Committee Substitute
for
House Bill 4546

By Delegates Atkinson, Bartlett, Cooper, Dean,
Ellington, Evans, J. Kelly, Lavender-Bowe,
Westfall and Higginbotham

[Passed March 4, 2020; in effect ninety days from
passage.]
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BY DELEGATES ATKINSON, BARTLETT, COOPER, DEAN, ELLINGTON, EVANS, J. KELLY, LAVENDER-BOWE, WESTFALL AND HIGGINBOTHAM

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AN ACT to amend and reenact §18-4-2 of the Code of West Virginia, 1931, as amended, relating
to tuberculosis testing for school superintendents; removing requirement for biennial
screenings; and adding permissive screenings based upon suspicion of exposure.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. COUNTY SUPERINTENDENT OF SCHOOLS.

§18-4-2. Qualifications; health certificate; disability; acting superintendent.

(a) A county superintendent shall hold a professional administrative certificate endorsed
for superintendent, or a first class permit endorsed for superintendent, subject to the following:
(1) A superintendent who holds a first class permit may be appointed for one year only,
and may be reappointed two times for an additional year each upon an annual evaluation by the
county board and a determination of satisfactory performance and reasonable progress toward
completion of the requirements for a professional administrative certificate endorsed for
superintendent;
(2) Any candidate for superintendent, assistant superintendent or associate
superintendent, who possesses an earned doctorate from an accredited institution of higher
education and either has completed three successful years of teaching in public education or has
the equivalent of three years of experience in management or supervision as defined by state
board rule, after employment by the county board shall be granted a permanent administrative
certificate and shall be a licensed county superintendent;
(3) The state board shall promulgate a legislative rule in accordance with §29A-3B-1 et
seq. of this code, to address those cases where a county board finds that course work needed by
the county superintendent who holds a first class permit is not available or is not scheduled at
state institutions of higher education in a manner which will enable the county superintendent to
complete normal requirements for a professional administrative certificate within the three-year
period allowed under the permit; and
any person employed as assistant superintendent or educational administrator prior to
June 27, 1988, and who was previously employed as superintendent is not required to hold the
professional administrative certificate endorsed for superintendent.
(b) In addition to other requirements set forth in this section, a county superintendent shall
meet the following health-related conditions of employment:
(1) Before entering upon the discharge of his or her duties, file with the president of the
county board a certificate from a licensed physician certifying the following:
(A) A tuberculin skin test, of the type Mantoux test (PPD skin test), approved by the
Commissioner of the Bureau for Public Health has been made within four months prior to the
beginning of the term of the county superintendent; and
(B) The county superintendent does not have tuberculosis in a communicable state based
upon the test results and any further study;
(2) The commissioner may require selective testing of superintendents for tuberculosis
when there is reason to believe that they may have been exposed to the tuberculosis organism
or they have signs and symptoms indicative of the disease. The county superintendent should
contact the local health department in instances where they have reason to suspect that they
have been exposed to tuberculosis or have symptoms indicative of the disease. Positive reactors
to the skin test are to be referred immediately to licensed health care practitioner for evaluation
and indicated treatment or further studies;
(3) A county superintendent who is certified by a licensed health care practitioner to have
tuberculosis in a communicable stage shall have his or her employment discontinued or
suspended until the disease has been arrested and is no longer communicable; and
(4) A county superintendent who fails to complete required follow-up examinations as set
forth in this subsection shall be suspended from employment until a report of examination is
confirmed.
Enr. CS for HB 4546

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

SteveCopps
Chairman, House Committee

MarkHammond
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

SteveHorsey
Clerk of the House of Delegates

J.C. Chew
Clerk of the Senate

JayFarrar
Speaker of the House of Delegates

MitchE.Skinner
President of the Senate

The within was approved this the 24th day of March 2020.

JamesR.Justice
Governor