



August 2010

VIEWS & VISIONS

A publication of [Bowles Rice McDavid Graff & Love LLP](#) · [Education Law Group](#)

alert

HIGHLIGHTS OF LEGISLATION ENACTED AT THE 2010 SECOND EXTRAORDINARY SESSION AFFECTING PUBLIC EDUCATION IN WEST VIRGINIA

By the Education Law Group at Bowles Rice McDavid Graff & Love LLP

Senate Bill 2006 School Committees and Teams

In Effect July 21, 2010

[Read the Entire Bill](#)

Senate Bill 2006 requires the State Board of Education to determine the goals, effectiveness, and viability of each school team and committee created by statute or State Board policy; to assess the time and paperwork demands that each places upon school personnel; and to consider alternatives that will meet the same goals, involve stakeholders, and reduce the time and paperwork burden. A report, to include draft legislation, is to be made by November 1, 2010, to the Legislative Oversight Commission on Education Accountability and the Joint Standing Committee on Education. W. Va. Code § 18-2-38.

The bill also adds a new article added to the West Virginia Code empowering each school, with State Board of Education approval, to create collaborative teams to replace or augment the strategic planning committee, the technology team, and the school support team. (However, this process may not be used to reorganize the local school improvement council, the school curriculum team, the student assistance team, or the faculty senate.) Applications to create such a collaborative team may be submitted to the State Board only after approval by at least 80% of a school's faculty senate members who are present and vote by secret ballot at a faculty senate meeting, at least 80% of the school's local school improvement council members who are present and vote at an LSIC meeting, the county superintendent, and the county board. The State Board may then approve a waiver of rules under which the school is required to have the team or teams to be replaced. W. Va. Code §§ 18-5C-1, 18-5C-2.

By October 1, 2010, the State Board of Education must adopt a rule to implement the new article, including a process by which a school may appeal to the State Board for approval of its application if approval has been denied by the county superintendent and/or county board. W. Va. Code § 18-5C-3.



VIEWS & VISIONS

A publication of Bowles Rice McDavid Graff & Love LLP · Education Law Group

alert

Senate Bill 2009 Pilot Programs to Increase Academic Achievement

In Effect July 21, 2010

[Read the Entire Bill](#)

A new section of the West Virginia Code requires the State Superintendent of Schools to establish in one public school a five-year “special community development school pilot program.” The school must have significant enrollments of disadvantaged, minority, and underachieving students. Once designated for the pilot program, the school must collaborate with higher education organizations and the State Board to develop and implement strategies that could be replicated in other public schools with similar student enrollments. W. Va. Code § 18 3-12.

The State Superintendent will annually, at or before the start of the Legislature’s regular session, make a status report to the Legislative Oversight Commission on Education Accountability and the State Board of Education. The report may contain recommendations to improve the operation of the pilot project or to replicate programs from the pilot project. W. Va. Code § 18 3-12.

Senate Bill 2010 Pilot Programs for Alternative Schools in Elementary and Middle Schools

In Effect July 21, 2010

[Read the Entire Bill](#)

The State Board of Education is required to amend its policy on alternative education programs to add (1) uniform definitions of disruptive student behavior, and (2) uniform standards for placing students in alternative settings or providing other interventions, including referrals to juvenile court. The goal is to make it possible for such students to return to a regular classroom without engaging in further disruptive behavior. W. Va. Code § 18-2-6(b).

Five pilot projects are to be established by the State Board at the elementary or middle school levels, or both, that employ alternative schools or other placements for disruptive students to learn appropriate behaviors to enable them to return to the regular classroom without disrupting the learning environment. The State Board must report to the Legislative Oversight Commission on Education Accountability by December 1, 2010, on its progress in establishing the pilot projects. Thereafter, the State Board must report annually during the life of the pilot projects on their effectiveness in maintaining student discipline. W. Va. Code § 18-2-6(c).

The Bowles Rice Education Law Group



Richard Boothby
501 Avery Street
Parkersburg, WV 26102
(304) 420-5535
rboothby@bowlesrice.com



Greg Bailey
7000 Hampton Center
Morgantown, WV 26505
(304) 285-2521
gbailey@bowlesrice.com



Howard Seufer
600 Quarrier Street
Charleston, WV 25301
(304) 347-1776
hseufer@bowlesrice.com



Rebecca Tinder
600 Quarrier Street
Charleston, WV 25301
(304) 347 -2132
rtinder@bowlesrice.com





VIEWS & VISIONS

A publication of Bowles Rice McDavid Graff & Love LLP · Education Law Group

alert

Other Bowles Rice attorneys who advise and represent school districts

[Gene Bailey](#) – Building Construction Issues.

[Bob Bays](#) – Eminent Domain.

[Rick Brown](#) – Americans with Disabilities Act (ADA and Related Employee Issues).

[Joe Caltrider](#) – Personal Injury Defense.

[Pat Clark](#) – Contracts, Historic Preservation.

[Kim Croyle](#) – School Personnel (including Grievances), Student Discipline, Special Education, and Other Areas of School Law.

[Mark D'Antoni](#) – Acquisition and Disposition of Real Estate.

[Mark Dellinger](#) – EEOC/Human Rights Investigations and Proceedings.

[Carl Fletcher](#) – Building Construction Disputes.

[Kit Francis](#) – Securing and Enforcing the Rights of School Boards as Creditors.

[Jill Hall](#) – Employee Benefits, Including IRS 403 (b) Compliance.

[Ashley Hardesty](#) – School Personnel (including Drug Testing).

[Bob Kent](#) – Protecting the Rights of School Boards in Civil Litigation.

[Ellen Maxwell Hoffman](#) – Ethics Commission Proceedings.

[Edd McDevitt](#) – Bond Issues, Excess Levies, Lease Purchase and Other Financings.

[Marion Ray](#) – Workers Compensation Issues.

[Lesley Russo](#) – Employee Benefits, Including IRS 403 (b) Compliance.

[Cam Siegrist](#) – Bond Issues, Excess Levies, Lease Purchase and Other Financings.

[Beth Walker](#) – Wage & Hour (FLSA) and Wage Payment and Collection Act Compliance.

These materials consist of summaries and are presented with the understanding that the information provided is not legal advice. The summaries are necessarily general in nature, omitting many details that appear in the original materials. Due to the rapidly changing nature of the law, information contained in these materials may become outdated. Anyone using information contained in these materials should always research original sources of authority and update this information to ensure accuracy when dealing with a specific matter. No person should act or rely upon the information contained in these materials without seeking the advice of an attorney.