

H. B. 4228

(By Delegates M. Poling, Perry, Lawrence,
Barrett, Young, Tomblin, Barill, Moye,
Campbell, Walker and Pethtel)

[Introduced January 20, 2014; referred to the
Committee on Education then Finance.]

**FISCAL
NOTE**

A BILL to repeal §11-8-16a of the Code of West Virginia, 1931, as amended; to repeal §18-2-17 of said code; to repeal §18-2E-5b and §18-2E-8b of said code; to repeal §18-2G-1, §18-2G-2 and §18-2G-3 of said code; to repeal §18-5-15e and §18-5-38 of said code; to repeal §18-7-1, §18-7-2 and §18-7-3 of said code; to repeal §18-9A-6b, §18-9A-14a and §18-9A-19 of said code; to repeal §18-9C-1, §18-9C-2, §18-9C-3, §18-9C-4, §18-9C-5, §18-9C-6, §18-9C-7 and §18-9C-8 of said code; to repeal §18A-3-1c and §18A-3-1d of said code; to repeal §18A-4-10b and §18A-4-14a of said code; to amend and reenact §18-2-5a and §18-2-13 of said code; and to amend and reenact §18-8-1a of said code, all relating to repealing or removing certain portions of education-related statutes that have expired or requires or provides for funding; repealing the authorization for county boards of education with an excess levy in effect prior to Better Schools Amendment to propose an additional

1 excess levy not exceeding one hundred percent and a period of
2 five years; repealing an expired pilot program for the
3 delivery of leftover foods from schools and penal
4 institutions; repealing expired provisions for review of
5 system of education performance audits; repealing an expired
6 requirement for audit of state board policies; repealing the
7 library media improvement grant program; repealing an expired
8 requirement for study on school equity; repealing an expired
9 provision governing county board meetings; repealing an adult
10 literacy education program financed, in part, by a voluntary
11 state income tax return check-off; repealing the appropriation
12 and allocation, up to \$7 million, due to the increase in local
13 share to Teachers Retirement System; repealing the incentive
14 for administrative efficiency in public schools and its
15 associated funding to the county boards of education;
16 repealing a requirement for county boards of education to
17 request funds to which they may be entitled; repealing the
18 Better School Buildings Amendment and associated funding to
19 county boards of education; repealing an expired study on
20 training, certification, licensure and retraining of teachers;
21 repealing a study of alternative certification programs that
22 was required to be submitted to the Legislative Oversight
23 Commission on Education Accountability by December 31, 2013;
24 repealing the requirement to record and distribute exemplary

1 teaching techniques and its associated bonuses to certain
2 teachers; repealing an expired study on daily planning
3 periods; providing that the State Board of Education need only
4 file a single copy of a proposed rule with the Legislative
5 Oversight Commission; removing the requirement that the State
6 Board of Education contract with an independent agency to
7 evaluate the results of character education and biannual
8 reporting; and removing the requirement for semiannual
9 reporting on the effect of the increased compulsory attendance
10 age of students and the progress the state and county boards
11 have made in implementing its associated requirements.

12 *Be it enacted by the Legislature of West Virginia:*

13 That §11-8-16a of the Code of West Virginia, 1931, as amended,
14 be repealed; that §18-2-17 of said code be repealed; that §18-2E-5b
15 and §18-2E-8b of said code be repealed; that §18-2G-1, §18-2G-2 and
16 §18-2G-3 of said code be repealed; that §18-5-15e and §18-5-38 of
17 said code be repealed; that §18-7-1, §18-7-2 and §18-7-3 of said
18 code be repealed; that §18-9A-6b, §18-9A-14a and §18-9A-19 of said
19 code be repealed; that §18-9C-1, §18-9C-2, §18-9C-3, §18-9C-4, §18-
20 9C-5, §18-9C-6, §18-9C-7 and §18-9C-8 of said code be repealed;
21 that §18A-3-1c and §18A-3-1d of said code be repealed; that §18A-4-
22 10b and §18A-4-14a of said code be repealed; that §18-2-5a and §18-
23 2-13 of said code be amended and reenacted; and that §18-8-1a of
24 said code be amended and reenacted, all to read as follows:

1 **ARTICLE 2. STATE BOARD OF EDUCATION.**

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

3 The State Board of Education shall file ~~twenty copies~~ a copy
4 of any rule that it proposes to promulgate, adopt, amend or repeal
5 under the authority of the Constitution or of this code with the
6 Legislative Oversight commission on education accountability
7 pursuant to article three-b, chapter twenty-nine-a of this code.
8 "Rule," as used herein, means a regulation, standard, statement of
9 policy, or interpretation of general application and future effect.

