

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5262

By Delegates Ellington, Statler, Toney, Mazzocchi,
Hornby, W. Clark, Thorne, Foggin, Smith, Longanacre
and Jennings

[Introduced January 29, 2024; Referred to the
Committee on Education]

1 A BILL to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended; to
 2 amend and reenact §18-20-1c of said code; to amend said code by adding thereto a new
 3 section, designated §18-20-12; to amend and reenact §18A-1-1 of said code; to amend
 4 said code by adding thereto a new article, designated §18A-2A-1, §18A-2A-2, §18A-2A-3,
 5 and §18A-2A-4; and to amend and reenact §18A-5-1 of said code; all relating generally to
 6 the creation of a Teachers Bill of Rights Educational Doctrine; defining the duties of
 7 counselors; defining data to be provided; defining the special education student to
 8 instructor ratio, a waiver process, and compensation given to a teacher when the ratio is
 9 exceeded; providing for supplemental duty calendar provisions; prohibiting sanctions in
 10 certain instances; providing resources, including liability insurance, for classroom
 11 teachers; providing for teacher quality assistance; and clarifying the process for the
 12 removal of students.

Be it enacted by the Legislature of West Virginia:

CHAPTER 18. EDUCATION.

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-18b. School counselors in public schools.

1 (a) A school counselor means a professional ~~educator~~ school counselor who holds a valid
 2 school counselor's certificate in accordance with §18A-1-1(d) (2) of this code.

3 (b) Each county board shall provide counseling services for each pupil enrolled in the
 4 public schools of the county.

5 (c) The school counselor shall work with individual pupils and groups of pupils in providing
 6 developmental, preventive and remedial guidance and counseling programs to meet academic,
 7 social, emotional, and physical needs; including programs to identify and address the problem of
 8 potential school dropouts. The school counselor also may provide consultant services for parents,

9 teachers, and administrators and may use outside referral services, when appropriate, if no
10 additional cost is incurred by the county board.

11 (d) The state board may adopt rules consistent with the provisions of this section that
12 define the role of a school counselor based on the "National Standards for School Counseling
13 Programs" of the American School Counselor Association. A school counselor is authorized to
14 perform such services as are not inconsistent with the provisions of the rule as adopted by the
15 state board. To the extent that any funds are made available for this purpose, county boards shall
16 provide training for counselors and administrators to implement the rule as adopted by the state
17 board.

18 (e) Each county board shall develop a comprehensive drop-out prevention program
19 utilizing the expertise of school counselors and any other appropriate resources available.

20 (f) School counselors shall be full-time professional personnel, shall spend at least 80
21 percent of work time in a direct counseling relationship with pupils, and shall devote no more than
22 20 percent of the ~~work day~~ workday to administrative activities: *Provided*, That such activities are
23 ~~counselor-related~~ directly related to their counseling duties: *Provide further*, That school
24 counselors may not perform the following duties:

25 (1) Build the master schedule;

26 (2) Administer cognitive, aptitude, and achievement testing programs; *Provided*, That
27 school counselors may administer make up tests and any tests that are required for virtual
28 students, should no other person be available to administer the test.

29 (3) Routinely sign excuses for students who are tardy or absent;

30 (4) Perform disciplinary actions or assign discipline consequences;

31 (5) Provide more than 8 sessions of counseling in schools to address psychological
32 disorders; *Provided*, That students who have experienced an emergency situation such as, but not

33 limited to, CPS investigation, death, abuse, or home removal may be addressed regardless of how
34 many sessions have previously been utilized.

35 (6) Cover classes when teachers are absent or to create teacher planning time;

36 (7) The counselor may have access but may not maintain student records;

37 (8) Compute grade-point averages;

38 (9) Supervise classrooms or common areas;

39 (10) May access but not keep clerical records;

40 (11) Coordinate schoolwide plans including:

41 (A) Individual Education Plans;

42 (B) 504 Plans;

43 (C) Student Study Teams;

44 (D) Response to Intervention Plans;

45 (E) Multi-Tiered System of Support; and

46 (F) May access attendance records but may not oversee School Attendance Review

47 Boards.

48 (g) Nothing in this section prohibits a county board from exceeding the provisions of this
49 section, or requires any specific level of funding by the Legislature.

ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.

§18-20-1c. Integrated classrooms serving students with exceptional needs; and requirements as to the assistance, training, and information to be provided to the affected classroom teacher.

1 (a) The ~~regular~~ general education classroom teacher is entitled to the following when
2 placing a student with exceptional needs, into an integrated classroom when the student's
3 individualized education program requires an adjustment in either the curriculum, instruction, or
4 service to be provided by the ~~regular~~ general education classroom teacher:

5 (1) Training provided pursuant to the integrated classroom program and additional
6 individualized training, pursuant to the rules developed by the State Board of Education, if
7 requested by the ~~regular~~ general education classroom teacher to prepare the teacher to meet the
8 exceptional needs of individual students. Whenever possible, the training shall be provided prior to
9 the placement. Where prior training is not possible, the training shall be commenced no later than
10 ten days following the placement of the student into the ~~regular~~ general education classroom.
11 Unavoidable delays in the provision of training may not result in the exclusion of a special needs
12 student from any class if the training cannot be provided in ten days;

13 (2) A signed copy of the individualized education program for the special education student
14 prior to the placement of the student into the ~~regular~~ general education classroom. The receiving
15 and referring teachers shall participate in the development of that student's individualized
16 education program and shall also sign the individualized education program as developed. In all
17 cases the teacher shall receive a copy of the individualized education program for the special
18 education student prior to or at the time of the placement of the student into the ~~regular~~ general
19 education classroom. Any teacher disagreeing with the individualized education program
20 committee's recommendation shall file a written explanation outlining his or her disagreement or
21 recommendation;

22 (3) Participation by referring teachers in all eligibility committees and participation by
23 referring and receiving teachers in all individualized education program committees which involve
24 possible placement of an exceptional student in an integrated classroom;

25 (4) Opportunity to reconvene the committee responsible for the individualized education
26 program of the student with ~~special-needs~~ exceptionalities assigned to the ~~regular~~ general
27 education classroom teacher. The meeting shall include all persons involved in a student's
28 individualized education program and shall be held within 21 days of the time the request is made;
29 and

30 (5) Assistance from persons trained or certified to deal with a student's exceptional needs
31 whenever assistance is part of the student's individualized education program as necessary to
32 promote accomplishment of the program's goals and objectives: *Provided*, That aides in the area
33 of special education cannot be reassigned to more than one school without the employee's
34 consent; and

35 (b) ~~Except~~ In addition to the teachers already required to participate in the development of
36 a student's individualized education program and sign it as provided in subdivision (2) of this
37 section, all other teachers in whose class or program a student with exceptional needs shall:

38 (1) Participate in the meeting to develop the student's individualized education program, or
39 read and sign a copy of the student's individualized education program plan acknowledging that
40 he or she has read and understands it; ~~and~~ .

41 (2) Make accommodations and modifications for the student, if needed or identified, to help
42 the student succeed in the class or program: *Provided*, That the general education teacher shall
43 not be responsible for accommodation logs. All accommodations of the students shall be
44 discussed before placement and it is the responsibility of the special education instructor to
45 monitor progress.

46 (3) Data to support this decision shall be included in the Individualized Education Plan and
47 an agreement among the general education teacher and special education teacher for services
48 shall be accepted.

49 (4) Should the general education teacher provide data after 45 days, showing that the
50 student is not in the least restrictive environment for academic growth, the data shall be used to
51 support the student in whatever way is necessary, including, but not limited to, increasing the
52 amount of minutes for the special education environment. The general education teacher, special
53 education teacher, and principal shall be in attendance in this meeting. The general education
54 teacher, special education teacher, and principal shall agree upon this placement; *Provided*,
55 should the general education teacher, special education teacher, and principal disagree upon

56 placement it shall be the responsibility of the local county boards special education administrator
 57 to attend a second meeting reviewing the IEP and creating a plan that all can agree upon.

