

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENROLLED

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.]

1 AN ACT to amend and reenact §18-4-2 of the Code of West Virginia, 1931, as amended, relating
2 to tuberculosis testing for school superintendents; removing requirement for biennial
3 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.

1 (a) A county superintendent shall hold a professional administrative certificate endorsed
2 for superintendent, or a first class permit endorsed for superintendent, subject to the following:

3 (1) A superintendent who holds a first class permit may be appointed for one year only,
4 and may be reappointed two times for an additional year each upon an annual evaluation by the
5 county board and a determination of satisfactory performance and reasonable progress toward
6 completion of the requirements for a professional administrative certificate endorsed for
7 superintendent;

8 (2) Any candidate for superintendent, assistant superintendent or associate
9 superintendent, who possesses an earned doctorate from an accredited institution of higher
10 education and either has completed three successful years of teaching in public education or has
11 the equivalent of three years of experience in management or supervision as defined by state
12 board rule, after employment by the county board shall be granted a permanent administrative
13 certificate and shall be a licensed county superintendent;

14 (3) The state board shall promulgate a legislative rule in accordance with §29A-3B-1 *et*
15 *seq.* of this code, to address those cases where a county board finds that course work needed by
16 the county superintendent who holds a first class permit is not available or is not scheduled at
17 state institutions of higher education in a manner which will enable the county superintendent to
18 complete normal requirements for a professional administrative certificate within the three-year
19 period allowed under the permit; and

20 (4) Any person employed as assistant superintendent or educational administrator prior to
21 June 27, 1988, and who was previously employed as superintendent is not required to hold the
22 professional administrative certificate endorsed for superintendent.

23 (b) In addition to other requirements set forth in this section, a county superintendent shall
24 meet the following health-related conditions of employment:

25 (1) Before entering upon the discharge of his or her duties, file with the president of the
26 county board a certificate from a licensed physician certifying the following:

27 (A) A tuberculin skin test, of the type Mantoux test (PPD skin test), approved by the
28 Commissioner of the Bureau for Public Health has been made within four months prior to the
29 beginning of the term of the county superintendent; and

30 (B) The county superintendent does not have tuberculosis in a communicable state based
31 upon the test results and any further study;

32 (2) The commissioner may require selective testing of superintendents for tuberculosis
33 when there is reason to believe that they may have been exposed to the tuberculosis organism
34 or they have signs and symptoms indicative of the disease. The county superintendent should
35 contact the local health department in instances where they have reason to suspect that they
36 have been exposed to tuberculosis or have symptoms indicative of the disease. Positive reactors
37 to the skin test are to be referred immediately to licensed health care practitioner for evaluation
38 and indicated treatment or further studies;

39 (3) A county superintendent who is certified by a licensed health care practitioner to have
40 tuberculosis in a communicable stage shall have his or her employment discontinued or
41 suspended until the disease has been arrested and is no longer communicable; and

42 (4) A county superintendent who fails to complete required follow-up examinations as set
43 forth in this subsection shall be suspended from employment until a report of examination is
44 confirmed.

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

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2020.

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Governor