

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

Senate Bill 794

BY SENATORS MAYNARD, CLINE, AND RUCKER

[Introduced February 14, 2020; referred
to the Select Committee on Children and Families]

1 A BILL to amend and reenact §49-2-106 of the Code of West Virginia, 1931, as amended, relating
 2 to responsibility for foster care homes by the Department of Health and Human
 3 Resources; and to require the department to cooperate with charter schools and the State
 4 Board of Education to develop programs for participation in by qualified neglected children
 5 who are in foster home placements, including developing a program or programs modeled
 6 after the Mountaineer Challenge Academy.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.

§49-2-106. Department responsibility for foster care homes.

1 (a) It is the responsibility of the Department of Health and Human Resources to provide
 2 care for neglected children who are committed to its care for custody or guardianship. The
 3 department may provide this care for children in family homes meeting required standards of
 4 certification established and enforced by the Department of Health and Human Resources.

5 (b) In order to provide adequate care to meet the diverse needs of the largest number of
 6 children for which the department has responsibility, the department shall cooperate with the State
 7 Board of Education to develop standards for a program or programs that permit qualified
 8 neglected children in foster home placements to participate in charter schools as defined in §18-
 9 5G-2 of this code, specifically, and the general provisions of §18-5G-1 et seq. of this code. The
 10 department may also cooperate with other agencies or entities of state, county, or municipal
 11 government in developing these programs, including developing a program or programs modeled
 12 after the Mountaineer Challenge Academy.

13 (c) The secretary shall promulgate legislative rules in accordance with §29A-3-1 et seq. of
 14 this code to accomplish the purposes of this subsection that are not in conflict with any state or
 15 federal law, rule or regulation.

NOTE: The purpose of this bill is to require the Department of Health and Human

Resources to cooperate with the State Board of Education to develop standards for programs for participation in by qualified neglected children, including participating in charter schools including developing a program or programs modeled after the Mountaineer Challenge Academy.

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