58 The parent has final authority, according to federal procedure, to decline services or
 59 suggestions, given in the meeting.

60 (c) This requirement includes, but is not limited to, ~~teachers of music,~~ musical education,
 61 art, driver education, health, foreign language, and other instruction offered.

62 (d) If the teacher provides a series of documentation within a 45-day grading period that
 63 shows that the student is not in their least restrictive environment, to the point that his or her
 64 placement gravely affects that student's academic progress, the teacher may begin due process.

65 The teacher may not be penalized in any way for advocating for his or her student through due
 66 process, and the teacher may work with the family or guardian of the student to recommend local
 67 advocates, share documentation and information, inform the family of his or her due process
 68 rights, and may call for an IEP meeting to review the information gathered from documentation and
 69 address the concerns to best adjust the IEP, as necessary, to best address the student.

§18-20-12. Special education student instructor ratio; waiver; compensation to teacher

when ratio exceeded.

1 (a) Self-contained and resource classrooms, as well as any special education
 2 environment, shall not have a student/instructor ratio over the current limit provided for in the
 3 Individuals with Disabilities Education Act 2004 and State Board Policy 2419. A two-week waiver
 4 may be signed with the understanding that the local county board is responsible to remediate the
 5 situation while compensating the teacher with overage pay provided by the county per county
 6 funds. This waiver shall be good for two weeks to allow the district time to find an additional
 7 classroom assistant teacher pursuant to §18-5-18a(b) of this code. Should the district be unable to
 8 find an additional classroom assistant teacher, the district, upon the agreement of the teacher, may
 9 submit a waiver to the state board of education. This waiver shall have the teachers signature
 10 acknowledging that although they are over the limit, they recognize that this is a dire situation, and

11 that they are entitled per compensation per student per county funds.

12 (b) The county may not submit a waiver to exceed the current limit of students set forth in
13 Individuals with Disabilities Education Act 2004 and Policy 2419 without the written consent of the
14 special education instructor. If the instructor chooses to sign the waiver to exceed the limit, that
15 instructor shall be entitled to the full amount of compensation as provided per county.

16 (c) The county may not allow more than three students over the limit, even with the
17 additional pay for the teacher.

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 1. GENERAL PROVISIONS.

§18A-1-1. Definitions.

1 The definitions contained in §18-1-1 of this code apply to this chapter. In addition, the
2 following words used in this chapter and in any proceedings pursuant to this chapter have the
3 meanings ascribed to them unless the context clearly indicates a different meaning:

4 (a) "School personnel" means all personnel employed by a county board whether
5 employed on a regular full-time basis, an hourly basis or otherwise. "School personnel" is
6 comprised of two categories: Professional personnel and service personnel;

7 (b) "Professional person" or "professional personnel" means those persons or employees
8 who meet the certification requirements of the state, licensing requirements of the state, or both,
9 and includes a professional educator and other professional employee;

10 (c) "Professional educator" has the same meaning as "teacher" as defined in section one,
11 article one, chapter eighteen of this code. Professional educators are classified as follows:

12 (1) "Classroom teacher" means a professional educator who has a direct instructional-~~or~~
13 ~~counseling~~ relationship with students and who spends the majority of his or her time in this
14 capacity;

15 (2) "Principal" means a professional educator who functions as an agent of the county
16 board and has responsibility for the supervision, management and control of a school or schools
17 within the guidelines established by the county board. The principal's major area of responsibility
18 is the general supervision of all the schools and all school activities involving students, teachers
19 and other school personnel;

20 (3) "Supervisor" means a professional educator who is responsible for working primarily in
21 the field with professional and other personnel in instructional and other school improvement. This
22 category includes other appropriate titles or positions with duties that fit within this definition; and

23 (4) "Central office administrator" means a superintendent, associate superintendent,
24 assistant superintendent and other professional educators who are charged with administering
25 and supervising the whole or some assigned part of the total program of the countywide school
26 system. This category includes other appropriate titles or positions with duties that fit within this
27 definition;

28 (d) "Other professional employee" means a person from another profession who is
29 properly licensed and who is employed to serve the public schools. This definition includes:

30 (1) a A registered professional nurse, licensed by the West Virginia Board of Examiners for
31 Registered Professional Nurses, who is employed by a county board and has completed either a
32 two-year (64 semester hours) or a three-year (96 semester hours) nursing program;

33 (2) A certified school counselor who holds a master's degree in school counseling from an
34 accredited university and certification through the state board of education.

