended; to repeal §18-2l-3 of said code; to repeal §18A-3-2d of said code; to repeal §18A-3A-1, §18A-3A-2, §18A-3A-2b, §18A-3A-3 and §18A-3A-5 of said code; to repeal §18B-11-4 and §18B-11-6 of said code; to amend and reenact §4-13-2 of said code; to amend and reenact §5-26A-3 of said code; to amend and reenact §5B-2C-6 of said code; to amend and reenact §5F-1-2 of said code; to amend said code by adding thereto a new section, designated §5F-1-6; to amend and reenact §5F-2-1 of said code; to amend and reenact §6-7-2a of said code; to amend and reenact §18-2l-1, §18-2l-2 and §18-2l-4 of said code; to amend and reenact §18-10A-1, §18-10A-2, §18-10A-3, §18-10A-6a and §18-10A-12 of said code; to amend and reenact §18-30-4 of said code; to amend and reenact §18A-2-9 and §18A-2-12 of said code; to amend and reenact §18A-3-1, §18A-3-1d, §18A-3-2c and §18A-3-8 of said code; to amend and reenact §18A-3C-1, §18A-3C-2 and §18A-3C-3 of said code; to amend and reenact §18B-1B-2 of said code; to amend and reenact §18B-3D-2 of said code; to amend and reenact §18B-16-5 and §18B-16-8 of said code; to amend and reenact §18B-18B-1 of said code; and to amend and reenact §29-24-3 and §29-24-5 of said code, all relating to revising the processes through which professional development is delivered for those who provide public education in this state, including improvement of the focus on school-level continuous improvement processes led by the principal, generally; eliminating administrative offices, duplicative programs and obsolete provisions; repealing provisions related to creation and duties of distance learning coordinating council; repealing provisions related to annual state board professional development master plan; repealing provisions related to beginning principal internships; repealing provisions related to center for professional development and principals academy curriculum; repealing provisions related to center for development professional development project; repealing provisions related to principals academy establishment, mission, required attendance and employment of coordinator; repealing provisions related
to pilot program of delivering educational services via distance learning; repealing provisions related to creation of depositories for assistive devices and services at two colleges or universities; repealing provisions creating the National Institute For Teaching Excellence and its governing board; modifying membership of Sesquicentennial of the American Civil War Commission; modifying membership of Commission for National and Community Service; removing Department of Education and the Arts as option to provide technical support to the Academy of Science and Technology in preparation of annual report; eliminating Department of Education and the Arts as executive department headed by secretary; establishing internal effective date; transferring Division of Culture and History and Division of Rehabilitation Services to Department of Commerce; making the Educational Broadcasting Authority and Library Commission each an independent agency within executive branch; correcting names of agencies; eliminating salary of Secretary of Education and the Arts; modifying the scope and goals of the system for coordination and delivery of professional development to be instituted by State Board of Education; modifying legislative findings with respect to professional development; eliminating requirement for State Board of Education master plan for professional development; requiring State Board of Education rule to include process for aggregating school and system strategic plan information to assist design and delivery of professional development; transferring the Center for Professional Development to be under the authority and control of the State Board of Education; replacing references to the secretary and the Department of Education and the Arts in rehabilitation and vocational services related statutes; modifying membership of College Prepaid Tuition and Savings Program Board; including instructional leadership among the responsibilities of principals and requiring course work in instructional leadership and related topics as prerequisite for administrative certification; moving from a precertification requirement to a pre-employment requirement that principals, assistant principals and administrators complete
education and training in evaluation skills; deleting provisions proscribing limitations on
certain rights and privileges of principals and assistant principals as teachers; removing
requirements for interaction between State Board of Education and Center for
Professional Development regarding performance evaluations; removing proscription of
issuance or renewal of certain administrative certificate; removing requirement for State
Board of Education consultation with Secretary of Education and Arts and Chancellor for
Higher Education prior to exercise of authority over education; adding within standards for
education of professional educators requirement providing for the study of the history and
philosophical foundations of Western Civilization and the writings of the founders of the
United States of America; eliminating references to regional education service agencies;
removing requirement for State Board of Education to consult with Secretary of Education
and the Arts and the Chancellor of Higher Education; removing provisions related to
required training and professional development of principals through principals academy;
adding instructional leadership and management techniques to required minimum
standards for rule governing training of principals; removing language relating to waivers,
ineligibility, progress tracking and expenses relating to training of principals; requiring
county professional staff development councils to base proposals for staff development
on analysis of individual and collective need indicated in school's strategic plans;
incorporating development of certain teachers, principals, assistant principals, vocational
administrators and others in the provisions for a comprehensive system to improve
teaching and learning; making legislative finding that professional development resources
must be focused rather than increased; removing obsolete provisions related to phased
implementation of provisions for professional personnel evaluations; eliminating
requirement for five percent of evaluations to be based on state summative assessment
and increasing percent based on evidence of student learning by five percent;
incorporating principals into the comprehensive system of support for improved
professional performance; requiring deficiencies identified through personnel evaluations to be incorporated in strategic plans for continuous improvement; removing language requiring posting and other provisions relating to employment; restricting certain appropriations for certain activities; modifying membership and selection process for members of Higher Education Policy Commission; modifying membership of Workforce Development Initiative Program Advisory Committee; updating agency references and removing Secretary of Education and the Arts with respect to rural health initiative; modifying membership of Science and Research Council; transferring certain references and responsibilities to Technology-Related Assistance Revolving Loan Fund For Individuals With Disabilities Board to Secretary of Commerce; directing the adoption and promulgation of rules and guidelines; and making consequential changes incident to the elimination of agencies or programs or the modification of duties, responsibilities and functions.

Be it enacted by the Legislature of West Virginia:

CHAPTER 4. THE LEGISLATURE.

ARTICLE 13. WEST VIRGINIA SESQUICENTENNIAL OF THE AMERICAN CIVIL WAR COMMISSION AND FUND.

§4-13-2. Membership; terms; filling vacancies; election of chair and vice chair.

(a) The Governor shall appoint twelve members as follows:

1. Three academic historians;
2. The State Superintendent of Schools, or a designee;
3. One representative of the Division of Culture and History;
4. One representative of the Division of Tourism;
5. One representative from the Herbert Henderson Minority Affairs Office;
6. Five citizens members, no more than one of whom may be from any one state senatorial district;
(7) One member of the House of Delegates, to be appointed by the Speaker of the House
of Delegates, who shall serve as an ex officio nonvoting member of the commission; and
(8) One member of the Senate, to be appointed by the President of the Senate, who shall
serve as an ex officio nonvoting member of the commission.

(b) The members shall serve until July 1, 2021.

(c) Appointments to fill vacancies shall be for the unexpired terms. Vacancies shall be
filled in the same manner as the original appointments.

(d) The commission shall elect a chair and a vice chair from among its members.
(4) The State Superintendent of Schools or a designee;
(5) A representative of a county or municipal government;
(6) A representative of a local labor organization;
(7) A representative of a for-profit business operating within the state;
(8) An individual whose age is between the age of sixteen years and twenty-five years, inclusive, who has been, or remains, a participant or a supervisor in a volunteer or service program; and
(9) A representative of an arts or crafts organization.

(c) The membership of the West Virginia Commission for National and Community Service shall include a representative of the corporation for national and community service who shall serve as a member in a nonvoting, ex officio capacity.

(d) No more than twenty-five percent of the voting membership of the West Virginia commission for national and community service may be individuals who are employed by the state or its agencies, except that the membership may include additional employees of the state or its agencies in a nonvoting, ex officio capacity.

(e) No member of the West Virginia Commission for National and Community Service may vote on an issue affecting organizations for which the member has served as a staff person or as a volunteer at any time during the twelve-month period before the member's appointment to the commission.

(f) No more than fifty percent plus one of the members of the West Virginia Commission for National and Community Service may be members of the same political party.

(g) To the extent possible, the membership of the West Virginia Commission for National and Community Service shall reflect the diversity of the state's population.

(h) Members of the West Virginia Commission for National and Community Service who were appointed under the executive order of the Governor entered on January 28, 1994, shall continue as members of the commission for a term of three years, except that the Governor shall
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designate eight members who shall serve for a term of two years and shall also designate an
additional eight members who shall serve for a term of one year. Additional appointments by the
Governor under the provisions of this section and appointments by the Governor upon the
expiration of a member's term shall be made for a term of three years. Appointments of members
by the Governor to serve for an unexpired term shall be for the remainder of the unexpired term.
Members may be reappointed.

(i) The voting members of the West Virginia Commission for National and Community
Service shall annually elect a voting member to serve as the chair of the commission.

(j) The members of the West Virginia Commission for National and Community Service
shall meet at the call of the chair, who shall be obligated to call a meeting at the request of a
simple majority of the members or as necessary to ensure that the members have met at least
twice in each calendar year of the commission's operation.

(k) The members of the West Virginia Commission for National and Community Service
shall serve without compensation, except that the members of the commission who are not state
employees shall be reimbursed for their actual and necessary expenses incurred in discharging
their duties and responsibilities as members of the commission.

CHAPTER 5B. ECONOMIC DEVELOPMENT ACT OF 1985.

ARTICLE 2C. WEST VIRGINIA ACADEMY OF SCIENCE AND TECHNOLOGY.

§5B-2C-6. Periodic reports.

(a) The academy will prepare and produce an annual report on the state of science and
technology in West Virginia and submit it to the Governor, the Speaker of the House of Delegates,
the President of the Senate and the joint commission on economic development or before July 1,
of each year. The report shall address all aspects of research, development and
commercialization that the academy council deems material, including, but not limited to:

(1) Strengths, weaknesses, opportunities, and threats to West Virginia's research,
development, and commercialization environment and establishments;
(2) Options for actions by the Legislature and the Governor to maximize the ability of the state to attract investment, grants, and infrastructure development to support growth of science and technology research, development, and commercialization in the state;

(3) The status of, and options to improve, scientific and technological entrepreneurship in West Virginia; and

(4) The status of, and options to improve, the collaboration of institutions of higher education in obtaining competitive research awards and grants.

(b) In preparing its annual report, the council may utilize the technical support available to it through the West Virginia Development Office, the West Virginia Experimental Program to Stimulate Competitive Research (EPSCoR), the West Virginia higher education system, federal and state agencies, and other entities that have an interest in fostering science and technology research, development, and commercialization in this state.

(c) Each month, an academy representative shall meet with legislative and executive leaders to provide updates and information concerning opportunities, issues and progress of science, technology, and commercialization in the state.

CHAPTER 5F. REORGANIZATION OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

ARTICLE 1. GENERAL PROVISIONS.

§5F-1-2. Executive departments created; offices of secretary created.

(a) There are created, within the executive branch of the state government, the following departments:

(1) Department of Administration;

(2) Department of Environmental Protection;

(3) Department of Health and Human Resources;

(4) Department of Military Affairs and Public Safety;
(5) Department of Revenue;
(6) Department of Transportation;
(7) Department of Commerce; and
(8) Department of Veterans' Assistance.

(b) Each department will be headed by a secretary appointed by the Governor with the advice and consent of the Senate. Each secretary serves at the will and pleasure of the Governor.

§SF-1-6. House Bill 4006 amendments effective date.
Except for instances where specifically provided otherwise, all amendments to this Code made by the passage of House Bill 4006 during the 2018 regular session of the Legislature shall become effective July 1, 2018.

ARTICLE 2. TRANSFER OF AGENCIES AND BOARDS.

