

WEST VIRGINIA LEGISLATURE
2019 FIRST EXTRAORDINARY SESSION

Introduced
House Bill 176

BY DELEGATE ESPINOSA

[Introduced June 17, 2019; Referred
to the Select Committee on Education Reform B]

1 A BILL to amend and reenact §18-5-14 of the Code of West Virginia, 1931, as amended; and to
 2 amend and reenact §18-5A-2 and §18-5A-3 of said code, all relating to powers, duties,
 3 membership and meetings of local school improvement councils; requiring county board
 4 to meet at least annually with local school improvement council of low performing school
 5 and making meetings with other councils optional; removing requirement to file school
 6 board effectiveness policies with state board; requiring certain improvement council
 7 officers to address council's dialogue with parents and others at meeting with county
 8 board; removing requirement for county boards to report details of meetings with councils
 9 to state board; modifying membership of improvement councils; increasing prior notice of
 10 council meetings; removing council duty for meeting on student discipline issues and
 11 reporting to countywide council on productive and safe schools; requiring at least one
 12 council meeting annually for dialogue with parents and others on school's academic
 13 performance and standing; requiring meeting of certain council members of low
 14 performing school with state board and providing minimum issues to be addressed;
 15 referencing council authority to propose alternatives and request waivers of rules, policies,
 16 interpretations and state statutes; expanding issues on which school required to cooperate
 17 with council to promote innovations and improvements; reorganizing and clarifying
 18 authority and procedures for local school improvement councils to propose alternatives to
 19 the operation of school including request of waiver to rules, policies, interpretations and
 20 state statutes; and preserving primary authority of county board to approve alternatives
 21 subject to grant of necessary waivers by other bodies.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-14. Policies to promote school board effectiveness.

1 (a) No later than ~~August 1, 2003,~~ January, 2020, each county board shall adopt ~~and file~~
 2 ~~with the state board copies of policies and summaries of~~ policies that promote school board

3 effectiveness and may modify the policies as necessary. ~~These policies may be modified by the~~
4 ~~county board as necessary, but shall be refiled with the state board following each modification~~
5 The policies shall address the following objectives:

6 (1) Establishing direct links between the county board and its local school improvement
7 councils and between the county board and its faculty senates for the purpose of enabling the
8 county board to receive information, comments and suggestions directly from the councils and
9 faculty senates regarding the broad guidelines for oversight procedures, standards of
10 accountability and planning for future needs as required by this section. To further development
11 of these linkages, each county board shall:

12 (A) Meet at least annually with ~~a quorum of members from each~~ the local school
13 improvement council ~~in the district~~ of each school deemed to be low performing under the
14 accountability system established by the state board. The meeting or meetings shall be held at a
15 time and in a manner to be determined by the county board; ~~except, in order to facilitate~~
16 ~~scheduling, the county board may adopt an alternate procedure allowing it to conduct the required~~
17 ~~annual meeting with each council in the absence of a quorum of council members if the alternate~~
18 ~~procedure has received prior approval from the state board and if the school district serves more~~
19 ~~than twenty thousand students or has more than twelve public schools.~~

20 Nothing in this section prohibits a county board from meeting with representatives of a
21 local school improvement council, but ~~at least one annual meeting shall be held, as specified in~~
22 ~~this section.~~

23 ~~At any time and with reasonable advance notice, county boards may schedule additional~~
24 ~~meetings with the council for any low performing school in the district~~

25 (B) At least 30 days before ~~an annual~~ a meeting with each the local school improvement
26 council of a school deemed to be low performing, develop and submit to the council an agenda
27 for the ~~annual~~ meeting which requires the school principal and council chair or a member
28 designated by the chair, to address ~~items designated by the county board from the report created~~

29 ~~pursuant to this section~~ the dialogue of its meeting or meetings at which the parents, students,
30 school employees, business partners and other interested parties were given the opportunity to
31 make specific suggestions on how to address issues which are seen to affect the school's
32 academic performance. The principal, council chair or other designated member shall also
33 address any reports by the county superintendent with respect to the school's performance and
34 progress, and any one or more of the following issues as determined by the county board:

35 (i) School performance;

36 (ii) Curriculum;

37 (iii) Status of the school in meeting the ~~unified school~~ school's strategic improvement plan
38 established pursuant to ~~section five, article two-e of this chapter~~ §18-2E-5 of this code; and

39 (iv) Status of the school in meeting the ~~county~~ relevant parts of the county's strategic
40 improvement plan established pursuant to ~~section five, article two-e of this chapter~~ §18-2E-5 of
41 this code;

42 (C) Make written requests for information from the local school improvement council
43 throughout the year or hold community forums to receive input from the affected community as
44 the county board considers necessary; and

45 (D) Nothing in this subdivision prohibits a county board from meeting with and requesting
46 information from representatives of any of its local school improvement councils such times and
47 in such manner determined by the county board.

