

WEST VIRGINIA LEGISLATURE
2019 FIRST EXTRAORDINARY SESSION

Introduced
House Bill 199

BY DELEGATE PUSHKIN

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

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §18-2-42; and to amend and reenact §18-5-39 of said code, all relating to
 3 establishing a summer education and employment program for low income,
 4 underperforming high school students; authoring the state board of education to establish
 5 program criteria; providing for a special revenue account; and authorizing county school
 6 boards to implement the program.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-42. Summer Student Working and Learning for Success Program; special revenue account; eligibility for participation.

1 (a) The state board shall establish a program to allow county boards to receive funding,
 2 as provided in subsection (c) of this section, to establish and operate a summer program that
 3 combines employment and instruction to underperforming qualified students to be trained for
 4 successful transition into the state workforce or for further post-graduation education or training
 5 opportunities.

6 (b) The board shall establish criteria for low income students to be designated eligible for
 7 the program based on the students low academic performance in core educational areas such as
 8 math and English, low standardized test scores, or other objective criteria which identify students
 9 that would derive benefit from summer employment and educational instruction and mentor
 10 support. The purpose of the program is to assist students financially while providing job skills,
 11 experience, and instruction that will support the student having a successful transition into the
 12 adult work force. The state board shall coordinate with Workforce West Virginia and the West
 13 Virginia Department of Labor to identify job opportunities that will allow for students to concurrently
 14 work and receive their course of instruction during the summer.

15 (c) All appropriations and any grants, contributions or awards dedicated for this purpose
 16 shall be deposited in a special account in the State Treasury to be known as the "Summer Student

17 Working and Learning for Success Program.” Expenditures of state moneys from the fund by the
18 state board shall be for the purposes set forth in this section and are not authorized from
19 collections but are to be made only in accordance with appropriation by the Legislature in
20 accordance with the provisions of §12-3-1 et seq. of this code and upon fulfillment of the
21 provisions of §11B-2-1 et seq. of this code: *Provided*, That for the fiscal year ending June 30,
22 2020, expenditures are authorized from collections rather than pursuant to appropriation by the
23 Legislature.

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-39. Establishment of summer school programs; ~~tuition~~–remedial tuition-based instruction; and student working and learning for success program.

1 (a) Inasmuch as the present county school facilities for the most part lie dormant and
2 unused during the summer months, and inasmuch as there are many students who are in need
3 of remedial instruction and others who desire accelerated instruction, it is the purpose of this
4 section to provide for the establishment of a summer school program, which is to be separate and
5 apart from the full school term as established by each county.

6 (b) The board of any county has the authority to establish a summer school program
7 utilizing the public school facilities and to charge tuition for students who attend the summer
8 school. The tuition may not exceed in any case the actual cost of operation of the summer school
9 program: *Provided*, That any deserving pupil whose parents, in the judgment of the board, are
10 unable to pay the tuition, may attend the summer school program at a reduced charge or without
11 charge. The county board may determine the term and curriculum of the summer schools based
12 upon the particular needs of the individual county. The curriculum may include, but is not limited
13 to, remedial instruction, accelerated instruction and the teaching of manual arts. The term of the
14 summer school program may not be established in such a manner as to interfere with the regular
15 school term.

16 (c) The county boards may employ any certified teacher as teachers for this summer

17 school program. Certified teachers employed by the county board to teach in the summer school
18 program shall be paid an amount to be determined by the county board and shall enter into a
19 contract of employment in such form as is prescribed by the county board: *Provided, That*
20 teachers who teach summer courses of instruction which are offered for credit and which are
21 taught during the regular school year shall be paid at the same daily rate they would receive if
22 paid in accordance with the then current minimum monthly salary in effect for teachers in that
23 county.

24 (d) Any funds accruing from the tuitions shall be credited to and expended within the
25 existing framework of the general current expense fund of the county board.

26 (e) Notwithstanding any other provision of this code to the contrary, the board shall fill
27 professional positions established pursuant to the provisions of this section on the basis of
28 certification and length of time the professional has been employed in the county's summer school
29 program. In the event that no employee who has been previously employed in the summer school
30 program holds a valid certification or licensure, a board shall fill the position as a classroom
31 teaching position in accordance with §18A-4-7a of this code.

32 (f) Notwithstanding any other provision of the code to the contrary, the county board may
33 employ school service personnel to perform any related duties outside the regular school term as
34 defined in §18A-4-8 of this code. An employee who was employed in any service personnel job
35 or position during the previous summer shall have the option of retaining the job or position if the
36 job or position exists during any succeeding summer. If the employee is unavailable or if the
37 position is newly created, the position shall be filled pursuant to §18A-4-8b of this code. When
38 any summer employee is absent, qualified regular employees within the same classification
39 category who are not working because their employment term for the school year has ended or
40 has not yet begun the succeeding school employment term, shall be given first opportunity to
41 substitute for the absent summer employee on a rotating and seniority basis. When any summer
42 employee who is employed in a summer position is granted a leave of absence for the summer

43 months, the board shall give regular employment status to the employee for that summer position
44 which shall be filled under the procedure set forth in §18A-4-8b of this code. The summer
45 employee on leave of absence has the option of returning to that summer position if the position
46 exists the succeeding summer or whenever the position is reestablished if it were abolished. The
47 salary of a summer employee shall be in accordance with the salary schedule of persons regularly
48 employed in the same position in the county where employed and persons employed in those
49 positions are entitled to all rights, privileges and benefits provided in §18A-4-5b, §18A-4-8, §18A-
50 4-8a, §18A-4-10, and §18A-4-14 of this code: *Provided*, That those persons are not entitled to a
51 minimum employment term of 200 days for their summer position.

52 (g) If a county board reduces in force the number of employees to be employed in a
53 particular summer program or classification from the number employed in that position in previous
54 summers, the reductions in force and priority in reemployment to that summer position shall be
55 based upon the length of service time in the particular summer program or classification.

56 (h) For the purpose of this section, summer employment for service personnel includes,
57 but is not limited to, filling jobs and positions as defined in §18A-4-8 of this code and especially
58 established for and which are to be predominantly performed during the summer months to meet
59 the needs of a county board.

60 (i) The board of any county may establish a summer education and work program that
61 combines paid part-time employment and class instruction, intended to help eligible students
62 prepare to enter the workforce or better prepare them for higher education or other post-high
63 school training or employment. The program may be offered to eligible students from age 14 to
64 18, who have shown a low proficiency in reading, mathematics, or other core subjects as reflected
65 in standardized testing and other academic criteria as established by the state board pursuant to
66 §18-5-46 of this code. The purpose of the program is to combine education, mentoring, and
67 employment opportunities to promote job skills, school and work performance, and academic
68 enrichment that will prepare participants for successful integration into the state labor force. The

- 69 State Board of Education may provide grants to individual counties to fund programs which
70 comply with program standards as established by the state board.

NOTE: The purpose of this bill is to establish a summer education and learning for success program to assist under performing low income high school students through summer employment and remedial instruction to prepare them for post-graduation employment, training or education; creates special revenue account to receive grants and state funding; directs the board to coordinate job availability with Workforce West Virginia and the state Department of Labor; and allows county school boards to establish a program.

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