§5F-2-1. Transfer and incorporation of agencies and boards; funds.
(a) The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Administration:

(1) Public Employees Insurance Agency provided in §5-16-1 et seq. of this code;
(2) Governor's Mansion Advisory Committee provided in §5A-5-1 et seq. of this code;
(3) Commission on Uniform State Laws provided in §29-1A-1 et seq. of this code;
(4) West Virginia Public Employees Grievance Board provided in §6C-3-1 et seq. of this code;
(5) Board of Risk and Insurance Management provided in §29-12-1 et seq. of this code;
(6) Boundary Commission provided in §29-23-1 et seq. of this code;
(7) Public Defender Services provided in §29-21-1 et seq. of this code;
(8) Division of Personnel provided in §29-6-1 et seq. of this code;
(9) The West Virginia Ethics Commission provided in §6B-2-1 et seq. of this code;
(10) Consolidated Public Retirement Board provided in §5-10D-1 et seq. of this code; and
(11) Real Estate Division provided in §5A-10-1 et seq. of this code.

(b) The following agencies and boards, including all of the allied, advisory, affiliated, or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Commerce:

(1) Division of Labor provided in §21-1-1 et seq. of this code, which includes:

(A) Occupational Safety and Health Review Commission provided in §21-3A-1 et seq. of this code; and

(B) Board of Manufactured Housing Construction and Safety provided in §21-9-1 et seq. of this code.

(2) Office of Miners’ Health, Safety and Training provided in §22A-1-1 et seq. of this code.

The following boards are transferred to the Office of Miners’ Health, Safety and Training for purposes of administrative support and liaison with the Office of the Governor:

(A) Board of Coal Mine Health and Safety and Coal Mine Safety and Technical Review Committee provided in §22A-6-1 et seq. of this code;

(B) Board of Miner Training, Education and Certification provided in §22A-7-1 et seq. of this code; and

(C) Mine Inspectors’ Examining Board provided in §22A-9-1 et seq. of this code.

(3) The West Virginia Development Office provided in §5B-2-1 et seq. of this code;

(4) Division of Natural Resources and Natural Resources Commission provided in §20-1-1 et seq. of this code;

(5) Division of Forestry provided in §19-1A-1 et seq. of this code;

(6) Geological and Economic Survey provided in §29-2-1 et seq. of this code; and

(7) Workforce West Virginia provided in chapter 21A of this code, which includes:

(A) Division of Unemployment Compensation;

(B) Division of Employment Service;

(C) Division of Workforce Development; and
(D) Division of Research, Information and Analysis.

(8) Office of Energy, within the Development Office, provided in §5B-2F-1 et seq. of this code.

(9) West Virginia Tourism Office and Tourism Commission provided in §5B-2I-1 et seq. of this code;

(10) Division of Culture and History provided in §29-1-1 et seq. of this code; and

(11) Division of Rehabilitation Services provided in §18-10A-1 et seq. of this code.

(c) The Economic Development Authority provided in §31-15-1 et seq. of this code is continued as an independent agency within the executive branch.

(d) The Water Development Authority and the Water Development Authority Board provided in §22C-1-1 et seq. of this code is continued as an independent agency within the executive branch.

(e) The West Virginia Educational Broadcasting Authority provided in §10-5-1 et seq. of this code and the State Library Commission provided in §10-1-1 et seq. of this code are each continued as separate independent agencies within the executive branch.

(f) The following agencies and boards, including all of the allied, advisory, and affiliated entities, are transferred to the Department of Environmental Protection for purposes of administrative support and liaison with the Office of the Governor:

(1) Air Quality Board provided in §22B-2-1 et seq. of this code;

(2) Solid Waste Management Board provided in §22C-3-1 et seq. of this code;

(3) Environmental Quality Board, or its successor board, provided in §22B-3-1 et seq. of this code;

(4) Surface Mine Board provided in §22B-4-1 et seq. of this code;

(5) Oil and Gas Inspectors' Examining Board provided in §22C-7-1 et seq. of this code;

(6) Shallow Gas Well Review Board provided in §22C-8-1 et seq. of this code; and

(7) Oil and Gas Conservation Commission provided in §22C-9-1 et seq. of this code.
(g) The following agencies and boards, including all of the allied, advisory, affiliated, or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Health and Human Resources:

1. Human Rights Commission provided in §5-11-1 et seq. of this code;
2. Bureau for Public Health provided in §16-1-1 et seq. of this code;
3. Office of Emergency Medical Services and the Emergency Medical Service Advisory Council provided in §16-4C-1 et seq. of this code;
4. Health Care Authority provided in §16-29B et seq. of this code;
5. State Commission on Intellectual Disability provided in §29-15-1 et seq. of this code;
6. Women's Commission provided in §29-20-1 et seq. of this code; and
7. Bureau for Child Support Enforcement provided in chapter 48 of this code.

(h) The following agencies and boards, including all of the allied, advisory, affiliated, or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Military Affairs and Public Safety:

1. Adjutant General's Department provided in §15-1A-1 et seq. of this code;
2. State Armory Board provided in §15-6-1 et seq. of this code;
3. Military Awards Board provided in §15-1G-1 et seq. of this code;
4. West Virginia State Police provided in §15-2-1 et seq. of this code;
5. Division of Homeland Security and Emergency Management and Disaster Recovery Board provided in §15-5-1 et seq. of this code and Emergency Response Commission provided in §15-5A-1 et seq. of this code;
6. Sheriffs' Bureau provided in §15-8-1 et seq. of this code;
7. Division of Justice and Community Services provided in §15-9A-1 et seq. of this code;
8. Division of Corrections provided in chapter 25 of this code;
9. Fire Commission provided in §29-3-1 et seq. of this code;
(10) Regional Jail and Correctional Facility Authority provided in §31-20-1 et seq. of this code; and
(11) Board of Probation and Parole provided in §62-12-1 et seq. of this code.

(i) The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Revenue:

(1) Tax Division provided in chapter 11 of this code;
(2) Racing Commission provided in §19-23-1 et seq. of this code;
(3) Lottery Commission and position of Lottery Director provided in §29-22-1 of this code;
(4) Insurance Commissioner provided in §33-2-1 et seq. of this code;
(5) West Virginia Alcohol Beverage Control Commissioner provided in §11-16-1 et seq. of this code and §60-2-1 et seq. of this code;
(6) Board of Banking and Financial Institutions provided in §31A-3-1 et seq. of this code;
(7) Lending and Credit Rate Board provided in chapter 47A of this code;
(8) Division of Financial Institutions provided in §31A-2-1 et seq. of this code;
(9) The State Budget Office provided in §11B-2-1 et seq. of this code;
(10) The Municipal Bond Commission provided in §13-3-1 et seq. of this code;
(11) The Office of Tax Appeals provided in §11-10A-1 of this code; and
(12) The State Athletic Commission provided in §29-5A-1 et seq. of this code.

(j) The following agencies and boards, including all of the allied, advisory, affiliated, or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Transportation:

(1) Division of Highways provided in §17-2A-1 et seq. of this code;
(2) Parkways Authority provided in §17-16A-1 et seq. of this code;
(3) Division of Motor Vehicles provided in §17A-2-1 et seq. of this code;
(4) Driver's Licensing Advisory Board provided in §17B-2-1 et seq. of this code;
(5) Aeronautics Commission provided in §29-2A-1 et seq. of this code;
(6) State Rail Authority provided in §29-18-1 et seq. of this code; and
(7) Public Port Authority provided in §17-16B-1 et seq. of this code.

(k) Effective July 1, 2011, the Veterans' Council provided in §9A-1-1 et seq. of this code, including all of the allied, advisory, affiliated, or related entities and funds associated with it, is incorporated in and administered as a part of the Department of Veterans' Assistance.

(l) Except for powers, authority and duties that have been delegated to the secretaries of the departments by the provisions of §5F-2-2 of this code, the position of administrator and the powers, authority, and duties of each administrator and agency are not affected by the enactment of this chapter.

(m) Except for powers, authority and duties that have been delegated to the secretaries of the departments by the provisions of §5F-2-2 of this code, the existence, powers, authority, and duties of boards and the membership, terms and qualifications of members of the boards are not affected by the enactment of this chapter. All boards that are appellate bodies or are independent decision makers shall not have their appellate or independent decision-making status affected by the enactment of this chapter.

(n) Any department previously transferred to and incorporated in a department by prior enactment of this section means a division of the appropriate department. Wherever reference is made to any department transferred to and incorporated in a department created in §5F-1-2 of this code, the reference means a division of the appropriate department and any reference to a division of a department so transferred and incorporated means a section of the appropriate division of the department.

(o) When an agency, board, or commission is transferred under a bureau or agency other than a department headed by a secretary pursuant to this section, that transfer is solely for purposes of administrative support and liaison with the Office of the Governor, a department secretary or a bureau. Nothing in this section extends the powers of department secretaries under
§5F-2-2 of this code to any person other than a department secretary and nothing limits or
abridges the statutory powers and duties of statutory commissioners or officers pursuant to this
code.

CHAPTER 6. GENERAL PROVISIONS RESPECTING OFFICERS.

ARTICLE 7. COMPENSATION AND ALLOWANCES.

§6-7-2a. Terms of certain appointive state officers; appointment; qualifications; powers
and salaries of officers.

(a) Each of the following appointive state officers named in this subsection shall be
appointed by the Governor, by and with the advice and consent of the Senate. Each of the
appointive state officers serves at the will and pleasure of the Governor for the term for which the
Governor was elected and until the respective state officers' successors have been appointed
and qualified. Each of the appointive state officers are subject to the existing qualifications for
holding each respective office and each has and is hereby granted all of the powers and authority
and shall perform all of the functions and services heretofore vested in and performed by virtue
of existing law respecting each office.

The annual salary of each named appointive state officer is as follows:

Commissioner, Division of Highways, $92,500; Commissioner, Division of Corrections,
$80,000; Director, Division of Natural Resources, $75,000; Superintendent, State Police,
$85,000; Commissioner, Division of Financial Institutions, $75,000; Commissioner, Division of
Culture and History, $65,000; Commissioner, Alcohol Beverage Control Commission, $75,000;
Commissioner, Division of Motor Vehicles, $75,000; Director, Human Rights Commission,
$55,000; Commissioner, Division of Labor, $70,000; Chairperson, Board of Parole, $55,000;
members, Board of Parole, $50,000; members, Employment Security Review Board, $17,000;
and Commissioner, Workforce West Virginia, $75,000. Secretaries of the departments shall be
paid an annual salary as follows: Health and Human Resources, $95,000: Provided, That effective
July 1, 2013, the Secretary of the Department of Health and Human Resources shall be paid an
annual salary not to exceed $175,000; Transportation, $95,000: Provided, however, That if the
same person is serving as both the Secretary of Transportation and the Commissioner of
Highways, he or she shall be paid $120,000; Revenue, $95,000; Military Affairs and Public Safety,
$95,000; Administration, $95,000; Commerce, $95,000; Veterans' Assistance, $95,000; and
Environmental Protection, $95,000: Provided further, That any officer specified in this subsection
whose salary is increased by more than $5,000 as a result of the amendment and reenactment
of this section during the 2011 regular session of the Legislature shall be paid the salary increase
in increments of $5,000 per fiscal year beginning July 1, 2011, up to the maximum salary provided
in this subsection.