48 ~~(D) Report details to the state board concerning the meeting or meetings held with~~
49 ~~councils, as specified in this section. The information shall be provided to the state board at the~~
50 ~~conclusion of the school year, but no later than September 1, of each year, and shall become an~~
51 ~~indicator in the performance accreditation process for each county. In order to facilitate~~
52 ~~development of this report, a county board may consult with and request assistance from~~
53 ~~members of the councils~~

54 (2) Providing for the development of direct links between the county board and the

55 community at large allowing for community involvement at regular county board meetings and
56 specifying how the county board will communicate regularly with the public regarding important
57 issues;

58 (3) Providing for the periodic review of personnel policies of the district in order to
59 determine their effectiveness;

60 (4) Setting broad guidelines for the school district, including the establishment of specific
61 oversight procedures, the development and implementation of standards of accountability and
62 the development of long-range plans to meet future needs as required by this section; and

63 (5) Using school-based ~~accreditation~~ accountability and performance data provided by the
64 state board and other available data in county board decision-making to meet the education goals
65 of the state and other goals as the county board may establish.

66 (b) On or before August 1, of each year, county school boards shall review the policies
67 listed in subsection (a) of this section and may modify these policies as necessary.

ARTICLE 5A. LOCAL SCHOOL INVOLVEMENT.

**§18-5A-2. Local school improvement councils; election and appointment of members and
officers; meetings; required meetings with county board; assistance from state
board.**

1 (a) A local school improvement council shall be established at every school consisting of
2 the following:

3 (1) The principal, who serves as an ex officio member of the council and is entitled to vote;

4 (2) Three teachers elected by the faculty senate of the school;

5 (3) Two service persons elected by the service personnel employed at the school, one of
6 whom shall be a ~~one bus operator who transports students enrolled at the school; and one school~~
7 ~~service person, each elected by the school service personnel employed at the school;~~

8 (4) Three parent(s), guardian(s) or custodian(s) of students enrolled at the school elected
9 by the parent(s), guardian(s) or custodian(s) members of the school's parent teacher organization.

10 If there is no parent teacher organization, the parent(s), guardian(s) or custodian(s) members
11 shall be elected by the parent(s), guardian(s) or custodian(s) of students enrolled at the school in
12 such manner as may be determined by the principal. Under no circumstances may a parent
13 member of the council be then employed at that school in any capacity;

14 (5) ~~Two~~ Three at-large members appointed by the principal, at least one of whom resides
15 in the school's attendance area, and at least one of whom represents business or industry, neither
16 of whom is are eligible for any local school improvement council membership under any of the
17 other elected classes of members;

18 (6) In the case of vocational-technical schools, comprehensive middle schools and
19 comprehensive high schools, the vocational director or principal, as applicable, ~~If there is no~~
20 ~~vocational director, then the principal may appoint no more than two additional representatives,~~
21 ~~one of whom represents business and one of whom represents industry~~ shall appoint up to four
22 additional members from any one or more of the following categories: Employer; employer
23 sponsored training program; apprenticeship program; and post-secondary education; and

24 (7) In the case of a school with students in grade seven or higher, the student body
25 president or other student in grade seven or higher elected by the student body in those grades.

26 ~~(b) Under no circumstances may more than one parent member of the council be then~~
27 ~~employed at that school in any capacity~~

28 ~~(e)~~ (b) The principal shall arrange for ~~such elections~~ the election of members to the local
29 school improvement council to be held prior to September 15, of each school year to elect a
30 council and shall give notice of the elections at least one week prior to the elections being held.
31 To the extent practicable, all elections to select council members shall be held within the same
32 week.