10 **§18-2-13. Character education integration.**

11 (a) The state board shall establish a comprehensive approach
12 to integrate character education into all aspects of school
13 culture, school functions and existing curriculum.

14 (b) The state board shall require all public schools that
15 operate from preschool to grade twelve to develop and integrate
16 components of character development into their existing curriculum.
17 The schools may incorporate such programs as "life skills",
18 "responsible students", or any other program encompassing any of
19 the following components:

- 20 (1) Honesty;
21 (2) Caring;
22 (3) Citizenship;
23 (4) Justice;
24 (5) Fairness;

- 1 (6) Respect;
- 2 (7) Responsibility;
- 3 (8) Voting;
- 4 (9) Academic achievement;
- 5 (10) Completing homework assignments;
- 6 (11) Improving daily attendance;
- 7 (12) Avoiding and resolving conflicts;
- 8 (13) Alternatives to violence;
- 9 (14) Contributing to an orderly positive school environment;
- 10 (15) Participating in class;
- 11 (16) Resisting social peer pressures to smoke, drink and use
- 12 drugs;
- 13 (17) Developing greater self-esteem and self-confidence;
- 14 (18) Effectively coping with social anxiety;
- 15 (19) Increasing knowledge of the immediate consequences of
- 16 substance abuse;
- 17 (20) Increasing knowledge of the consequences of ones actions;
- 18 (21) The corrupting influence and chance nature of gambling;
- 19 and
- 20 (22) The value of decent, honest work.
- 21 (c) Character education shall be integrated into each public
- 22 school curriculum by September 1, 2001.
- 23 (d) The state board shall assist county boards in developing
- 24 in-service training regarding integrated character education as

1 provided in this section.

2 ~~(e) The state board shall contract with an independent agency~~
3 ~~to evaluate the results of the character education as defined in~~
4 ~~this section, and report the results to the Legislative Oversight~~
5 ~~commission on education accountability during the September, 2003~~
6 ~~interim meeting period, and every two years thereafter.~~

7 ~~(f)~~ (e) The State Department of Education is encouraged to
8 utilize any existing moneys available to the department for
9 existing character development programs, along with any new funds
10 appropriated for the purposes of this section, to secure the
11 maximum amount of any federal funding available for which the state
12 department is eligible to receive for implementing character
13 development in the schools.

14 ~~(g) Funding for this initiative shall be derived from the 0313~~
15 ~~unclassified account within the state Department of Education~~
16 ~~budget.~~

17 **ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.**

18 **§18-8-1a. Commencement and termination of compulsory school**
19 **attendance; public school entrance requirements;**
20 **exceptions.**

21 (a) Notwithstanding the provisions of section one of this
22 article, compulsory school attendance begins with the school year
23 in which the sixth birthday is reached prior to September 1 of such

1 year or upon enrolling in a publicly supported kindergarten program
2 and, subject to subdivision (3) of this subsection, continues to
3 the sixteenth birthday or for as long as the student continues to
4 be enrolled in a school system after the sixteenth birthday.

5 (1) A child may be removed from such kindergarten program when
6 the principal, teacher and parent or guardian concur that the best
7 interest of the child would not be served by requiring further
8 attendance: *Provided*, That the principal shall make the final
9 determination with regard to compulsory school attendance in a
10 publicly supported kindergarten program.

11 (2) The compulsory school attendance provision of this article
12 shall be enforced against a person eighteen years of age or older
13 for as long as the person continues to be enrolled in a school
14 system, and may not be enforced against the parent, guardian, or
15 custodian of the person.