(b) Each of the state officers named in this subsection shall continue to be appointed in
the manner prescribed in this code and shall be paid an annual salary as follows:

Director, Board of Risk and Insurance Management, $80,000; Director, Division of
Rehabilitation Services, $70,000; Director, Division of Personnel, $70,000; Executive Director,
Educational Broadcasting Authority, $75,000; Secretary, Library Commission, $72,000; Director,
Geological and Economic Survey, $75,000; Executive Director, Prosecuting Attorneys Institute,
$80,000; Executive Director, Public Defender Services, $70,000; Commissioner, Bureau of
Senior Services, $75,000; Executive Director, Women's Commission, $45,000; Director, Hospital
Finance Authority, $35,000; member, Racing Commission, $12,000; Chairman, Public Service
Commission, $85,000; members, Public Service Commission, $85,000; Director, Division of
Forestry, $75,000; Director, Division of Juvenile Services, $80,000; Executive Director, Regional
Jail and Correctional Facility Authority, $80,000; and Executive Director of the Health Care
Authority, $80,000.

(c) Each of the following appointive state officers named in this subsection shall be
appointed by the Governor, by and with the advice and consent of the Senate. Each of the
appointive state officers serves at the will and pleasure of the Governor for the term for which the
Governor was elected and until the respective state officers' successors have been appointed
and qualified. Each of the appointive state officers are subject to the existing qualifications for holding each respective office and each has and is hereby granted all of the powers and authority and shall perform all of the functions and services heretofore vested in and performed by virtue of existing law respecting each office.

The annual salary of each named appointive state officer shall be as follows:

- Commissioner, State Tax Division, $92,500
- Insurance Commissioner, $92,500
- Director, Lottery Commission, $92,500
- Director, Division of Homeland Security and Emergency Management, $65,000
- Adjutant General, $125,000

(d) No increase in the salary of any appointive state officer pursuant to this section may be paid until and unless the appointive state officer has first filed with the State Auditor and the Legislative Auditor a sworn statement, on a form to be prescribed by the Attorney General, certifying that his or her spending unit is in compliance with any general law providing for a salary increase for his or her employees. The Attorney General shall prepare and distribute the form to the affected spending units.

CHAPTER 10. PUBLIC LIBRARIES; PUBLIC RECREATION; ATHLETIC ESTABLISHMENTS; MONUMENTS AND MEMORIALS; ROSTER OF SERVICEMEN; EDUCATIONAL BROADCASTING AUTHORITY.

ARTICLE 5. EDUCATIONAL BROADCASTING AUTHORITY.

§10-5-2a. West Virginia distance learning coordinating council; creation; duties.

[Repealed.]

CHAPTER 18. EDUCATION.

ARTICLE 21. STATE-LEVEL LEADERSHIP FOR PROFESSIONAL DEVELOPMENT SYSTEM.

§18-21-1. Professional development coordination and delivery; system goals.

The purpose of this article is to establish clear state-level leadership for professional development for all West Virginia public school educators and administrators. As the state
in Institution charged with the general supervision of the state school system, the state board shall institute a system for the coordination and delivery of high-quality professional development. The system shall clearly define the goals for professional development and delineate roles and responsibilities of the various state, school district and individual school levels for the delivery of high-quality professional development. The state board shall include among the goals for the system of professional development the following:

(1) The instructional leadership skills of principals are developed to ensure that each school is led by a principal who is knowledgeable of continuous improvement processes and capable of leading effective improvement efforts. The principal also must understand the value of fair and accurate personnel performance evaluations as an effective, continuous improvement effort to drive professional learning at the school level;

(2) Professional development is among the array of supports and processes necessary under a performance-based accreditation system to build the capacity of schools to impact student performance and well-being by increasing staff individual and collective skills, competencies, and abilities. It should be based on a thorough analysis of accountability data and strategic planning for continuous improvement that addresses those areas that must be a priority for individual school support, including an analysis of personnel evaluation data in order to target individualized professional learning at the school level;

(3) The school is the unit of change. Local and state resources, policies, and procedures must focus on assisting the improvement of each West Virginia school and on differentiating supports according to need and level of performance, including the implementation of school-based professional development programs that address the unique needs of staff and students;

(4) Professional development should be delivered using techniques, school schedules or time in a manner that does not diminish student learning by the absence of their classroom teacher.
§18-21-2. Legislative findings.

The Legislature finds:

1 (1) That high-quality professional development is critical in supporting improved practice, assuring teacher quality and raising student achievement;

2 (2) That professional development is vital in the state's overall school improvement efforts;

3 (3) That the state board shall assure the efficient delivery of high-quality professional development programs and that the duplication of efforts be minimized;

4 (4) That the state board shall assure all stakeholders are appropriately involved in the planning and implementing of programs to meet requisite needs and that high-quality professional development programs be provided to public school educators of West Virginia in the most efficient and cost effective manner;

5 (5) That continuous improvement is the on-going process of planning, determining, implementing, and refining efforts to improve student performance and well-being. It is the collective staff process of analyzing student performance data, studying current school and classroom practices, determining root causes, researching solutions, and implementing processes outlined in the school's strategic plan; and

6 (6) That the capacity for excellence resides in every school. Schools are responsible for creating school-wide and classroom conditions that produce student success. Every school needs quality leadership and the flexibility and support to make the decisions that will lead to the achievement of all students.

§18-21-3. Annual professional development master plan established by state board.

[Repealed.]

§18-21-4. Coordination, development and evaluation of professional development programs.

(a) On or before November 1, 2018, the state board shall promulgate a rule in accordance with §29A-3B-1 et seq. of this code to ensure the coordination, development and evaluation of
high-quality professional development programs. The rule shall include, but is not limited to, the
following:

(1) Standards for quality professional development that all professional development
providers shall use in designing, implementing, and evaluating professional development that
shall become part of the system for the coordinated delivery of high-quality professional
development established by the state board;

(2) Processes for aggregating information, in part from school and school district strategic
plans, to determine areas of common need for professional development, as well as those more
varied, to assist in the design of the most effective and efficient method and level of delivery;

(3) Processes for assuring professional development resources are appropriately
allocated to identified areas of need;

(4) Processes for evaluating the effectiveness, efficiency, and impact of the professional
development;

(5) Processes for ensuring all stakeholders, including affected principals and classroom
teachers, have a voice in the identification of needed professional development and various
delivery models;

(6) Processes for collaboration among West Virginia Department of Education, county
boards, principals and classroom teachers; and

(7) Processes for ensuring that the expertise and experience of state institutions of higher
education with teacher preparation programs are included in developing and implementing
professional development programs.

(b) The Center for Professional Development, formerly provided for under §18A-3A-1 et
seq. of this code before the effective date of the amendment and reenactment of this section
during the 2018 regular session of the Legislature, is hereby transferred to be under the authority
and control of the state board. To assist in the delivery of high quality professional development
for teachers, principals, and other school employees, the state board shall incorporate within the
Department of Education the Center for Professional Development whose general mission shall be under the direction of the state board to advance the quality of teaching and learning in the schools of West Virginia through programs, technical assistance and support to schools and school systems to meet the legislative findings and goals of this article. The center shall perform other duties that may be assigned to it by the state board. In addition, the center shall provide statewide coordination for the continued growth and development of advanced placement programs in West Virginia high schools, including, but not limited to, serving as a liaison for The College Board, Inc., and providing for the training of advanced placement teachers.

ARTICLE 10A. REHABILITATION SERVICES.

§18-10A-1. Definitions.

As used in this article and §18-10B-1 et seq. of this code:

(1) “State board” means the Secretary of the Department of Commerce, or where required by federal law, the board, commission or council designated by the Secretary of the Department of Commerce to oversee certain functions of the Division of Rehabilitation Services. All references in this code to the state board of vocational education, except where the context clearly indicates the provision of vocational education to other than disabled individuals, means the state board defined by this subsection.

(2) “Division” means the division of vocational rehabilitation established by this article.

(3) “Director” means the director of the division of vocational rehabilitation.

(4) “Employment handicap” means a physical or mental condition which constitutes, contributes to, or if not corrected will probably result in, an obstruction to occupational performance.

(5) “Disabled individual” means any person who has a substantial employment handicap.

(6) “Vocational rehabilitation” and “vocational rehabilitation services” means any services, provided directly or through public or private instrumentalities, found by the director to be necessary to compensate a disabled individual for his or her employment handicap and to enable
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him or her to engage in a remunerative occupation including, but not limited to, medical and vocational diagnosis, vocational guidance, counseling and placement, rehabilitation training, attendant care services, physical restoration, transportation, occupational licenses, occupational tools and equipment, including motor vehicles, maintenance, and training books and materials.

(7) "Rehabilitation training" means all necessary training provided to a disabled individual to compensate for his or her employment handicap including, but not limited to, manual, preconditioning, prevocational, vocational, and supplementary training and training provided for the purpose of achieving broader or more remunerative skills and capacities.

(8) "Physical restoration" means any medical, surgical, or therapeutic treatment necessary to correct or substantially reduce a disabled individual's employment handicap within a reasonable length of time including, but not limited to, medical, psychiatric, dental and surgical treatment, nursing services, hospital care not to exceed ninety days, convalescent home care, drugs, medical and surgical supplies, and prosthetic appliances, but excluding curative treatment for acute or transitory conditions.

(9) "Prosthetic appliance" means any artificial device necessary to support or take the place of a part of the body or to increase the acuity of a sense organ.

(10) "Occupational licenses" means any license, permit or other written authority required by any governmental unit to be obtained in order to engage in an occupation.

(11) "Maintenance" means money payments not exceeding the estimated cost of subsistence during vocational rehabilitation.

(12) "Regulations" means regulations made by the director with the approval of the secretary of the Department of Commerce or the state board.

(13) "Attendant care evaluation unit" means any agency certified by the division of vocational rehabilitation that employs a qualified evaluator to provide evaluations and attendant referrals such as the centers for independent living, the West Virginia Rehabilitation Center and any other unit approved by the division.
(14) "Attendant care services" means services which include, but are not limited to:
(a) Routine bodily functions such as bowel and bladder care;
(b) Dressing;
(c) Ambulation;
(d) Meal preparation and consumption;
(e) Assistance in moving in and out of bed;
(f) Bathing and grooming;
(g) Housecleaning and laundry; and
(h) Any other similar activity of daily living.

(15) "Attendant" means a self-employed individual who is trained to perform attendant care services and who works as an independent contractor.

§18-10A-2. Division of Rehabilitation Services.
(a) The Division of Rehabilitation Services is transferred to the Department of Commerce created in §5F-1-1 et seq. of this code. The secretary shall appoint any board, commission, or council over the division to the extent required by federal law to qualify for federal funds for providing rehabilitation services for disabled persons. The secretary and the boards, commissions or councils as he or she is required by federal law to appoint are authorized and directed to cooperate with the federal government to the fullest extent in an effort to provide rehabilitation services for disabled persons.
(b) References in this article or §18-10B-1 et seq. of this code to the state Board of Vocational Education, the state Board of Rehabilitation or the state board as the governing board of vocational or other rehabilitation services or facilities mean the Secretary of Commerce. All references in the code to the Division of Vocational Rehabilitation mean the Division of Rehabilitation Services and all references to the Director of the Division of Vocational Rehabilitation means the Director of the Division of Rehabilitation Services.
§18-10A-3. Director of division of vocational rehabilitation; powers and duties.

1 The division shall be administered, under the general supervision and direction of the Secretary of the Department of Commerce or, if required by federal law his or her designated state board, by a director appointed by the secretary, or if required by federal law his or her designated state board in accordance with established personnel standards and on the basis of his or her education, training, experience, and demonstrated ability.

2 In carrying out his or her duties under this article, the director shall:

3 (1) Appoint such personnel as he or she considers necessary for the efficient performance of the functions of the division.

4 (2) Establish a merit system of personnel management, or in lieu thereof, avail himself or herself of the services of the state merit system upon payment of a fair share of the expenses of the operation of the system.