33 ~~(d)~~ (c) Parent(s), guardian(s) or custodian(s), teachers and service personnel elected to
34 the council shall serve a two-year term and elections shall be arranged in such a manner that no
35 more than two teachers, no more than two parent(s), guardian(s) or custodian(s) and no more

36 than one service person are elected in a given year. All other nonex officio members shall serve
37 one-year terms.

38 ~~(e)~~ (d) Council members may only be replaced upon death, resignation, failure to appear
39 at three consecutive meetings of the council for which notice was given, or a change in personal
40 circumstances so that the person is no longer representative of the class of members from which
41 appointed. In the case of a vacancy in an elected position, the chair of the council shall appoint
42 another qualified person to serve the unexpired term of the person being replaced or, in the case
43 of an appointed member of the council, the principal shall appoint a replacement as soon as
44 practicable.

45 ~~(f)~~ (e) As soon as practicable after the election of council members, and no later than
46 October 1, of each school year, the principal shall convene an organizational meeting of the
47 school improvement council. The principal shall notify each member ~~in writing~~ by written or
48 electronic means at least ~~two~~ five-employment days in advance of the organizational meeting. At
49 this meeting, the principal shall provide each member with the following:

50 (1) A copy of the current applicable sections of this code;

51 (2) Any state board rule or regulation promulgated pursuant to the operation of these
52 councils; and

53 (3) Any information as may be developed by the Department of Education on the operation
54 and powers of local school improvement councils and their important role in improving student
55 and school performance and progress.

56 ~~(g)~~ (f) The council shall elect from its membership a chair and two members to assist the
57 chair in setting the agenda for each council meeting. The chair shall serve a term of one year.
58 ~~and a person may not serve as chair for more than two consecutive terms~~ If the chair's position
59 becomes vacant for any reason, the principal shall call a meeting of the council to elect another
60 qualified person to serve the unexpired term. Once elected, the chair is responsible for notifying
61 each member of the school improvement council in writing ~~two~~ five employment days in advance

62 of any council meeting.

63 ~~(h)~~ (g) School improvement councils shall meet at least once every nine weeks or
64 equivalent grading period at the call of the chair or by the petition of three fourths of its members.
65 The principal shall notify each member by written or electronic means at least five employment
66 days in advance of the organizational meeting.

67 ~~(1) The school improvement council shall schedule any meeting that involves the issue of~~
68 ~~student discipline pursuant to subdivision (2), subsection (l) of this section, outside the regularly~~
69 ~~scheduled working hours of any school employee member of the council.~~

70 ~~(2)~~ (h) The school improvement council annually shall conduct a at least one meeting to
71 engage parents, students, school employees, business partners and other interested parties in a
72 positive and interactive dialogue regarding ~~effective discipline policies. The meeting shall afford~~
73 ~~ample time for the dialogue and comply with any applicable provision of state, federal or county~~
74 ~~board policy, rule or law, as appropriate, regarding student privacy rights~~ the school's academic
75 performance and standing as determined by measures adopted by the state board. The dialogue
76 shall include an opportunity for the parents, students, school employees, business partners and
77 other interested parties to make specific suggestions on how to address issues which are seen
78 to affect the school's academic performance which may include, but not limited to, parent and
79 community involvement, the learning environment, student engagement, attendance, supports for
80 at-risk students, curricular offerings, resources and the capacity for school improvement. The
81 council shall announce any such meeting ten employment days in advance.

82 (i) The local school improvement council of each school deemed to be low performing
83 under the accountability system established by the state board shall meet at least annually with
84 the county board. ~~in accordance with the provisions in section fourteen, article five of this chapter.~~
85 At ~~this annual~~ any such meeting, the principal and local school improvement council chair, or
86 another member designated by the chair, shall be prepared to address the dialogue at its meeting
87 or meetings to give the parents, students, school employees, business partners and other

88 interested parties an opportunity to make specific suggestions on how to address issues which
89 are seen to affect the school's academic performance and any other matters as may be requested
90 by the county board as specified in the meeting agenda provided to the council and may further
91 provide any other information, comments or suggestions the local school improvement council
92 wishes to bring to the county board's attention. Anything presented under this subsection shall be
93 submitted to the county board in writing.

