

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4546

BY DELEGATES ATKINSON, BARTLETT, COOPER, DEAN

ELLINGTON, EVANS, J. KELLY, LAVENDER-BOWE,

WESTFALL AND HIGGINBOTHAM

[Introduced January 27, 2020; Referred to the
Committee on Education then Health and Human
Resources]

1 A BILL to amend and reenact 18-4-2 of the Code of West Virginia, 1931, as amended, relating to
 2 tuberculosis testing for school superintendents; removing requirement for biennial
 3 screenings; and adding permissive screenings based upon suspicion of exposure.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. COUNTY SUPERINTENDENT OF SCHOOLS.

§18-4-2. Qualifications; health certificate; disability; acting superintendent.

1 (a) Each county superintendent shall hold a professional administrative certificate
 2 endorsed for superintendent, or a first class permit endorsed for superintendent, subject to the
 3 following:

4 (1) A superintendent who holds a first class permit may be appointed for one year only,
 5 and may be reappointed two times for an additional year each upon an annual evaluation by the
 6 county board and a determination of satisfactory performance and reasonable progress toward
 7 completion of the requirements for a professional administrative certificate endorsed for
 8 superintendent;

9 (2) Any candidate for superintendent, assistant superintendent or associate
 10 superintendent, who possesses an earned doctorate from an accredited institution of higher
 11 education and either has completed three successful years of teaching in public education or has
 12 the equivalent of three years of experience in management or supervision as defined by state
 13 board rule, after employment by the county board shall be granted a permanent administrative
 14 certificate and shall be a licensed county superintendent;

15 (3) The state board shall promulgate a legislative rule in accordance with §29A-3B-1 *et*
 16 *seq.* of this code, to address those cases where a county board finds that course work needed by
 17 the county superintendent who holds a first class permit is not available or is not scheduled at
 18 state institutions of higher education in a manner which will enable the county superintendent to
 19 complete normal requirements for a professional administrative certificate within the three-year
 20 period allowed under the permit; and

21 (4) Any person employed as assistant superintendent or educational administrator prior to
22 June 27, 1988, and who was previously employed as superintendent is not required to hold the
23 professional administrative certificate endorsed for superintendent.

24 (b) In addition to other requirements set forth in this section, a county superintendent shall
25 meet the following health-related conditions of employment:

26 (1) Before entering upon the discharge of his or her duties, file with the president of the
27 county board a certificate from a licensed physician certifying the following:

28 (A) A tuberculin skin test, of the type Mantoux test (PPD skin test), approved by the
29 Director of the Division of Health, has been made within four months prior to the beginning of the
30 term of the county superintendent; and

31 (B) The county superintendent does not have tuberculosis in a communicable state based
32 upon the test results and any further study;

33 ~~(2) After completion of the initial test, the county superintendent shall have an approved~~
34 ~~tuberculin skin test once every two years or more frequently if medically indicated. The~~
35 ~~commissioner may require selective testing of superintendents for tuberculosis when there is~~
36 ~~reason to believe that they may have been exposed to the tuberculosis organism or they have~~
37 ~~signs and symptoms indicative of the disease. The county superintendent should contact the local~~
38 ~~health department in instances where they have reason to suspect that they have been exposed~~
39 ~~to tuberculosis or have symptoms indicative of the disease.~~ Positive reactors to the skin test are
40 to be referred immediately to a physician for evaluation and indicated treatment or further studies;

41 (3) A county superintendent who is certified by a licensed physician to have tuberculosis
42 in a communicable stage shall have his or her employment discontinued or suspended until the
43 disease has been arrested and is no longer communicable; and

44 (4) A county superintendent who fails to complete required follow-up examinations as set
45 forth in this subsection shall be suspended from employment until a report of examination is
46 confirmed.

NOTE: The purpose of this bill is to remove requirement for biennial tuberculosis screenings for county superintendents; and add permissive screenings upon based upon suspicion of exposure.

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