5 (3) Make regulations governing the protection of records and confidential information; the manner and form of filing applications for vocational rehabilitation services, eligibility therefor, and investigation and determination thereof; procedures for fair hearings; and such other matters as may be necessary or desirable in accomplishing the purposes of this article.

6 (4) Have the authority to establish and operate a staff development program for the employees of the division and may, in furtherance of such a program, and utilizing any funds appropriated or made available, for such purpose, pay to the employees compensation or expenses, or both, while the employees are pursuing approved training courses or academic studies for the purpose of becoming better equipped for their employment in the division; the staff development program shall be conducted subject to appropriate rules as adopted by the director and approved by the state board: Provided, That these rules shall include reasonable provisions for the return of any employee, receiving the benefits of such training, for a reasonable period of duty, or for reimbursement to the state for expenditures incurred on behalf of the training of such employee.
(5) Establish appropriate subordinate administrative units within the division.

(6) Prepare and submit to the Secretary of the Department of Commerce or his or her designated state board annual reports of activities and expenditures and, prior to each regular session of the Legislature, estimates of sums required for carrying out the provisions of this article and estimates of the amounts to be made available for this purpose from all sources.

(7) Make requisition for disbursement, in accordance with regulations of the funds available for vocational rehabilitation purposes.

(8) Take such other action as may be determined necessary or appropriate to carry out the purposes of this article.

§18-10A-6a. West Virginia Rehabilitation Services Special Account; expenditures.

(a) There is hereby established in the State Treasury a separate account which shall be designated the “West Virginia Rehabilitation Services Special Account”. The director of rehabilitation services shall deposit promptly into the account all fees received for services provided by the West Virginia Rehabilitation Center from whatever source, including the federal government, state government or from other third-party payers or personal payments.

(b) A five-year West Virginia rehabilitation services long-range plan shall be developed by the director and shall be adopted by the Secretary of Commerce. The West Virginia rehabilitation services’ long-range plan shall be updated and revised at least every two years.

(c) The director may expend the moneys deposited in the West Virginia Rehabilitation Services Special Account in accordance with federal laws and regulations and with the laws of this state necessary for the development of the five-year long-range plan and subsequent revisions.

(d) The director may expend the moneys deposited in the West Virginia Rehabilitation Services Special Account as provided in the long-range plan at such times and in such amounts as the director determines to be necessary for the purpose of maintaining or improving the delivery of rehabilitation services: Provided, That during the budget preparation period which occurs prior
to the convening of the Legislature, the director shall submit for inclusion in the executive budget
document and budget bill his or her recommended capital expenditures, recommended priorities,
estimated costs, and request for appropriations for maintaining or improving the delivery of
vocational rehabilitation services.

(e) The director shall make an annual report to the Legislature on the status of the West
Virginia Rehabilitation Services Special Account, including the previous year’s expenditures and
projected expenditures for the next year.

§18-10A-12. Vocational evaluation and work adjustment program for disadvantaged
individuals.

The division, under the direction of any federally mandated board, commission, or council
appointed by the Secretary of the Department of Commerce, is authorized and directed to
cooperate with the federal government in providing vocational evaluation and work adjustment
services to disadvantaged individuals.

“Vocational evaluation and work adjustment services” include, as appropriate in each
case, such services as:

(a) A preliminary diagnostic study to determine that the individual is disadvantaged, has
an employment handicap, and that services are needed;

(b) A thorough diagnostic study consisting of a comprehensive evaluation of pertinent
medical, psychological, vocational, educational, cultural, social, and environmental factors which
bear on the individual’s handicap to employment and rehabilitation potential including, to the
degree needed, an evaluation of the individual’s personality, intelligence level, educational
achievements, work experience, vocational aptitudes and interests, personal and social
adjustments, employment opportunities, and other pertinent data helpful in determining the nature
and scope of services needed;

(c) Services to appraise the individual’s patterns of work behavior and ability to acquire
occupational skills, and to develop work attitudes, work habits, work tolerance, and social and
behavior patterns suitable for successful job performance, including the utilization of work, simulated or real, to assess and develop the individual's capacities to perform adequately in a work environment;

(d) Any other goods or services provided to a disadvantaged individual, determined (in accordance with regulations of the federal government) to be necessary for, and which are provided for the purpose of, ascertaining the nature of the handicap to employment and whether it may reasonably be expected the individual can benefit from vocational rehabilitation services or other services available to disadvantaged individuals;

(e) Outreach, referral, and advocacy; and

(f) The administration of these evaluation and work adjustment services.

As used in this section, the term "disadvantaged individuals" means: (1) Disabled individuals as defined in §18-10A-1(5) of this code; (2) individuals disadvantaged by reason of their youth or advanced age, low educational attainments, ethnic or cultural factors, prison or delinquency records, or other conditions which constitute a barrier to employment; and (3) other members of their families when the provision of vocational rehabilitation services to family members is necessary for the rehabilitation of the individual described in subdivision (1) or (2) above.

ARTICLE 30. WEST VIRGINIA COLLEGE PREPAID TUITION AND SAVINGS PROGRAM ACT.

§18-30-4. Creation of program; board; members; terms; compensation; proceedings generally.

(a) The West Virginia college prepaid tuition and savings program is continued. The program consists of a prepaid tuition plan and a savings plan.

(b) The board of the college prepaid tuition and savings program is continued and all powers, rights and responsibilities of the board of trustees of the prepaid tuition trust fund are vested in the board of the college prepaid tuition and savings program.

(c) The board consists of eight members and includes the following:
(1) The State Treasurer, or his or her designee;

(2) A representative of the Higher Education Policy Commission, who may or may not be a member of the Higher Education Policy Commission, appointed by the commission who serves as a voting member of the board;

(3) A representative of the Council for Community and Technical College Education, who may or may not be a member of the Council for Community and Technical College Education, appointed by the council who serves as a voting member of the board; and

(4) Five other members, appointed by the Governor, with knowledge, skill and experience in an arts, academic, business or financial field, to be appointed as follows:

(A) Two private citizens not employed by, or an officer of, the state or any political subdivision of the state;

(B) One member representing the interests of private institutions of higher education located in this state appointed from one or more nominees of the West Virginia association of private colleges; and

(C) Two members representing the public.

(d) The public members and the member representing the interests of private institutions of higher education are appointed by the Governor with the advice and consent of the Senate.

(e) Only state residents are eligible for appointment to the board.

(f) Members appointed by the Governor serve a term of five years and are eligible for reappointment at the expiration of their terms. If there is a vacancy among appointed members, the Governor shall appoint a person representing the same interests to fill the unexpired term.

(g) Members of the board serve until the later of the expiration of the term for which the member was appointed or the appointment of a successor. Members of the board serve without compensation. The treasurer may pay all expenses, including travel expenses, actually incurred by board members in the conduct of their official duties. Expense payments are made from the college prepaid tuition and savings program administrative account, and are made at the same rate paid to state employees.
(h) The treasurer may provide support staff and office space for the board.

(i) The treasurer is the chairman and presiding officer of the board, and may appoint the employees the board considers advisable or necessary. A majority of the members of the board constitute a quorum for the transaction of the business of the board.

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 2. SCHOOL PERSONNEL.


(a) Upon the recommendation of the county superintendent of schools, the county board of education shall employ and assign, through written contract, public school principals who shall be the principal instructional leader of the school and shall supervise the management and the operation of the school or schools to which they are assigned to improve student performance and progress. The principals shall hold valid administrative certificates appropriate for their assignments.

(b)(1) Beginning on July 1, 1994, the prerequisites for issuance of an administrative certificate for principals shall include that the person has successfully completed at least six credit hours of approved course work in public school management techniques at an accredited institution of higher education and has successfully completed education and training in evaluation skills approved by the state board.

(2) Beginning on July 1, 2019, the prerequisites for issuance of an administrative certificate for principals shall include that the person has successfully completed at least six credit hours of approved course work in public school instructional leadership and management techniques at an accredited institution of higher education, including, but not limited to, the standards for high quality schools, the school accreditation process and strategic planning for continuous improvement.
(c) Prior to employment as a principal or assistant principal, or in another administrative position the duties of which require conducting personnel performance evaluations, the principal, assistant or administrator shall successfully complete education and training in evaluation skills approved by the state board.

(d) Under the supervision of the superintendent and in accordance with the rules and regulations of the county board of education, the principal:

(1) Shall assume administrative and instructional leadership responsibility for the planning, management, operation, and evaluation of the total educational program of the school or schools to which he or she is assigned.

(2) May submit recommendations to the superintendent regarding the appointment, assignment, promotion, transfer and dismissal of all personnel assigned to the school or schools under said principal's control. The recommendations shall be submitted in writing as prescribed by the superintendent; and

(3) Shall perform such other duties as may be assigned by the superintendent pursuant to the rules and regulations of the county board of education.

(e) Upon recommendation of the county superintendent of schools, the county board of education shall, when needed, employ and assign, through written contract, assistant principals who shall work under the direction of the school principal. Such assistant principals shall hold valid administrative certificates appropriate for their assignments.

(f) The assignment of principals and assistant principals by each county board of education is subject to the following:

(1) A certificated principal shall be assigned to each school;

(2) A principal may not be assigned more than two schools;

(3) No additional schools may be assigned to the principal of a school where enrollment exceeds four hundred students;
(4) A principal assigned to more than one school may not be assigned any teaching duties except on a temporary emergency basis;

(5) A principal shall be assigned full-time at each school whose net enrollment equals or exceeds one hundred seventy students and may not be assigned any teaching duties except on a temporary emergency basis;

(6) A principal assigned on a full-time basis to a school whose net enrollment is more than seventy-five students but less than one hundred seventy students shall have a minimum of twenty hours per week for nonteaching duties;

(7) A principal assigned on a full-time basis to a school with seventy-five students or less shall have a minimum of ten hours per week for nonteaching duties;

(8) Nothing in this section prohibits a county board of education from assigning a full-time principal to a school with a net enrollment of less than one hundred seventy students; and

(9) The State Board of Education may not deny a county board of education the right to place a principal in a school with less than one hundred seventy students.

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

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

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

(c) For purposes of this section, "professional personnel", "professional", or "professionals". means professional personnel and other professional employees, as defined in §18A-1-1 of this code but does not include classroom teachers, principals, and assistant principals subject to the evaluation processes established pursuant to §18A-3C-2 of this code.
(d) The performance evaluation system shall contain, but not be limited to, the following information:

(1) The professional personnel positions to be evaluated;

(2) The frequency and duration of the evaluations, which shall be of such frequency and duration as to insure the collection of a sufficient amount of data from which reliable conclusions and findings may be drawn, but at least annually;

(3) The evaluation shall serve the following purposes:

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

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

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

and

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

(4) The standards for satisfactory performance for professional personnel and the criteria to be used to determine whether the performance of each professional meets those standards and other criteria for evaluation for each professional position evaluated. Professional personnel, as appropriate, shall demonstrate competency in the knowledge and implementation of the technology standards adopted by the state board. If a professional fails to demonstrate competency in the knowledge and implementation of these standards, he or she will be subject to an improvement plan to correct the deficiencies; and

(5) Provisions for a written improvement plan, which shall be specific as to what improvements, if any, are needed in the performance of the professional and shall clearly set forth recommendations for improvements, including recommendations for additional education and training during the professional's recertification or license renewal process.
(e) A professional whose performance is considered to be unsatisfactory shall be given notice of deficiencies. A remediation plan to correct deficiencies shall be developed by the employing county board and the professional. The professional shall be given a reasonable period of time for remediation of the deficiencies and shall receive a statement of the resources and assistance available for the purposes of correcting the deficiencies.