94 (j) Local school improvement councils shall be considered for the receipt of school of
95 excellence awards ~~under section three of this article and competitive grant awards under section~~
96 ~~twenty-nine, article two of this chapter~~ and may receive and expend such grants for the purposes
97 provided. ~~in such section~~ Local school improvement councils may propose alternatives to the
98 operation of the school in accordance with §18-5A-3 of this code and may include in the proposal
99 a request for a waiver of rules and policies of the county board and state board, state
100 superintendent interpretations, and state statutes if necessary to implement the proposal.

101 (k) In any and all matters which may fall within the scope of both the school improvement
102 councils and the school curriculum teams authorized in section five of this article, the school
103 curriculum teams have jurisdiction.

104 (k) (l) In order to promote innovations and improvements in the environment for teaching
105 and learning at the school, a school improvement council shall receive cooperation from the
106 school in implementing policies and programs it may adopt to:

107 (1) Encourage the involvement of parent(s), guardian(s) or custodian(s) in their child's
108 educational process and in the school;

109 (2) Encourage businesses to provide time for their employees who are parent(s),
110 guardian(s) or custodian(s) to meet with teachers concerning their child's education;

111 (3) Encourage advice and suggestions from the business community;

112 (4) Encourage school volunteer programs and mentorship programs; ~~and~~

113 (5) Foster utilization of the school facilities and grounds for public community activities;

114 (6) Encourage students to adopt safe and healthy lifestyles; and

115 (7) Communicate to students the common skills and attributes sought by employers in
116 prospective employees.

117 ~~(f) Each local school improvement council annually shall develop and deliver a report to~~
118 ~~the countywide council on productive and safe schools. The report shall include:~~

119 ~~(1) Guidelines for the instruction and rehabilitation of students who have been excluded~~
120 ~~from the classroom, suspended from the school or expelled from the school, the description and~~
121 ~~recommendation of in-school suspension programs, a description of possible alternative settings,~~
122 ~~schedules for instruction and alternative education programs and an implementation schedule for~~
123 ~~such guidelines. The guidelines shall include the following:~~

124 ~~(A) A system to provide for effective communication and coordination between school and~~
125 ~~local emergency services agencies;~~

126 ~~(B) A preventive discipline program which may include the responsible students program~~
127 ~~devised by the West Virginia Board of Education as adopted by the county board, pursuant to the~~
128 ~~provisions of subsection (e), section one, article five, chapter eighteen-a of this code; and~~

129 ~~(C) A student involvement program, which may include the peer mediation program or~~
130 ~~programs devised by the West Virginia Board of Education as adopted by the county board,~~
131 ~~pursuant to the provisions of subsection (e), section one, article five, chapter eighteen-a of this~~
132 ~~code; and~~

133 ~~(2) The local school improvement council's findings regarding its examination of the~~
134 ~~following, which also shall be reported to the county superintendent:~~

135 ~~(A) Disciplinary measures at the school; and~~

136 ~~(B) The fairness and consistency of disciplinary actions at the school. If the council~~
137 ~~believes that student discipline at the school is not enforced fairly or consistently, it shall transmit~~
138 ~~that determination in writing, along with supporting information, to the county superintendent.~~

139 ~~Within ten days of receiving the report, the superintendent, or designee, shall respond in writing~~

140 ~~to the council. The county board shall retain and file all such correspondence and maintain it for~~
 141 ~~public review.~~

142 ~~(C) Any report or communication made as required by this subdivision shall comply with~~
 143 ~~any applicable provision of state, federal or county board policy, rule or law, as appropriate,~~
 144 ~~regarding student privacy rights.~~

145 ~~(m) The council may include in its report to the county-wide council on productive and safe~~
 146 ~~schools provisions of the state Board of Education policy 4373, student code of conduct, or any~~
 147 ~~expansion of such policy which increases the safety of students in schools in this state and is~~
 148 ~~consistent with the policies and other laws of this state~~

149 ~~(n)~~ (m) Councils may adopt their own guidelines established under this section. In addition,
 150 the councils may adopt all or any part of the guidelines proposed by other local school
 151 improvement councils, as developed under this section, which are not inconsistent with the laws
 152 of this state, the policies of the West Virginia Board of Education or the policies of the county
 153 board.