16 (3) Beginning with the 2011-2012 high school freshman cohort
17 class of students, and notwithstanding the provisions of section
18 one of this article, compulsory school attendance begins with the
19 school year in which the sixth birthday is reached prior to
20 September 1 of such year or upon enrolling in a publicly supported
21 kindergarten program and continues to the seventeenth birthday or
22 for as long as the student continues to be enrolled in a school
23 system after the seventeenth birthday.

24 ~~(4) Beginning with the December 2010 interim meeting period,~~

1 ~~and semiannually thereafter, the state superintendent shall report~~
2 ~~to the Legislative Oversight Commission on Education Accountability~~
3 ~~on the impact of the increased age requirement of subdivision (3)~~
4 ~~of this subsection, and the progress of the state board and the~~
5 ~~county boards in implementing the requirements of section six of~~
6 ~~this article.~~

7 (b) Attendance at a state-approved or Montessori kindergarten,
8 as provided in section eighteen, article five of this chapter, is
9 deemed school attendance for purposes of this section. Prior to
10 entrance into the first grade in accordance with section five,
11 article two of this chapter, each child must have either:

12 (1) Successfully completed such publicly or privately
13 supported, state-approved kindergarten program or Montessori
14 kindergarten program; or

15 (2) Successfully completed an entrance test of basic readiness
16 skills approved by the county in which the school is located. The
17 test may be administered in lieu of kindergarten attendance only
18 under extraordinary circumstances to be determined by the county
19 board.

20 (c) Notwithstanding the provisions of this section and of
21 section five, article two of this chapter and section eighteen,
22 article five of this chapter, a county board may provide for
23 advanced entrance or placement under policies adopted by said board
24 for any child who has demonstrated sufficient mental and physical

1 competency for such entrance or placement.

2 (d) This section does not prevent a student from another state
3 from enrolling in the same grade in a public school in West
4 Virginia as the student was enrolled at the school from which the
5 student transferred.

NOTE: The purpose of this bill is to repeal or remove certain portions of education-related statutes that have expired or requires or provides for funding. The bill repeals the authorization for county boards of education with an excess levy in effect prior to Better Schools Amendment to propose an additional excess levy not exceeding one hundred percent and a period of five years. The bill repeals an expired pilot program for the delivery of leftover foods from schools and penal institutions. The bill repeals expired provisions for review of system of education performance audits. The bill repeals an expired requirement for audit of state board policies. The bill repeals the library media improvement grant program. The bill repeals an expired requirement for study on school equity. The bill repeals an expired provision governing county board meetings. The bill repeals adult literacy education program financed, in part, by a voluntary state income tax return check-off. The bill repeals the appropriation and allocation, up to \$7 million, due to the increase in local share to Teachers Retirement System. The bill repeals the incentive for administrative efficiency in public schools and its associated funding to the county boards of education. The bill repeals requirement for county boards of education to file request schedule for funds to which they may be entitled. The bill repeals the better school buildings amendment and associated funding to county boards of education. The bill repeals an expired study on training, certification, licensure and retraining of teachers. The bill repeals a study of alternative certification programs that was required to be submitted to the Legislative Oversight Commission on Education Accountability by December 31, 2013. The bill repeals the requirement to record and distribute exemplary teaching techniques and its associated bonuses to certain teachers. The bill repeals an expired study on daily planning periods. The bill provides that the State Board of Education need only file a single copy of a proposed rule with the Legislative Oversight Commission. The bill removes the requirement that the State Board of Education contract with an

independent agency to evaluate the results of character education and biannual reporting. The bill removes the requirement for semiannual reporting on the effect of increased compulsory attendance age of students and the progress the state and county boards have made in implementing its associated requirements.

§11-8-16a, §18-2-17, §18-2E-5b, §18-2E-8b, §18-2G-1, §18-2G-2, §18-2G-3, §18-5-15e, §18-5-38, §18-7-1, §18-7-2, §18-7-3, §18-9A-6b, §18-9A-14a, §18-9A-19, §18-9C-1, §18-9C-2, §18-9C-3, §18-9C-4, §18-9C-5, §18-9C-6, §18-9C-7, §18-9C-8, §18A-3-1c, §18A-3-1d, §18A-4-10b and §18A-4-14a are repealed.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.