(f) No person may evaluate professional personnel for the purposes of this section or professional educator for the purposes of §18A-3C-2 of this code unless the person has an administrative certificate issued by the state superintendent and has successfully completed education and training in evaluation skills approved by the state board, which will enable the person to make fair, professional, and credible evaluations of the personnel whom the person is responsible for evaluating.

(g) Any professional whose performance evaluation includes a written improvement plan shall be given an opportunity to improve his or her performance through the implementation of the plan. If the next performance evaluation shows that the professional is now performing satisfactorily, no further action may be taken concerning the original performance evaluation. If the evaluation shows that the professional is still not performing satisfactorily, the evaluator either shall make additional recommendations for improvement or may recommend the dismissal of the professional in accordance with the provisions of §18A-2-8 of this code.

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

(i) Lesson plans are intended to serve as a daily guide for teachers and substitutes for the orderly presentation of the curriculum. Lesson plans may not be used as a substitute for observations by an administrator in the performance evaluation process. A classroom teacher, as defined in §18A-1-1 of this code, may not be required to post his or her lesson plans on the Internet or otherwise make them available to students and parents or to include in his or her lesson plans any of the following:
61 (A) Teach and reteach strategies;
62 (B) Write to learn activities;
63 (C) Cultural diversity;
64 (D) Color coding; or
65 (E) Any other similar items which are not required to serve as a guide to the teacher or
66 substitute for daily instruction;
67 (2) The Legislature finds that classroom teachers must be free of unnecessary paperwork
68 so that they can focus their time on instruction. Therefore, classroom teachers may not be
69 required to keep records or logs of routine contacts with parents or guardians;
70 (3) Nothing in this subsection may be construed to prohibit classroom teachers from
71 voluntarily posting material on the Internet; and
72 (4) Nothing in §18A-3C-1 et seq. of this code may be construed to negate the provisions
73 of this subsection.

ARTICLE 3. TRAINING, CERTIFICATION, LICENSING, PROFESSIONAL
DEVELOPMENT.

§18A-3-1. Teacher preparation programs; program approval and standards; authority to
issue teaching certificates.
1 (a) The education of professional educators in the state is under the general direction and
2 control of the state board.
3 The education of professional educators in the state includes all programs leading to
4 certification to teach or serve in the public schools. The programs include the following:
5 (1) Programs in all institutions of higher education, including student teaching and teacher-
6 in-residence programs as provided in this section;
7 (2) Beginning teacher induction programs;
8 (3) Granting West Virginia certification to persons who received their preparation to teach
9 outside the boundaries of this state, except as provided in subsection (b) of this section;
(4) Alternative preparation programs in this state leading to certification, including programs established pursuant to the provisions of §18A-3-1a, §18A-3-1b, §18A-3-1c, §18A-3-1d, §18A-3-1e, §18A-3-1f, §18A-3-1g, §18A-3-1h and §18A-3-1i of this code and programs which are in effect on the effective date of this section; and

(5) Continuing professional education, professional development, and in-service training programs for professional educators employed in the public schools in the state.

(b) The state board shall adopt standards for the education of professional educators in the state and for awarding certificates valid in the public schools of this state. The standards include, but are not limited to the following:

(1) A provision for the study of the history and philosophical foundations of Western Civilization and the writings of the founders of the United States of America;

(2) A provision for the study of multicultural education. As used in this section, multicultural education means the study of the pluralistic nature of American society including its values, institutions, organizations, groups, status positions and social roles;

(3) A provision for the study of classroom management techniques, including methods of effective management of disruptive behavior including societal factors and their impact on student behavior; and

(4) A teacher from another state shall be awarded a teaching certificate for a comparable grade level and subject area valid in the public schools of this state, subject to §18A-3-10 if he or she has met the following requirements:

(A) Holds a valid teaching certificate or a certificate of eligibility issued by another state;

(B) Has graduated from an educator preparation program at a regionally accredited institution of higher education or from another educator preparation program;

(C) Possesses the minimum of a bachelor’s degree; and

(D) Meets all of the requirements of the state for full certification except employment.
(c) The state board may enter into an agreement with county boards for the use of the public schools in order to give prospective teachers the teaching experience needed to demonstrate competence as a prerequisite to certification to teach in the West Virginia public schools.

(d) An agreement established pursuant to subsection (c) of this section shall recognize student teaching as a joint responsibility of the educator preparation institution and the cooperating public schools. The agreement shall include the following items:

(1) The minimum qualifications for the employment of public school teachers selected as supervising teachers, including the requirement that field-based and clinical experiences be supervised by a teacher fully certified in the state in which that teacher is supervising;

(2) The remuneration to be paid to public school teachers by the state board, in addition to their contractual salaries, for supervising student teachers;

(3) Minimum standards to guarantee the adequacy of the facilities and program of the public school selected for student teaching;

(4) Assurance that the student teacher, under the direction and supervision of the supervising teacher, shall exercise the authority of a substitute teacher;

(5) A provision requiring any higher education institution with an educator preparation program to document that the student teacher's field-based and clinical experiences include participation and instruction with multicultural, at-risk and exceptional children at each programmatic level for which the student teacher seeks certification; and

(6) A provision authorizing a school or school district that has implemented a comprehensive beginning teacher induction program, to enter into an agreement that provides for the training and supervision of student teachers consistent with the educational objectives of this subsection by using an alternate structure implemented for the support, supervision and mentoring of beginning teachers. The agreement is in lieu of any specific provisions of this subsection and is subject to the approval of the state board.
(e) Teacher-in-residence programs. —

(1) In lieu of the provisions of subsections (c) and (d) of this section and subject to approval of the state board, an institution of higher education with a program for the education of professional educators approved by the state board may enter into an agreement with county boards for the use of teacher-in-residence programs in the public schools.

(2) A "teacher-in-residence program" means an intensively supervised and mentored residency program for prospective teachers during their senior year that refines their professional practice skills and helps them gain the teaching experience needed to demonstrate competence as a prerequisite to certification to teach in the West Virginia public schools.

(3) The authorization for the higher education institution and the county board to implement a teacher-in-residence program is subject to state board approval. The provisions of the agreement include, but are not limited to, the following items:

(A) A requirement that the prospective teacher in a teacher-in-residence program has completed all other preparation courses and has passed the appropriate basic skills and subject matter test or tests required by the state board for teachers to become certified in the area for which licensure is sought;

(B) A requirement that the teacher-in-residence serve only in a teaching position in the county which has been posted and for which no other teacher fully certified for the position has been employed;

(C) Specifics regarding the program of instruction for the teacher-in-residence setting forth the responsibilities for supervision and mentoring by the higher education institution’s educator preparation program, the school principal, and peer teachers and mentors, and the responsibilities for the formal instruction or professional development necessary for the teacher-in-residence to perfect his or her professional practice skills. The program also may include other instructional items as considered appropriate.
(D) A requirement that the teacher-in-residence hold a teacher-in-residence permit qualifying the individual to teach in his or her assigned position as the teacher of record;

(E) A requirement that the salary and benefit costs for the position to which the teacher-in-residence is assigned shall be used only for program support and to pay a stipend to the teacher-in-residence as specified in the agreement, subject to the following:

(i) The teacher-in-residence is a student enrolled in the teacher preparation program of the institution of higher education and is not a regularly employed employee of the county board;

(ii) The teacher-in-residence is included on the certified list of employees of the county eligible for state aid funding the same as an employee of the county at the appropriate level based on their permit and level of experience;

(iii) All state-aid-funding due to the county board for the teacher-in-residence shall be used only in accordance with the agreement with the institution of higher education for support of the program as provided in the agreement, including costs associated with instruction and supervision as set forth in paragraph (C) of this subdivision;

(iv) The teacher-in-residence is provided the same liability insurance coverage as other employees; and

(v) All state aid funding due to the county for the teacher-in-residence and not required for support of the program shall be paid as a stipend to the teacher-in-residence: Provided, That the stipend paid to the teacher-in-residence shall be no less than sixty-five percent of all state aid funding due the county for the teacher-in-residence.

(F) Other provisions that may be required by the state board.

(f) In lieu of the student teaching experience in a public school setting required by this section, an institution of higher education may provide an alternate student teaching experience in a nonpublic school setting if the institution of higher education meets the following criteria:

(1) Complies with the provisions of this section;

(2) Has a state board approved educator preparation program; and
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(3) Enters into an agreement pursuant to subdivisions (g) and (h) of this section.

(g) At the discretion of the higher education institution, an agreement for an alternate student teaching experience between an institution of higher education and a nonpublic school shall require one of the following:

(1) The student teacher shall complete at least one half of the clinical experience in a public school; or

(2) The educator preparation program shall include a requirement that any student performing student teaching in a nonpublic school shall complete the following:

(A) At least two hundred clock hours of field-based training in a public school; and

(B) A course, which is a component of the institution’s state board approved educator preparation program, that provides information to prospective teachers equivalent to the teaching experience needed to demonstrate competence as a prerequisite to certification to teach in the public schools in West Virginia. The course also shall include instruction on at least the following elements:

(i) State board policy and provisions of this code governing public education;

(ii) Requirements for federal and state accountability, including the mandatory reporting of child abuse;

(iii) Federal and state mandated curriculum and assessment requirements, including multicultural education, safe schools, and student code of conduct;

(iv) Federal and state regulations for the instruction of exceptional students as defined by the Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq.; and

(v) Varied approaches for effective instruction for students who are at-risk.

(h) In addition to the requirements set forth in subsection (g) of this section, an agreement for an alternate student teaching experience between an institution of higher education and a nonpublic school shall include the following:
(1) A requirement that the higher education institution with an educator preparation program shall document that the student teacher's field-based and clinical experiences include participation and instruction with multicultural, at-risk, and exceptional children at each programmatic level for which the student teacher seeks certification; and

(2) The minimum qualifications for the employment of school teachers selected as supervising teachers, including the requirement that field-based and clinical experiences be supervised by a teacher fully certified in the state in which that teacher is supervising.

(i) The state superintendent may issue certificates as provided in §18A-3-2a of this code to graduates of educator preparation programs and alternative educator preparation programs approved by the state board. The certificates are issued in accordance with this section and rules adopted by the state board.

(1) A certificate to teach may be granted only to a person who meets the following criteria:

(A) Is a citizen of the United States, except as provided in subdivision (2) of this subsection;

(B) Is of good moral character;

(C) Is physically, mentally, and emotionally qualified to perform the duties of a teacher; and

(D) Is at least eighteen years of age on or before October 1 of the year in which his or her certificate is issued.

(2) A permit to teach in the public schools of this state may be granted to a person who is an exchange teacher from a foreign country or an alien person who meets the requirements to teach.

(j) Institutions of higher education approved for educator preparation may cooperate with each other and with one or more county boards to organize and operate centers to provide selected phases of the educator preparation program. The phases include, but are not limited to the following:
(1) Student teaching and teacher-in-residence programs;

(2) Beginning teacher induction programs;

(3) Instruction in methodology; and

(4) Seminar programs for college students, teachers with provisional certification, professional support team members, and supervising teachers.

By mutual agreement, the institutions of higher education and county boards may budget and expend funds to operate the centers through payments to the appropriate fiscal office of the participating institutions and the county boards.

(k) The provisions of this section do not require discontinuation of an existing student teacher training center or school which meets the standards of the state board.

(I) All institutions of higher education approved for educator preparation in the 1962-63 school year continue to hold that distinction so long as they meet the minimum standards for educator preparation. Nothing in this section infringes upon the rights granted to any institution by charter given according to law previous to the adoption of this code.