154 ~~(o)~~ (n) The State Board of Education shall provide assistance to a local school
 155 improvement council upon receipt of a reasonable request for that assistance. The state board
 156 also may solicit proposals from other parties or entities to provide orientation training for local
 157 school improvement council members and may enter into contracts or agreements for that
 158 purpose. Any training for members shall meet the guidelines established by the state board.

**§18-5A-3. Authority and procedures for local school improvement councils to request
 waivers of certain rules, policies, and interpretations and statutes.**

1 (a) The intent of this section is to establish a mechanism which allows local school level
 2 initiatives to be designed and implemented to meet local school needs and circumstances. In
 3 accordance with this intent, a local school improvement council established under the provisions
 4 of ~~this article~~ §18-5A-2 of this code may propose alternatives to the operation of the public school
 5 which alternatives will meet or exceed the high quality standards established by the state board

6 and will increase administrative efficiency, enhance the delivery of instructional programs,
7 promote student engagement in the learning process, promote business partnerships, promote
8 parent and community involvement at the school in the local school system or any other
9 alternatives that will improve the educational performance of the school generally. For an
10 alternative to be proposed, at least two thirds of the members of the local school improvement
11 council must vote in favor of the proposal.

12 ~~(b) The proposal of the council~~ An alternative proposed by a local school improvement
13 council shall set forth:

14 (1) The objective or objectives to be accomplished under the proposal;

15 (2) How the accomplishment of such objective or objectives will meet or exceed the
16 standards established by the state board;

17 (3) The indicators upon which the meeting of such standards should be judged; and

18 (4) A projection of any funds to be saved by the proposal and how such funds will be
19 reallocated within the school, or any costs associated with the proposal and proposed funding
20 sources;

21 ~~(5) The alternatives proposed by the council may include matters which require the waiver~~
22 ~~of Any policies or rules promulgated by the state or county board, and any state superintendent~~
23 ~~interpretations and any state statutes for which a waiver will be required for the proposed~~
24 ~~alternative to be implemented; and Provided, That such request for waiver be submitted to the~~
25 ~~appropriate board adopting said rule or policy and that board may approve the waiver.~~

26 (6) If the alternative to be proposed includes the request for a waiver of policies or rules
27 promulgated by the state or county board, state superintendent interpretations or state statutes
28 affecting employees, then prior to the proposal of the alternative, a majority of the local affected
29 employee group must agree.

30 (c) A local school improvement council shall submit its proposed alternative to the county
31 board. The county board shall acknowledge receipt of the proposal and promptly review the

32 proposed alternative. The county board may request additional information and clarifications from
33 the local school improvement council regarding the proposed alternative. The county board shall
34 approve or disapprove the proposal and return it to the council with a statement of the reasons
35 for the action taken, subject to the following:

36 (1) If an alternative proposed by the local school improvement council requires the waiver
37 of any policies or rules promulgated by the county board, approval of the proposal by the county
38 board constitutes a grant of the waiver;

39 (2) If an alternative proposed by the local school improvement council requires the waiver
40 of any policies or rules promulgated by the state board and the county board approves the
41 proposal except that a waiver by the state board is required, the county board shall forward the
42 approved proposal to the state board for final determination. The state board shall acknowledge
43 receipt of the proposal and promptly review the proposed alternative in consultation with the
44 county board or their agents and, in its discretion, approve implementation of the alternative or
45 reply to the county board and council within a reasonable time as to its reasons for not approving
46 the proposed alternative. Approval of the proposal by the state board constitutes a grant of the
47 waiver;

48 (3) If an alternative proposed by the local school improvement council requires the waiver
49 of a state superintendent's interpretation and the county board county approves the proposal
50 except that a waiver by the state superintendent is required, the county board shall forward the
51 approved proposal to the state superintendent for final determination. The state superintendent
52 shall acknowledge receipt of the proposal and promptly review the proposed alternative in
53 consultation with the county board or their agents and, in his or her discretion, approve
54 implementation of the alternative or reply to the county board and council within a reasonable
55 time as to its reasons for not approving the proposed alternative. Approval of the proposal by the
56 state superintendent constitutes a grant of the waiver;

57 (4) If an alternative proposed by the local school improvement council requires the waiver