35 (e) "Service person" or "service personnel", whether singular or plural, means a
36 nonteaching school employee who is not included in the meaning of "teacher" as defined in §18-1-
37 1 of this code and who serves the school or schools as a whole, in a nonprofessional capacity,
38 including such areas as secretarial, custodial, maintenance, transportation, school lunch and
39 aides. Any reference to "service employee" or "service employees" in this chapter or chapter 18 of
40 this code means service person or service personnel as defined in this section;

41 (f) "Principals Academy" or "academy" means the academy created pursuant to §18A-3a-
42 2b of this code;

43 ~~(g) "Center for Professional Development" means the center created pursuant to §18A-3a-~~
44 ~~1 of this code;~~

45 ~~(h)~~ (g) "Job-sharing arrangement" means a formal, written agreement voluntarily entered
46 into by a county board with two or more of its employees who wish to divide between them the
47 duties and responsibilities of one authorized full-time position;

48 ~~(†)~~ (h) "Prospective employable professional person", whether singular or plural, means a
49 certified professional educator who:

50 (1) Has been recruited on a reserve list of a county board;

51 (2) Has been recruited at a job fair or as a result of contact made at a job fair;

52 (3) Has not obtained regular employee status through the job posting process provided in
53 §18A-4-7a of this code; and

54 (4) Has obtained a baccalaureate degree from an accredited institution of higher education
55 within the past year;

56 ~~(†)~~ (i) "Dangerous student" means a student who is substantially likely to cause serious
57 bodily injury to himself, herself or another individual within that student's educational environment,
58 which may include any alternative education environment, as evidenced by a pattern or series of
59 violent behavior exhibited by the student, and documented in writing by the school, with the
60 documentation provided to the student and parent or guardian at the time of any offense;

61 ~~(k)~~ ~~(j)~~ "Alternative education" means an authorized departure from the regular school
62 program designed to provide educational and social development for students whose disruptive
63 behavior places them at risk of not succeeding in the traditional school structures and in adult life
64 without positive interventions; and

65 ~~(†)~~ (k) "Long-term substitute" means a substitute employee who fills a vacant position:

66 That the county superintendent expects to extend for at least thirty consecutive days, and
67 is either:

68 (A) Listed in the job posting as a long-term substitute position of over thirty days; or

69 (B) Listed in a job posting as a regular, full-time position and:

70 (i) Is not filled by a regular, full-time employee; and

71 (ii) Is filled by a substitute employee.

72 For the purposes of §5-16-2 of this code, long-term substitute does not include a retired
73 employee hired to fill the vacant position.

ARTICLE 2A. TEACHERS BILL OF RIGHTS.

§18A-2A-1. Supplemental duty calendar provisions.

1 (a) In this section, "supplemental duty" means a duty other than a duty assigned under an
2 employee's contract that is generally expected to be performed during an instructional day and
3 which may be governed by an agreement, other than the employee's contract, between the district
4 and the employee.

5 (b) Not later than the 15th day before the first instructional day of each school year, the
6 County Board professional staff of a school district shall adopt and provide to each classroom
7 teacher, full-time counselor, and full-time librarian employed by the district a calendar that
8 specifies the days each employee is expected to work for that school year, including the days on
9 which the employee is expected to perform supplemental duties for more than 30 minutes outside
10 of the contracted day, and except for days on which the employee may be required to spend time
11 on an unanticipated duty outside of the contracted day to comply with a state or federal law.

§18A-2A-2. Sanctions prohibited in certain instances.