(m) Definitions. — For the purposes of this section, the following words have the meanings ascribed to them unless the context clearly indicates a different meaning:

(1) “Nonpublic school” means a private school, parochial school, church school, school operated by a religious order, or other nonpublic school that elects to meet the following conditions:

(A) Comply with the provisions of §18-28-1 et seq. of this code;

(B) Participate on a voluntary basis in a state operated or state sponsored program provided to this type school pursuant to this section; and

(C) Comply with the provisions of this section;

(2) “At-risk” means a student who has the potential for academic failure, including, but not limited to, the risk of dropping out of school, involvement in delinquent activity, or poverty as indicated by free or reduced lunch status; and
"Exceptional child" or "exceptional children" has the meaning ascribed to these terms pursuant to §18-20-1 of this code, but, as used in this section, the terms do not include gifted students.

§18A-3-1d. Alternative program rules; necessary contents.

(a) Alternative program rules. --

(1) The state board shall promulgate a legislative rule or rules in accordance with §29A-3B-1 et seq. of this code containing procedures for the approval and operation of alternative teacher education programs as provided in this article. The State Board shall promulgate separate procedures for alternative programs for classroom teachers, alternative programs for highly qualified special education teachers, and additional alternative programs to prepare highly qualified special education teachers. These procedures shall be separate from the state board’s other procedures for approving standard teacher education programs.

(2) Before adopting a rule or rules, the state board shall submit its proposed rule or rules to the Legislative Oversight Commission on Education Accountability for review.

(b) Necessary contents. – The state board’s rule or rules shall include, at a minimum, the following elements:

(1) An orderly set of deadlines, forms, and guidance to govern:

(A) A partnership’s process for applying to become an approved education provider;

(B) The state board’s process for reviewing and acting on a partnership’s application;

(C) An approved education provider’s process for seeking persons to enroll in an alternative program; and

(D) A person’s process for enrolling in an approved education provider’s alternative program;

(2) Procedures for determining whether a partnership agreement complies with §18A-3-1b and §18A-3-1c of this code;
(3) Procedures for determining whether a partnership agreement complies with any additional requirements contained in the state board’s rule or rules;

(4) Standards for how often and for what lengths of time an alternative program teacher must observe in a mentor’s classroom;

(5) Guidelines for determining what tuition or other charges an approved education provider may impose relating to an alternative program;

(6) A list of the test or tests that a person must pass if he or she seeks a certification to teach American Sign Language; and

(7) A list of the test or tests that a person must pass if he or she seeks a certification to teach in selected vocational and technical areas.

§18A-3-2c. Minimum qualities, proficiencies and skills required of principals; state board rule.

On or before October 1, 2018, the state board shall promulgate rules in accordance with §29A-3B-1 et seq. of this code regarding the minimum qualities, proficiencies and skills that will be required of principals after July 1, 2019. The state board shall promulgate and may, from time to time, amend such rules. The rules promulgated by the state board shall address at least the following:

(1) Instructional leadership and management techniques, including, but not limited to, the standards for high quality schools, the school accreditation process, and strategic planning for continuous improvement;

(2) Staff relations, including, but not limited to, the development and use of skills necessary to make a positive use of faculty senates, manage faculty and staff with courtesy and mutual respect, coach and motivate employees, and build consensus as a means of management;

(3) School community leadership qualities, including, but not limited to, the ability to organize and leverage community initiative, communicate effectively, work effectively with local school improvement councils, manage change, resolve conflict, and reflect the highest personal values;
(4) Educational proficiencies, including, but not limited to, knowledge of curriculum, instructional techniques, student learning styles, student assessment criteria, school personnel performance, evaluation skills, and family issues; and

(5) Administrative skills, including, but not limited to, organizational, fiscal, public policy, and total quality management skills and techniques.

§18A-3-2d. Beginning principal internships.

[Repealed.]

§18A-3-8. County professional staff development councils.

The Legislature finds the professional expertise and insight of the classroom teacher to be an invaluable ingredient in the development and delivery of staff development programs which meet the needs of classroom teachers.

Therefore, a professional staff development council comprised of proportional representation from the major school levels and from vocational, special education and other specialties in proportion to their employment numbers in the county shall be established in each school district in the state in accordance with rules adopted by the State Board of Education. Nominations of instructional personnel to serve on the county staff development council may be submitted by the faculty senates of the district to the county superintendent who shall prepare and distribute ballots and tabulate the votes of the counties instructional personnel voting on the persons nominated. Each county staff development council shall consist of between nine and fifteen members at the discretion of the county superintendent based on the size of the county. The councils have final authority to propose staff development programs for their peers based upon an analysis of the individual and collective needs of the schools of the county as indicated by their strategic plans.

The county superintendent or a designee has an advisory, nonvoting role on the council. The county board shall make available an amount equal to one tenth of one percent of the amounts provided in accordance with §18-9A-4 of this code and credit the funds to an account to
be used by the council to fulfill its objectives. The local board has final approval of all proposed
disbursements.

Any funds credited to the council during a fiscal year, but not used by the council, shall be
carried over in the council account for use in the next fiscal year. These funds are separate and
apart from, and in addition to, those funds to be credited to the council pursuant to this section.

At the end of each fiscal year, the council shall report to each faculty senate chairperson the
amount of funds carried over into the next fiscal year.

ARTICLE 3A. CENTER FOR PROFESSIONAL DEVELOPMENT.

§18A-3A-1. Center for Professional Development; intent and mission; Principals Academy
curriculum and expenses; authorization to charge fees.

[Repealed]

§18A-3A-2. Professional development project.

[Repealed.]


[Repealed.]

§18A-3A-3. Professional personnel evaluation project.

[Repealed.]


[Repealed.]

ARTICLE 3C. IMPROVING TEACHING AND LEARNING.

§18A-3C-1. Findings; purposes and definition.

(a) The Legislature makes the following findings:

(1) Processes set forth in this article for the performance evaluation of professional
personnel and the induction and professional growth of teachers and leaders are not intended to
make up for substandard initial preparation, but instead are intended to build on a solid foundation
created by the teacher and principal preparation programs. Therefore, the Legislature expects
the teacher preparation programs to graduate teachers and leaders who can perform at a level
that increases student achievement. The Legislature expects that the processes set forth in this
article will allow a teacher and principal to excel beyond that level in the classroom and in school
leadership positions;

(2) The comprehensive system of support provided in this article should be implemented
in a way that effectively provides for the professional growth of teachers and principals;

(3) In order for the comprehensive system of support to much more effectively provide for
the professional growth of teachers and principals, professional development resources must be
focused in the most cost effective manner on the unique needs of individual schools, including
their professional personnel evaluation data, to increase the school’s capacity to improve student
performance and progress; and

(4) Although the quality of the teacher is extremely important to the academic achievement
of students, students cannot learn if they are not present to receive the instruction. Therefore,
attending school on a regular basis is of utmost importance to the academic success of students.

(b) The purpose of this article is to create a comprehensive infrastructure that routinely
supports a continuous process for improving teaching and learning. Its focus is on developing
strong teaching and school leadership, without which effective learning does not occur. The
general components of this infrastructure include the following:

(1) High-quality teacher and principal preparation, induction, and evaluation;

(2) Universal support for emerging teachers and principals including comprehensive
induction and support for (A) Beginning teachers, student teachers, teachers teaching in
assignments for which they have less than a full professional credential, and teacher candidates
pursuing certification through an alternative route; and (B) beginning principals, assistant
principals, and vocational administrators, and those of them beginning a new assignment at a
school with a significantly different grade level configuration;
(3) Evaluation of the performance of teachers and leaders in demonstrating high quality professional practice, leadership, and collaboration and the resulting growth in student learning;

(4) Focused improvement in teaching and learning through the use of evaluation data to inform the delivery of professional development and additional supports to improve teaching based on the evaluation results and to inform the need for improvements in teacher preparation programs; and

(5) The creation of a leadership culture that seeks and builds powerful alliances among all stakeholders focused on continuous growth in student learning.

(c) For purposes of this article “professional personnel” includes classroom teachers, assistant principals, and principals as defined in §18A-1-1 of this code.

§18A-3C-2. Performance evaluations of professional personnel.

(a) The provisions of this section govern the performance evaluation of classroom teachers, principals and assistant principals employed in public schools and school systems. To the extent that this section conflicts with the provisions of §18A-2-12 of this code relating to professional personnel performance evaluations, this section shall govern.

(b) Before July 1, 2018, the state board shall adopt a legislative rule in accordance with §29A-3B-1 et seq. of this code, for annually evaluating the performance of each professional person. The rule shall provide for performance evaluations of professional personnel to be conducted in accordance with this section in each school and school system.

(c) (1) The process adopted by the state board for evaluating the performance of classroom teachers shall incorporate at least the following:

(A) Alignment with the West Virginia Professional Teaching Standards adopted by the state board that establish the foundation for educator preparation, teacher assessment, and professional development throughout the state;

(B) Employment of the professional teaching standards to provide explicit and extensive measures of the work of teaching and what teachers must know and be able to do and provide evalative measures of educator performance; and
(C) The use of two pieces of evidence at two points in time over the instructional term to
demonstrate student learning as an indicator of educator performance.

(2) Eighty percent of the evaluation shall be based on an appraisal of the educator's ability
to perform the critical standard elements of the professional teaching standards. The appraisal
shall include conferences with the evaluator reinforced through observation. Twenty percent of
the evaluation shall be based on evidence of the learning of the students assigned to the educator
in accordance with paragraph (C), subdivision (1) of this subsection.

(d)(1) The process adopted by the state board for evaluating the performance of principals
and assistant principals shall include at least the following:

(A) Alignment with the West Virginia Professional Leadership Standards adopted by the
state board establishing the responsibility of principals for the collective success of their school
including the learning, growth, and achievement of students, staff, and self;

(B) Employment of the professional leadership standards to provide explicit and extensive
measures of the work of school leadership focused on the continuous improvement of teaching
and learning. The process shall include conferences and goal setting with the superintendent or
his or her designee and the use of a survey of stakeholders to assist in identifying the needs and
establishing the goals for the school and the principal. The survey shall be distributed to at least
the following stakeholders: Students, parents, teachers, and service personnel. The evaluative
measures shall include the use of data, evidence, and artifacts to confirm the principal's
performance on achieving the goals established by the principal and superintendent; and

(C) The use of two pieces of evidence at two points in time over the instructional term to
demonstrate the growth in student learning at the school.

(2) Eighty percent of the evaluation shall be based on an appraisal of the principal's or the
assistant principal's ability to perform the critical standard elements of the professional leadership
standards and achieve the goals established for the principal and the school. Twenty percent of
the evaluation shall be based on evidence of the learning of the students assigned to the school
in accordance with paragraph (C), subdivision (1) of this subsection.
(e) Evaluations of the performance of professional personnel shall serve the following purposes:

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

(2) Serve as the basis for providing professional development specifically targeted on the area or areas identified through the evaluation process as needing improvement. If possible, this targeted professional development should be delivered at the school site using collaborative processes, mentoring or coaching or other approaches that maximize use of the instructional setting;

(3) Serve as the basis for establishing priorities for the provision of county-level professional development when aggregate evaluation data from the county's schools indicates an area or areas of needed improvement;

(4) Serve as a basis for informing the teacher preparation programs in this state of an area or areas of needed improvement in the programs, or informing a specific program of needed improvement, when state-level aggregate evaluation data indicates that beginning teachers who have graduated from the program have specific weaknesses;

(5) Provide an indicator of level of performance of the professional personnel;

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

(7) Serve as documentation for a dismissal on the grounds of unsatisfactory performance.