58 of a state statute and the county board county approves the proposal except that a waiver of the
59 statute is required, the county board shall forward the approved proposal to the Legislative
60 Oversight Commission on Education Accountability. The commission shall acknowledge receipt
61 of the proposal and promptly review the proposed alternative in consultation with the county board
62 or their agents and determine whether a recommendation should be made for an Act of the
63 Legislature to waive the statute to permit implementation of the proposed alternative;

64 (5) If an alternative that requires a waiver is proposed by more than one local school
65 improvement council in the county and the county board approves, the county board may forward
66 a consolidated proposal requesting the waiver to the appropriate bodies as provided in this
67 subsection; and

68 (6) When an alternative to the operation of a school is approved, the county board shall
69 establish a process for evaluation of the operation of the alternative. Approval for the operation of
70 the alternative may be continued or revoked at any time based on the results and findings of the
71 evaluation.

72 ~~When a county board does not act within two months after receiving a request for waiver of a~~
73 ~~county board policy or rule or disapproves such a request, the local school improvement council~~
74 ~~may seek an advisory opinion from the state board regarding the waiver request. The county~~
75 ~~board shall furnish the state board with copies of all waiver requests together with their response~~
76 ~~thereto. *Provided, however,* That when a local school improvement council votes to waive a state~~
77 ~~superintendent's interpretation, the state superintendent need only be notified that the local~~
78 ~~council intends to waive the state superintendent's interpretation: *Provided further,* That~~
79 ~~notwithstanding any other provisions of the law to the contrary, council is not prohibited from~~
80 ~~permitting off-site classrooms to be developed in conjunction with local businesses if those sites~~
81 ~~have met the requirements established by the local board and if sites are located off campus. For~~
82 ~~an alternative to be proposed, at least two thirds of the members must vote in favor thereof: *And*~~
83 ~~*provided further,* That if the alternative to be proposed relates to a waiver of policies or rules~~

84 ~~promulgated by the state or county board and state superintendent interpretations affecting~~
85 ~~employees, then prior to the proposal of the alternative, a majority of the local affected employee~~
86 ~~group involved must agree.~~

87 ~~A council may also submit a written statement, with supporting reasons, to the Legislative~~
88 ~~Oversight commission on education accountability recommending a waiver of a statute or~~
89 ~~legislative rule, which the commission shall review and determine whether a recommendation~~
90 ~~should be made to the Legislature to waive such statute or rule.~~

91 ~~When a council decides to propose an alternative, it shall forward a copy of the proposal~~
92 ~~to the state board and the affected local board. The state board shall acknowledge receipt of the~~
93 ~~proposed alternative, promptly review the proposed alternative in consultation with the county~~
94 ~~board or their agents and, in its discretion, approve implementation of the alternative or reply to~~
95 ~~the council within a reasonable time as to its reasons for not approving the proposed alternative.~~
96 ~~If the state board approves a proposed alternative, the state board shall provide appropriate notice~~
97 ~~to the local school improvement council and the county board and shall establish a process for~~
98 ~~evaluation of the operation of the alternative. Approval for the operation of the alternative may be~~
99 ~~continued or revoked at any time based on the results and findings of the evaluation~~

100 (d) Notwithstanding any other provisions of the law to the contrary, a local school
101 improvement council is not prohibited from permitting off-site classrooms to be developed in
102 conjunction with local businesses if those sites have met the requirements established by the
103 local board and if sites are located off campus.

104 (e) The state board shall submit a report to the Legislative Oversight commission on
105 education accountability and the Governor on September 1, of each year summarizing the
106 proposed alternatives received, approved or rejected, continued or revoked during the preceding
107 school year and the results and findings of the evaluations. The report shall specifically identify
108 all policy, rule, and interpretation waiver requests including those requests made to county boards
109 by local school improvement councils received during the preceding year and the disposition of

110 each.

NOTE: The purpose of this bill is to clarify and streamline the authority and procedures for local school improvement councils to propose alternatives to the operation of their schools including requesting of waivers to rules, policies, interpretations and state statutes. The bill also enhances the powers, duties and membership of the councils, particularly those at comprehensive middle and high schools. It requires the councils to hold at least one meeting annually for a dialogue with parents and others on the school's academic performance and standing and illicit suggestions. The local school improvement council of a low performing school will be required to meet with the county board to address this dialogue with the parents and others. The requirement for the council to meet annually on student discipline issues and report to the countywide council on productive and safe schools is removed.

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