1 No sanction may be imposed against a teacher who relinquishes a position under a
2 probationary contract and leaves the employment of the district after the 45th day before the first
3 day of instruction for the upcoming school year in violation of this code and without the consent of
4 the County Board professional staff under this code if the teacher's failure to comply with the code

5 was due to:

6 (1) A serious illness or health condition of the teacher or a close family member of the
7 teacher;

8 (2) The teacher 's relocation was done because the teacher's spouse or a partner who
9 resides with the teacher changes employers; or

10 (3) A significant change in the needs of the teacher's family in a manner that requires the
11 teacher to:

12 (A) Relocate; or

13 (B) Forego employment during a period of required employment under the teacher's
14 contract; or

15 (C) The teacher's reasonable belief that the teacher had written permission from the school
16 district 's administration to resign.

§18A-2A-3. Resources, including liability insurance, for classroom teachers.

1 (a) From funds available for the purpose, the local education agency shall contract with a
2 third party to provide the following services for a classroom teacher employed under a
3 probationary, continuing, or term contract:

4 (1) Assistance in understanding the teacher's rights, duties, and benefits; and

5 (2) Liability insurance to protect a teacher against liability to a third party based on conduct
6 that the teacher allegedly engaged in during the course of the teacher's duties.

7 (b) A school district may not interfere with a classroom teacher's access to services
8 provided under this section.

9 (c) A contract entered into by the local education agency to provide services under
10 subsection (a) must prohibit the entity with which the agency contracts from using funds received
11 under the contract to engage in:

12 (1) Conduct that a state agency using appropriated money is prohibited from engaging in;

13 and

14 (2) Political activities or advocate for issues regarding public schools, including for County
15 Board professional staff of school districts or school districts.

16 (d) This section may not be interpreted to interfere with a classroom teacher’s or other
17 school district employee’s exercise of a right protected by the First Amendment to the United
18 States Constitution.

§18A-2A-4. Teacher quality assistance.

1 (a) From funds appropriated or otherwise available for the purpose, the local education
2 agency shall develop training for and provide technical assistance to school districts and open-
3 enrollment charter schools regarding:

4 (1) Strategic compensation, staffing, and scheduling efforts that improve professional
5 growth, teacher leadership opportunities, and staff retention;

6 (2) Programs that encourage high school students or other members of the community in
7 the area served by the district to become teachers, including available teacher apprenticeship
8 programs; and

9 (3) Programs or strategies that school leaders may use to establish clear and attainable
10 behavior expectations while proactively supporting students.

11 (b) From funds appropriated or otherwise available, the local education agency may
12 provide grants to school districts and open-enrollment charter schools to implement initiatives
13 developed under this section.

ARTICLE 5. AUTHORITY; RIGHTS; RESPONSIBILITY.

**§18A-5-1. Authority of teachers and other school personnel; exclusion of students having
infectious diseases; suspension or expulsion of disorderly students; corporal
punishment abolished.**

1 (a) The teacher shall stand in the place of the parent(s), guardian(s), or custodian(s) in
2 exercising authority over the school and has control of all students enrolled in the school from the
3 time they reach the school until they have returned to their respective homes, except where

4 transportation of students is provided, the driver in charge of the school bus or other mode of
5 transportation shall exercise such authority and control over the students while they are in transit
6 to and from the school.

7 (b) Subject to the rules of the state Board of Education, the teacher shall exclude from the
8 school any student known to have, or who is suspected of having, any infectious disease, or any
9 student who has been exposed to any infectious disease and shall immediately notify the proper
10 health officer or medical inspector of the exclusion. Any student so excluded may not be
11 readmitted to the school until he or she has complied with all the requirements of the rules
12 governing those cases or has presented a certificate of health signed by the medical inspector or
13 other proper health officer.

