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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2002



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 4022

(By Delegates Mezzatesta and Williams)



Passed March 9, 2002

In Effect Ninety Days from Passage

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H. B. 4022

(BY DELEGATES MEZZATESTA AND WILLIAMS)

[Passed March 9, 2002; in effect ninety days from passage.]

AN ACT to amend article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section thirty-five; and to amend article two, chapter eighteen-a of said code by adding thereto a new section, designated section six-a, all relating to establishing a more formal method to fund programs that strengthen student learning ability; requiring the state board to establish a process with certain elements and promulgate a rule to implement section; and providing released time for certain service personnel.

Be it enacted by the Legislature of West Virginia:

That article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section thirty-five; and that article two, chapter eighteen-a of said code be amended by adding thereto a new section, designated section six-a, to read as follows:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-35. Programs to strengthen student learning ability.

1 (a) The Legislature finds that schools that have imple-
2 mented programs to strengthen student learning ability are
3 reporting statistically significant improvement in the statewide
4 test scores in reading, language and math of students referred to
5 the programs. Therefore, it is the intent of the Legislature
6 through this section to establish a more formal method to fund
7 programs that strengthen student learning ability.

8 (b) The state board shall establish a program for strengthen-
9 ing student learning ability that includes the following:

10 (1) A procedure for schools to apply for funds to implement
11 programs to strengthen student learning ability in accordance
12 with the provisions of this section;

13 (2) Specific factors for determining the need for each
14 school applying for funds in accordance with subsection (e) of
15 this section;

16 (3) A method for judging applications for funds on a
17 competitive basis; and

18 (4) A determination of the maximum percentage of total
19 funds appropriated for the purposes of this section which may
20 be distributed for use in grades six through twelve so that the
21 priority for program implementation is at the prekindergarten
22 and elementary levels.

23 (c) Except as provided in subsection (d) of this section, a
24 school is not eligible to receive an award of funds appropriated
25 for the purposes of this section unless the proposed program
26 includes the following:

27 (1) Assessment of the cognitive abilities of students;

28 (2) Physical screening that identifies barriers to a student's
29 ability to learn;

30 (3) Development of a student-specific program to improve
31 student learning ability based on the results of the assessment
32 and physical screening;

33 (4) Administration of learning development exercises that
34 strengthen the ability of students to learn; and

35 (5) An evaluation of the program's impact, including
36 factors such as student test scores and other measures of student
37 performance, the program's impact on special education
38 referrals, program cost and other information considered
39 important for judging the value of the program.

40 (d) A school is eligible to receive an award of funds
41 appropriated for the purposes of this section for the implemen-
42 tation of an early childhood system to strengthen student
43 learning abilities that includes cognitive/perceptual exercises
44 for all children which are clearly based on the same intellectual
45 premise, and are intended to address for all students the same
46 developmental needs, as the more individual specific remedies
47 required for programs under subsection (c) of this section. The
48 programs shall include a method for evaluating program impact
49 using appropriate measures of early childhood student develop-
50 ment and progress.

51 (e) All the funds appropriated for the purposes of this
52 section shall be distributed to schools based upon need as
53 determined by the state board. In determining need, the state
54 board may consider such things as the assessment test scores of
55 the students, percentage of students who are enrolled in special
56 education programs, dropout rates, attendance rates, the number
57 of at-risk students, monetary and in-kind resources available

58 from other sources that will be committed to the program and
59 any other indicators the state board determines appropriate.

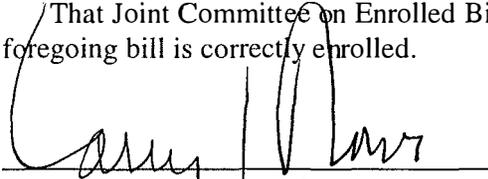
60 (f) The state board shall promulgate a rule pursuant to
61 article three-b, chapter twenty-nine-a of this code to implement
62 the provisions of this section.

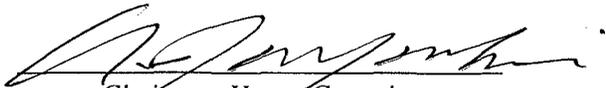
63 (g) Nothing in this section requires any specific level of
64 funding by the Legislature.

§18A-2-6a. Released time for service personnel.

1 In the assignment of position or duties of a service person
2 under a continuing contract, the board may provide for released
3 time of a service person for any special professional or govern-
4 mental assignment without jeopardizing the contractual rights
5 of such service or any other rights, privileges or benefits under
6 the provisions of this chapter. Released time shall be provided
7 for any service person while serving as a member of the
8 Legislature during any duly constituted session of that body and
9 its interim and statutory committees and commissions without
10 jeopardizing his or her contractual rights or any other rights,
11 privileges, benefits or accrual of experience for placement on
12 the state minimum salary schedule in the following school year
13 under the provisions of this chapter, board policy and law. For
14 the purposes of this section, service person is the singular of
15 service personnel as defined in section one, article one of this
16 chapter.

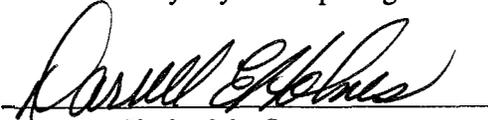
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

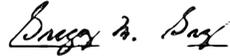

Chairman Senate Committee

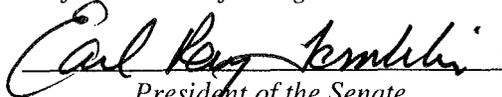

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

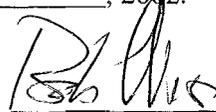

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is approved _____ this the 3
day of April _____, 2002.


Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/02

Time 3:55 PM