

H. B. 2496

(By Delegates White, Marcum, Miley, Staggers, Perry, Moore, Craig, Boggs, Stowers, Reynolds and Ferns)

[Introduced February 15, 2013; referred to the Committee on Education then Finance.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5H-2-1, §5H-2-2 and §5H-2-3, all relating to creating the "West Virginia School Personnel Survivor Benefit Act"; providing a short title and legislative intent; definitions; and providing a \$12,000 death benefit to the surviving spouse, designated beneficiary, children or parents of teachers and other school personnel killed while in the performance of their duties at a primary or secondary education school.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §5H-2-1, §5H-2-2 and §5H-2-3, all to read as follows:

ARTICLE 2. WEST VIRGINIA SCHOOL PERSONNEL SURVIVOR BENEFIT ACT.

§5H-2-1. Short title and legislative intent.

(a) This article is known as the "West Virginia School

1 Personnel Survivor Benefit Act.”

2 (b) It is the intent of the Legislature to provide for the
3 payment of death benefits to the surviving spouse, designated
4 beneficiary, children or parents of school personnel killed by an
5 act of violence while in the performance of their duties at a
6 primary or secondary education school.

7 **§5H-2-2. Definitions.**

8 As used in this article:

9 (a) “Extracurricular activity” means any voluntary activity
10 sponsored by a school, a county board or an organization sanctioned
11 by a county board or the State Board of Education and includes, but
12 is not limited to, preparation for and involvement in public
13 performances, contests, athletic competitions, demonstrations,
14 displays, organizations and clubs.

15 (b) “School” means a public or private educational facility in
16 this state for students in grades prekindergarten through twelve
17 comprised of one or more buildings, including school grounds, a
18 school bus or any premises upon which a school-sponsored function
19 or extracurricular activity was occurring at the time of the death
20 or injury as described in section one of this article.

21 (c) “School grounds” includes the land on which a school is
22 built together with such other land used by students for play,
23 recreation or athletic events while attending school, and adjacent
24 lands, roads or structures which are used by school personnel or

1 volunteers to facilitate the ingress and egress of the students.

2 (d) "School personnel" means all personnel employed by a
3 county board of education, or employed by the governing entity or
4 chief administrator of a nonpublic school, whether employed on a
5 regular full-time basis, an hourly basis or otherwise, including
6 student teachers and volunteers approved by the school for duties
7 in aid of the functions of the school.

8 **§5H-2-3. Death benefit for survivors.**

9 (a) On and after the effective date of this article, if a
10 school personnel is killed by an act of violence while engaged in
11 the performance of his or her duties as a school personnel at a
12 school, the county superintendent of schools or, in the case of a
13 nonpublic school, the governing entity or chief administrator of
14 the school, shall within thirty days from the date of death submit
15 a certification of the death to the Governor's office.

16 (b) Certification shall include the name of the school; the
17 name of the deceased school personnel; the name and address of the
18 surviving spouse, designated beneficiary, children or parents; any
19 documentation designating a beneficiary or beneficiaries; and a
20 statement setting forth the circumstances that qualify the deceased
21 individual for death benefits under this article. Upon receipt of
22 the certification from the county superintendent of schools or, in
23 the case of a nonpublic school, the governing entity or chief
24 administrator of the school, the state shall, from moneys from the

1 State Treasury, General Revenue Fund, pay to the county
2 superintendent of schools or, in the case of a nonpublic school,
3 the governing entity or chief administrator of the school, the sum
4 of \$12,000 in the name of the certified recipient of the death
5 benefit. Within five days of receipt of this sum from the state,
6 the county superintendent of schools or, in the case of a nonpublic
7 school, the governing entity or chief administrator of the school,
8 shall pay the sum as a benefit to the surviving spouse or
9 designated beneficiary of the death benefit. If there is no
10 surviving spouse or designated beneficiary, then to the minor
11 children of the school personnel. When no spouse, designated
12 beneficiary or children survive, the benefit shall be paid to the
13 parent or parents of the deceased individual. It is the
14 responsibility of the county superintendent of schools or, in the
15 case of a nonpublic school, the governing entity or chief
16 administrator of the school, to document the surviving spouse or
17 other beneficiary for purposes of reporting to the Governor's
18 office.

19 (c) Any death ruled by a physician to be a result of an injury
20 inflicted by an act of violence that was sustained by a school
21 personnel while engaged in the performance of his or her duties as
22 a school personnel at a school as described in subsection (a) of
23 this section is eligible for this benefit, even if the death occurs
24 at a later time.

1 (d) Those individuals who are covered by this article are
2 eligible for only one death benefit payment.

3 (e) Each county superintendent of schools or, in the case of
4 a nonpublic school, the governing entity or chief administrator of
5 the school, to which this article applies shall provide notice of
6 the benefit provided hereby to such employees and encourage covered
7 employees to provide a written designation of beneficiary to be
8 maintained in the employee's personnel file.

NOTE: The purpose of the bill is to provide a \$12,000 death benefit to the surviving spouse, designated beneficiary, children or parents of teachers and other school personnel killed by an act of violence while in the performance of their duties at a primary or secondary education school.

This article is new; therefore, it has been completely underscored.