14 (c) The teacher or bus driver, may exclude from his or her classroom or school bus any
15 student who is guilty of disorderly conduct; who in any manner interferes with an orderly
16 educational process; who behaves in a manner that obstructs the teaching or learning process of
17 others in the classroom; who threatens, abuses or otherwise intimidates or attempts to intimidate a
18 school employee or a student; who willfully disobeys a school employee; or who uses abusive or
19 profane language directed at a school employee. Any student excluded shall be placed under the
20 control of the principal of the school or a designee. The excluded student may be admitted to the
21 classroom or school bus only when the principal, or a designee, provides written certification to the
22 teacher that the student may be readmitted and specifies the specific type of disciplinary action, if
23 any, that was taken. If the principal finds that disciplinary action is warranted, he or she shall
24 provide written and, if possible, telephonic notice of the action to the parent(s), guardian(s), or
25 custodian(s). When a student is excluded from a classroom or a school bus two times in one
26 semester, and after exhausting all reasonable methods of classroom discipline provided in the
27 school discipline plan, the student may be readmitted to the classroom or the school bus only after
28 the principal, teacher and, if possible, the parent(s), guardian(s), or custodian(s) of the student
29 have held a conference to discuss the student's disruptive behavior patterns, and the teacher and

30 the principal agree on a course of discipline for the student and inform the parent(s), guardian(s),
31 or custodian(s) of the course of action. Thereafter, if the student's disruptive behavior persists,
32 upon the teacher's request, the principal may, to the extent feasible, transfer the student to another
33 setting. The Legislature finds that isolating students or placing them in alternative learning centers
34 may be the best setting for chronically disruptive students. The county board shall create more
35 alternative learning centers or expand its capacity for alternative placements, subject to funding, to
36 correct these students' behaviors so they can return to a regular classroom without engaging in
37 further disruptive behavior.

38 (d) When a grade six through 12 teacher, excluding an elementary school teacher,
39 determines that the behavior of the student is disorderly conduct, is interfering with an orderly
40 educational process, or obstructs the teaching or learning process of others in the classroom:

41 (1) The student may be excluded from that teacher's classroom and if excluded may not re-
42 enter that teacher's classroom for at least the remainder of the instructional day;

43 (2) If the student is excluded pursuant to subdivision (1) of this subsection;

44 (A) The principal shall communicate with the teacher within 24 hours of the student being
45 excluded from the teacher's classroom about the exclusion;

46 (B) The teacher has 24 hours to create an electronic record and place the report of this
47 action into the West Virginia Education Information System (WVEIS), without any repercussion to
48 the teacher; and

49 (C) If the student is removed from a classroom a total of three times in one month for one or
50 more of the behaviors set forth in this subsection, the student shall receive as determined by the
51 principal an in-school suspension, an out-of-school suspension, or may be considered for
52 placement in an alternative learning center if one is available within the school district.

53 (e) A teacher may remove a student in grades pre-k through 5 only under the following
54 circumstances:

55 (1) Through documentation by the teacher that the student's behavior is repeatedly

56 interfering with the teacher's instruction and classmates' ability to learn. If the teacher determines
57 that the student has consistently shown unruly, disruptive, or abusive behavior and affects his or
58 her classmates' abilities to learn or if the student shows violent and aggressive behaviors, causing
59 or intending to cause physical harm, to the teacher or the students in the classroom setting.

60 (2) The student may not be returned to that teacher's classroom without the teacher's
61 consent unless the discipline committee, established by each individual school, determines that
62 such placement is the best or only alternative available. If the student was removed from the
63 teacher's class due to any physically harming behaviors or the intent to physically harm, the
64 student may not be returned to the teacher's class without the teacher's consent and the teacher
65 may not be coerced to consent.

66 (3) Not later than the third day of class after the day on which a student is removed from
67 class by the teacher under this section, or by the school principal or other appropriate
68 administrator under this section, the school discipline team shall schedule a conference including
69 the teacher who requested removal of the student, parent or the guardian of the student, and
70 principal. The student may not be returned to the regular classroom pending the conference.
71 Following the conference, and whether or not each requested person is in attendance after valid
72 attempts to require the persons attendance, the school discipline team shall take consideration of
73 the factors under this section and shall order the placement of the student for a period consistent
74 with the schoolwide discipline policy.