(f) The rule adopted by the state board shall include standards for the performance of professional personnel and the criteria to be used to determine whether their performance meets the standards. The rule also shall include guidance on best practices for providing time within the school day for teachers and leaders subject to performance evaluations under this section to participate in the collaborative mentoring or coaching and planning processes necessary for execution of the performance evaluation process and achieving advanced levels of performance.
(g) The rule adopted by the state board shall include provisions for written improvement plans when necessary to improve the performance of the professional personnel. The written improvement plan shall be specific as to what improvements are needed in the performance of the professional personnel and shall clearly set forth recommendations for improvements including recommendations for additional education and training of professionals subject to recertification. Professional personnel whose performance evaluation includes a written improvement plan shall be given an opportunity to improve his or her performance through the implementation of the plan.

(h) A professional person whose performance is considered to be unsatisfactory shall be given written notice of his or her deficiencies. A written improvement plan to correct these deficiencies shall be developed by the employing county board and the employee. The professional person shall be given a reasonable period of time, not exceeding twelve months, to accomplish the requirements of the improvement plan and shall receive a written statement of the resources and assistance available for the purposes of correcting the deficiencies. If the next performance evaluation shows that the professional is now performing satisfactorily, no further action may be taken concerning the original performance evaluation. If the evaluation shows that the professional is still not performing satisfactorily, the evaluator either shall make additional written recommendations for improvement or may recommend the dismissal of the professional personnel in accordance with the provisions of §18A-2-8 of this code.

(i) No person may evaluate professional personnel for the purposes of this section unless the person has an administrative certificate issued by the state superintendent and has successfully completed education and training in evaluation skills approved by the state board which will enable the person to make fair, professional, and credible evaluations of the personnel whom the person is responsible for evaluating.

(j) Prior to implementation of the evaluation process pursuant to this section at a school, each affected employee shall be given training to ensure that the employees have a full
understanding of the purposes, instruments, and procedures used in evaluating their performance. Thereafter, this training shall be held annually at the beginning of the employment term.

§18A-3C-3. Comprehensive system for teacher and leader induction and professional growth.

(a) The intent of the Legislature is to allow for local-level implementation of comprehensive systems of support for building professional practice consistent with sound educational practices and resources available. In this regard, it is the intent of the Legislature that the comprehensive systems of support shall incorporate support for improved professional performance that is targeted on deficiencies identified through the educator personnel evaluation process and other professional development needs identified in the strategic plans for continuous improvement of schools and school systems. Further, because of significant variability among the counties, not only in the size of their teaching force, distribution of facilities and available resources, but also because of their varying needs, the Legislature intends for the implementation of this section to be accomplished in a manner that provides adequate flexibility to the counties to design and implement a comprehensive system of support for improving professional performance that best achieves the goals of this section within the county. Finally, because of the critical importance of ensuring that all teachers perform at the accomplished level or higher in the delivery of instruction that at least meets the West Virginia Professional Teaching Standards and because achieving this objective at a minimum entails providing assistance to address the needs as indicated by the data informed results of annual performance evaluations, including the self-assessed needs of the teachers themselves, the Legislature expects the highest priority for county and state professional development will be on meeting these needs and that the comprehensive systems of support for improving professional practice will reflect substantial redirection of existing professional development resources toward this highest priority.
(b) On or before July 1, 2018, the state board shall publish guidelines on the design and implementation of a county-level comprehensive system of support for improving professional practice. The purpose of the guidelines is to assist the county board with the design and implementation of a system that best achieves the goals of this section within the county. The guidelines may include examples of best practices and resources available to county boards to assist them with the design and implementation of a comprehensive system.

(c) Effective for the school year beginning July 1, 2018, and thereafter, a county board is not eligible to receive state funding appropriated for the purposes of this section or any other provision of law related to beginning teacher and principal internships and mentor teachers and principals unless it has adopted a plan for implementation of a comprehensive system of support for improving professional practice, the plan has been verified by the state board as meeting the requirements of this section and the county is implementing the plan. The plan shall address the following:

(1) The manner in which the county will provide the strong school-based support and supervision that will assist beginning teachers in developing instructional and management strategies, procedural and policy expertise, and other professional practices they need to be successful in the classroom and perform at the accomplished level. Nothing in this subdivision prohibits a school or school system that was granted an exception or waiver from §18A-3-2c of this code prior to the effective date of this section from continuing implementation of the program in accordance with the exception or waiver;

(2) The manner in which the county will provide the strong support and supervision that will assist beginning principals in developing instructional leadership, supervisory and management strategies, procedural and policy expertise, and other professional practices they need to be successful in leading continuous school improvement and performing at the accomplished level or above;
(3) The manner in which the county in cooperation with the teacher preparation programs in this state will provide strong school-based support and assistance necessary to make student teaching a productive learning experience;

(4) The manner in which the county will use the data from the educator performance evaluation system to serve as the basis for providing professional development specifically targeted on the area or areas identified through the evaluation process as needing improvement. If possible, this targeted professional development should be delivered at the school site using collaborative processes, mentoring or coaching or other approaches that maximize use of the instructional setting;

(5) The manner in which the county will use the data from the educator performance evaluation system to serve as the basis for establishing priorities for the provision of county-level professional development when aggregate evaluation data from the county's schools indicates an area or areas of needed improvement;

(6) If a county uses master teachers, mentors, academic coaches, or any other approaches using individual employees to provide support, supervision, or other professional development or training to other employees for the purpose of improving their professional practice, the manner in which the county will select each of these individual employees based upon demonstrated superior performance and competence as well as the manner in which the county will coordinate support for these employees. If the duties of the position are to provide mentoring to an individual teacher at only one school, then priority shall be given to applicants employed at the school at which those duties will be performed;

(7) The manner in which the county will use local resources available, including, but not limited to, funds for professional development and academic coaches, to focus on the priority professional development goals of this section;

(8) The manner in which the county will adjust its scheduling, use of substitutes, collaborative planning time, calendar, or other measures as may be necessary to provide
sufficient time for professional personnel to accomplish the goals of this section as set forth in the county’s plan; and

(9) The manner in which the county will monitor and evaluate the effectiveness of implementation and outcomes of the county system of support for improving professional practice.

(d) Effective the school year beginning July 1, 2018, and thereafter, appropriations for beginning teacher and principal mentors and internships and any new appropriation which may be made for the purposes of this section shall be expended by county boards only to accomplish the activities as set forth in their county plan pursuant to this section. Effective the school year beginning July 1, 2018, and thereafter, no specific level of compensation is guaranteed for any employee service or employment as a mentor and such service or employment is not subject to the provisions of this code governing extra duty contracts.

(e) The Legislative Oversight Commission on Education Accountability shall review the progress of the implementation of this article and may make any recommendations it considers necessary to the Legislature during the 2019 regular legislative session.

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 1B. HIGHER EDUCATION POLICY COMMISSION.

§18B-1B-2. Composition of commission; terms and qualifications of members; vacancies; eligibility for reappointment; oath of office; removal from office.

(a) The commission is comprised of nine members, all of whom are entitled to vote. The membership of the commission is as follows:

(1) The State Superintendent of Schools, ex officio;

(2) The chair of the West Virginia Council for Community and Technical College Education, ex officio;

(3) Four at-large members who are citizens of the state, appointed by the Governor, by and with the advice and consent of the Senate; and
(4) Three at-large members who are designated as higher education representatives, appointed by the Governor, by and with the advice and consent of the Senate; for each of the higher education representatives, the Governor shall choose from recommendations made by any state college and university or exempted school and the Governor may request additional recommendations from state colleges and universities or exempted schools if in the Governor in his or her sole discretion determines that additional recommendations are necessary for appointments to the commission.

(b) Each of the at-large members appointed by the Governor shall represent the public interest and shall be committed to the legislative intent and goals set forth in state law and policy.

(c) The Governor may not appoint any person to be a member of the commission who is an officer, employee or member of the council or an advisory board of any state college or university or exempted school; an officer or member of any political party executive committee; the holder of any other public office or public employment under the government of this state or any of its political subdivisions; an appointee or employee of any governing board; or an immediate family member of any employee under the jurisdiction of the commission, the council or any governing board.

(d) Of the seven, at-large members appointed by the Governor:

(1) No more than four may belong to the same political party;

(2) At least two shall be appointed from each congressional district; and

(3) Effective July 1, 2008, no more than one member may serve from the same county.

(e) The at-large members appointed by the Governor serve overlapping terms of four years.

(f) The Governor shall appoint a member to fill any vacancy among the seven at-large members, by and with the advice and consent of the Senate. Any member appointed to fill a vacancy serves for the unexpired term of the vacating member. The Governor shall fill the vacancy within thirty days of the occurrence of the vacancy.
(g) An at-large member appointed by the Governor may not serve more than two
consecutive terms.

(h) Before exercising any authority or performing any duties as a member of the
commission, 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 and the certificate thereof
shall be filed with the Secretary of State.

(i) A member of the commission appointed by the Governor 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 of the state elective
officers by the Governor.

ARTICLE 3D. WORKFORCE DEVELOPMENT INITIATIVE.

§18B-3D-2. Workforce Development Initiative Program continued; purpose; program
administration; rule required.

(a) The Workforce Development Initiative Program is continued under the supervision of
the council. The purpose of the program is to administer and oversee grants to community and
technical colleges to implement the provisions of this article in accordance with legislative intent.

(b) It is the responsibility of the council to administer the state fund for community and
technical college and workforce development, including setting criteria for grant applications,
receiving applications for grants, making determinations on distribution of funds and evaluating
the performance of workforce development initiatives.

(c) The chancellor, under the direction of the council, shall review and approve the
expenditure of all grant funds, including development of application criteria, the review and
selection of applicants for funding, and the annual review and justification of applicants for grant
renewal.
(1) To aid in decision-making, the chancellor appoints an advisory committee consisting of the Executive Director of the West Virginia Development Office or designee; the Assistant State Superintendent for Technical and Adult Education; the Chair of the West Virginia Council for Community and Technical College Education; the Chair of the West Virginia Workforce Investment Council; the Executive Director of Workforce West Virginia; one member representing the Herbert Henderson Minority Affairs Office, two members representing business and industry; and one member representing labor. The advisory committee shall review all applications for workforce development initiative grants and make recommendations for distributing grant funds to the council. The advisory committee also shall make recommendations on methods to share among the community and technical colleges any curricula developed as a result of a workforce development initiative grant.

(2) When determining which grant proposals will be funded, the council shall give special consideration to proposals by community and technical colleges that involve businesses with fewer than fifty employees.

(3) The council shall weigh each proposal to avoid awarding grants which will have the ultimate effect of providing unfair advantage to employers new to the state who will be in direct competition with established local businesses.

(d) The council may allocate a reasonable amount, not to exceed five percent up to a maximum of $50,000 of the funds available for grants on an annual basis, for general program administration.

(e) Moneys appropriated or otherwise available for the Workforce Development Initiative Program shall be allocated by line item to an appropriate account. Any moneys remaining in the fund at the close of a fiscal year are carried forward for use in the next fiscal year.

(f) Nothing in this article requires a specific level of appropriation by the Legislature.

ARTICLE 11. MISCELLANEOUS INSTITUTES AND CENTERS.

§18B-11-4. Depositories for assistive devices and services.

[Repealed.]

[Repealed.]

ARTICLE 16. HEALTH CARE EDUCATION.

§18B-16-5. Powers and duties of the vice chancellor.

