

1 **Senate Bill No. 246**

2 (By Senators Trump, Blair, Leonhardt and Williams)

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4 [Introduced January 16, 2015; referred to the Committee on Education.]  
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9 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
10 designated §18-17-10, relating to exempting each current child care worker employed on or  
11 before June 1, 2015, at the West Virginia School for the Deaf and Blind in Romney, West  
12 Virginia, from requirement to have an associate's degree.

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

14 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
15 section, designated §18-17-10, to read as follows:

16 **ARTICLE 17. WEST VIRGINIA SCHOOLS FOR THE DEAF AND THE BLIND.**

17 **§18-17-10. Requirement for child care workers to obtain associates degrees: findings; current**  
18 **child care workers exempt from requirement; experience recognized as**  
19 **qualification for substantially similar work.**

20 (a) *Findings* -- The Legislature finds that for generations, the children of West Virginia  
21 enrolled at the West Virginia School for the Deaf and Blind in Romney, West Virginia have received  
22 wonderful care, attention, education and love from all who work there, including the devoted child

1 care workers employed there whose jobs are now threatened because of regulations and policies  
2 which have been adopted, which would require all child care workers employed at the West Virginia  
3 School for the Deaf and Blind to have an associate's degree. The Legislature finds that the  
4 approximately thirty-five child care workers currently employed at the West Virginia School for the  
5 Deaf and Blind in Romney, West Virginia have provided compassionate care, attention and love for  
6 the children enrolled at the school and to their families, as well. The Legislature finds that these  
7 employees have already demonstrated and established, by and through their experience and their  
8 devoted service, that they possess the requisite skills, knowledge and abilities to do their jobs.  
9 Because of the ample evidence of the qualifications, skills and abilities of the current child care  
10 workers employed at the West Virginia School for the Deaf and Blind in Romney, West Virginia the  
11 Legislature finds that any regulation, policy or rule of the school or of the State Board of Education  
12 requiring child care workers, or workers hired to perform substantially similar work regardless of  
13 job classification, to have associate's degrees should exempt the child care workers already employed  
14 and doing their jobs at the West Virginia School for the Deaf and Blind in Romney, West Virginia,  
15 effectively "grandfathering" the current employees from the application of any such regulation, rule  
16 or policy.

17 (b) *Exemption Established* – Notwithstanding any rule, regulation or policy of the West  
18 Virginia School for the Deaf and Blind or of the West Virginia State Board of Education to the  
19 contrary, no child care worker at the West Virginia School for the Deaf and Blind in Romney, West  
20 Virginia, who was employed in that position on or before June 1, 2015, may be required to have or  
21 hold an associate's degree as a condition of retaining employment as a child care worker or  
22 qualifying for employment in a position of residential care specialist or other job classification

- 1 having substantially the same duties and responsibilities.

NOTE: The purpose of this bill is to establish a "grandfathering" exemption from any regulation, rule or policy requiring an associate's degree for the persons who, through their work and service as child care workers at the West Virginia School for the Deaf and Blind in Romney West Virginia, have already demonstrated that they possess the requisite skills and abilities to care for the residents for whom they are responsible.

§18-17-10 is new; therefore, strike-throughs and underscoring have been omitted.