75 (4) Before ordering the suspension, expulsions, removal to a disciplinary alternative
76 education program, or placement in another classroom, the school discipline team shall consider
77 whether the student acted in self-defense, the intent or lack of intent at the time the student
78 engaged in the conduct, the students disciplinary history, and whether the student has a disability
79 that substantially impairs the students capacity to appreciate the wrongfulness of the students
80 conduct regardless of whether the decision of the behavior coordinator concerns a mandatory or
81 discretionary action.

82 ~~(e)~~ (f) The Legislature finds that suspension from school is not appropriate solely for a
83 student's failure to attend class. Therefore, a student may not be suspended from school solely for
84 not attending class. Other methods of discipline may be used for the student which may include,
85 but are not limited to, detention, extra class time, or alternative class settings.

86 ~~(f)~~ (g) Corporal punishment of any student by a school employee is prohibited.

87 ~~(g)~~ (h) Each county board is solely responsible for the administration of proper discipline in
88 the public schools of the county and shall adopt policies consistent with the provisions of this
89 section to govern disciplinary actions. These policies shall encourage the use of alternatives to
90 discipline practices, provide for the training of school personnel in alternatives to discipline
91 practices, and provide for encouraging the involvement of parent(s), guardian(s) or custodian(s) in
92 the maintenance of school discipline. To promote a teaching and learning environment free from
93 substantial classroom disturbances, each county board shall ensure that each school implements
94 a tier system policy, with teacher input, to provide a framework for student behaviors and
95 punishments. The policy shall be clear and concise with specific guidelines and examples. The
96 principal shall support the teacher in the discipline of the students if proper cause and
97 documentation is provided following the schoolwide discipline policy. The teacher may not be
98 reprimanded if their actions are legal and within the structure of the county board's policy for
99 student behavior and punishment. The county board policies shall also include an appeal
100 procedure whereby a teacher may appeal to the county superintendent if a school principal
101 refuses to allow the exclusion of a student from the classroom or if a teacher believes the school
102 principal has prematurely ended the exclusion of a student from the classroom. The county boards
103 shall provide for the immediate incorporation and implementation in schools of a preventive
104 discipline program which may include the responsible student program and a student involvement
105 program, which may include the peer mediation program, devised by the West Virginia Board of
106 Education. Each county board may modify those programs to meet the particular needs of the
107 county. The county boards shall provide in-service training for teachers and principals relating to

108 assertive discipline procedures and conflict resolution. The county boards also may establish
 109 cooperatives with private entities to provide middle educational programs, which may include
 110 programs focusing on developing individual coping skills, conflict resolution, anger control, self-
 111 esteem issues, stress management and decision making for students, and any other program
 112 related to preventive discipline. Each teacher, professional personnel, and transportation
 113 department shall receive a copy of this statute in addition to the local policy relating to the statute.

114 ~~(h)~~(i) For the purpose of this section:

115 (1) "Student" includes any child, youth or adult who is enrolled in any instructional program
 116 or activity conducted under board authorization and within the facilities of, or in connection with,
 117 any program under public school direction: *Provided*, That, in the case of adults, the student-
 118 teacher relationship shall terminate when the student leaves the school or other place of
 119 instruction or activity;

120 (2) "Teacher" means all professional educators as defined in §18A-1-1 of this code and
 121 includes the driver of a school bus or other mode of transportation; and

122 (3) "Principal" means the principal, assistant principal, vice principal or the administrative
 123 head of the school, or a professional personnel designee of the principal or the administrative
 124 head of the school.

125 (i) Teachers shall exercise other authority and perform other duties prescribed for them by
 126 law or by the rules of the state board not inconsistent with the provisions of this chapter and
 127 chapter 18 of this code.

NOTE: The purpose of this bill is to establish the creation of a Teachers Bill of Rights. The bill defines the duties of counselors. The bill defines data to be provided. The bill defines the special education student to instructor ratio, a waiver process, and compensation given to a teacher when the ratio is exceeded. The bill provides for supplemental duty calendar provisions. The bill prohibits sanctions in certain instances. The bill provides resources, including liability insurance, for classroom teachers. The bill provides for teacher quality assistance. Finally, the bill clarifies the process for the removal of students.

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