In addition to all other duties assigned to the vice chancellor by the Higher Education 
Policy Commission, the vice chancellor shall:

(a) Provide assistance to communities in planning an educational and clinical component 
for the primary health care education sites;

(b) Coordinate and approve the provision of faculty members, students, interns and 
residents at the education sites;

(c) Report directly to the Higher Education Policy Commission regarding the rural health 
initiative;

(d) Oversee the administration of the Kellogg foundation grant;

(e) Coordinate the rural health initiative with the allied health care education programs 
within the state college and community college systems;

(f) Prepare the budget for the rural health initiative and submit the budget to the Higher 
Education Policy Commission for their approval;

(g) Distribute the funds which were appropriated to the Higher Education Policy 
Commission for the rural health initiative;

(h) Mediate any disputes between the institutions of higher education regarding the rural 
health initiative;

(i) Consult with the Council for Community and Technical College Education established 
under §18B-2B-3 of this code on the coordination of the education of student practical nurses with 
the rural health initiative; and

(j) Perform such other duties as may be prescribed by this article or as may be necessary 
to effectuate the provisions of this article.

(a) The primary health care education sites established under this article shall be supported financially in part from line item appropriations to the university of West Virginia health sciences account. Funds shall be distributed to the state's schools of medicine upon consideration of the recommendations of the vice chancellor. Appropriations to the university of West Virginia health sciences account to support the rural health initiative shall be by line item, with at least one line item designated for primary health education program support at the schools of medicine and at least one line item designated for rural health initiative site support.

(b) The vice chancellor shall require each school of medicine to submit a detailed proposal which shall state, with specificity, how each school of medicine will be working to further the goals and meet the criteria set forth in this article and the amount of appropriation which would be needed by each school to implement the proposal.

The vice chancellor shall, giving consideration to the proposals, prepare a comprehensive plan to be presented to the board of trustees, which plan shall include a recommendation for allocations of moneys appropriated for program support and a recommendation for the allocation of moneys designated for support of the primary health care education sites commensurate with each school's level of participation in such sites.

(c) Notwithstanding the provisions of §12-3-12 of this code, any funds appropriated to the Higher Education Policy Commission in accordance with the provisions of this section that remain unallocated or unexpended at the end of any fiscal year shall not expire, shall remain in the line item to which they were originally appropriated and shall be available in the next fiscal year to the board of trustees or a school of medicine for allocation or expenditure for the purposes of this article.

(d) Additional financial support shall come from fees generated by services, from grants and contracts, and from community resources. Any fees so generated shall be paid to and expended by the facility established as a primary health care education site unless an alternative
fee arrangement is mutually agreed upon by the chief administrator of the site and the vice chancellor for health sciences.

ARTICLE 18B. SCIENCE AND RESEARCH COUNCIL.

§18B-18B-1. Science and Research Council established; purposes.

(a) The Science and Research Council is hereby established. For the purposes of this article only, "council" means the Science and Research Council established herein.

(b) The purposes of the council include, but are not limited to, the following:

(1) Increasing the capacity of the state and state institutions of higher education to attract, implement, and use cutting-edge, competitive research funds and infrastructure;

(2) Providing expertise and policy guidance in science and research to the state, its agencies and state institutions of higher education regarding federal programs such as the Experimental Program to Stimulate Competitive Research ("EPSCoR") and similar state programs such as the West Virginia Research Trust Fund established in §18B-18A-1 et seq. of this code and the Research Challenge Fund established in §18B-1B-12 of this code;

(3) Encouraging research collaboration among public and private institutions of higher education and the private sector, both within and outside the state;

(4) Promoting education at all levels in the fields of science, technology, engineering, and mathematics; and

(5) Providing recommendations to the commission and state policymakers, including the Governor and Legislature, regarding science and research initiatives and effective programmatic activities, budgets, and investments to implement those initiatives.

(c) The council replaces the EPSCoR State Advisory Council and consists of fifteen members as follows:

(1) The vice presidents in charge of research at Marshall University and West Virginia University;
(2) A representative of health sciences at Marshall University and a representative of health sciences at West Virginia University, appointed by the deans of the respective schools of medicine;

(3) The State Superintendent of Schools or designee;

(4) The Secretary of Commerce or designee;

(5) The Vice Chancellor for Science and Research of the Commission;

(6) The Chancellor of the Commission who chairs the council;

(7) One member engaged in applied research at Marshall University and one member engaged in applied research at West Virginia University, appointed by the provosts of the respective universities; and

(8) Five members, appointed by the Governor, who have demonstrated interest, knowledge, skill, and experience in academic research and scientific innovation and who possess recognized credentials and expertise in one or more of the following areas:

(A) Science, technology, engineering, or mathematics ("STEM") fields;

(B) Cyberinfrastructure, information technology, or computer science;

(C) Research and development;

(D) Technology based economic development or industry; or

(E) Undergraduate research or science education.

At least two of the members appointed by the Governor shall be representatives of business or industry.

(d) Of the initial appointments made by the Governor, one member shall be appointed to a one-year term; one member shall be appointed to a two-year term; one member shall be appointed to a three-year term; and one member shall be appointed to a four-year term. Of the initial appointments made by the deans of schools of medicine, the member appointed by the dean of the Marshall University School of Medicine shall be appointed to a two-year term, and the
member appointed by the dean of the West Virginia University School of Medicine shall be appointed to a three-year term. Of the initial appointments made by the provosts, the member appointed by the West Virginia University provost shall be appointed to a two-year term, and the member appointed by the Marshall University provost shall be appointed to a four-year term.

(e) After the initial appointments, all members serve terms of four years. Each appointed member who qualifies under the provisions of this section may serve for no more than two successive terms. An appointment to fill a vacancy on the council or reappointment of a member who is eligible to serve an additional term is made in accordance with the provisions of this section.

(f) Members of the council serve without compensation, but are entitled to reimbursement by the commission for expenses, including travel expenses, actually incurred by the member in the official conduct of the business of the council.

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 24. TECHNOLOGY-RELATED ASSISTANCE REVOLVING LOAN FUND FOR INDIVIDUALS WITH DISABILITIES ACT.

§29-24-3. Board created, membership, terms, officers and staff.

(a) The technology-related assistance revolving loan fund for individuals with disabilities board created by chapter 247 Acts of the Legislature, regular session, 1996, is hereby continued.

(b) The board shall consist of seven members as follows, of whom at least three must be individuals with disabilities:

(1) Director of the Division of Rehabilitation Services, ex officio, who shall be entitled to vote, or his or her designee;

(2) A representative of the banking industry;

(3) A representative of the medical profession;
(4) A certified public accountant; and

(5) Three members from the public at large who are users or providers of technology-related assistance devices or services for individuals with disabilities. Members shall be appointed by the Governor, by and with the advice and consent of the Senate, for terms of three years. Members appointed by the Governor with the advice and consent of the Senate prior to the effective date of this section shall continue to serve for the terms for which they were appointed. State officers or employees may be appointed to the board unless otherwise prohibited by law.

(c) In the event a board member fails to attend more than twenty-five percent of the scheduled meetings in a twelve-month period, the board may, after written notification to that member and the Secretary of Commerce, request in writing that the Governor remove the member and appoint a new member to serve his or her unexpired term.

(d) If there is a death, resignation, disqualification, or removal for any reason of any member of the board, the vacancy shall be filled in the same manner as the original appointment and the successor shall serve for the unexpired term.

(e) The board shall elect from its membership a chairperson, treasurer, and secretary as well as any other officer as appropriate. The term of the “chairperson” is for two years in duration and he or she cannot serve more than two consecutive terms.

§29-24-5. Power, duties and responsibilities of the board; loans.

(a) The board has the following powers, duties, and responsibilities:

(1) Meet at such times (minimum of four times each fiscal year) and at places as it determines necessary or convenient to perform its duties. The board shall also meet on the call of the chairperson or Secretary of Commerce;

(2) Maintain written minutes of its meetings;

(3) Propose rules for legislative promulgation in accordance with §29A-3-1 et seq. of this code for the transaction of its business and to carry out the purposes of this article. The rules shall include: (A) Guidelines, procedures, reporting requirements, accountability measures and such
9 other criteria as the board deems appropriate and necessary to fulfill its governance responsibility
10 under this article if it elects to contract with a nonprofit, consumer-driven organization to carry out
11 the purposes of this article; (B) an appeals process with regard to the administration of the fund;
12 and (C) rules governing the operation of the fund, including, but not limited to, eligibility of receipt
13 of funds and all other matters consistent with and necessary to accomplishing the purpose of this
14 fund;
15
16 (4) Employ personnel on a full-time, part-time or contracted basis. Board personnel may
17 be members of the state civil service system. Participating agencies shall make staff support and
18 resources available to the board whenever practicable at the discretion of the agencies. The
19 compensation of personnel shall be paid from moneys in the revolving loan fund;
20
21 (5) Receive, administer and disburse funds to support purposes established by this article
22 and contract with nonprofit, consumer-based groups dealing with individuals with disabilities to
23 assist in administering programs established by this article;
24
25 (6) Maintain detailed records of all expenditures of the board, funds received as gifts and
26 donations and disbursements made from the revolving loan fund;
27
28 (7) Submit to the Secretary of the Department of Commerce and the Legislature annually
29 a summary report concerning programmatic and financial status of the revolving loan fund;
30
31 (8) Develop and implement a comprehensive set of financial standards to ensure the
32 integrity and accountability of all funds received as well as loan funds disbursed; and
33
34 (9) Conform to the standards and requirements prescribed by the State Auditor.
35
36 (b) Subject to available funds, the board shall enter into loan agreements with any
37 qualifying borrower, who demonstrates that:
38
39 (1) The loan will assist one or more individuals with disabilities in improving their
40 independence, productivity and full participation in the community; and
41
42 (2) The applicant has the ability to repay the loan. Any necessary loan limitation shall be
43 determined by the board. All loans must be repaid within such terms and at such interest rates as
the board may determine to be appropriate. However, no loan may extend beyond sixty months from date of award and may be paid off anytime without prepayment penalty. The board shall determine the interest rate to be charged on loans made pursuant to this article, but in no event may the interest rate on any such loans be less than four or more than twenty-one percent per annum.

(c) The board may authorize loans up to ninety percent of the cost of an item or items.

(d) The board may award loans to qualifying borrowers for purposes, including, but not limited to, the following:

(1) To assist one or more individuals with disabilities to improve their independence through the purchase of technology-related devices; and

(2) To assist one or more individuals with disabilities to become more independent members of the community and improve such individuals quality of life within the community through the purchase of technology-related devices.

(e) If there is a failure of the borrower to repay the loan balance due and owing, the board shall seek to recover the loan balance by such legal or administrative action available to it. Persons or representatives of persons who default on a loan are not eligible for a new loan. The board shall retain ownership of all property, equipment, or devices until the borrower’s loan is paid in full.

(f) A new loan may not be issued to, or on behalf of, a disabled person if a previous loan made to, or on behalf of, such person remains unpaid.

(g) The board may charge a fee for loan applications and processing. All funds generated by fee charges shall be directly placed into the revolving loan fund to off-set the costs of application processing.

The board may accept federal funds granted by Congress or executive order for the purposes of this chapter as well as gifts and donations from individuals, private organizations, or foundations. The acceptance and use of federal funds does not commit state funds and does not
place an obligation upon the Legislature to continue the purposes for which the federal funds are made available. All funds received in the manner described in this article shall be deposited in the revolving loan fund to be disbursed as other moneys in the revolving loan fund.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within bill approved this the 28th day of March, 2018.

Governor