

**H. B. 2756**

(By Mr. Speaker, (Mr. Thompson) and Delegate Armstead)

[By Request of the Executive]

[Introduced January 24, 2011; referred to the  
Committee on Education then Finance.]

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10 A BILL to amend and reenact §18-2E-5 of the Code of West Virginia,  
11 1931, as amended; and to amend and reenact §18-9-3a, all  
12 relating to the improvement of schools and school districts;  
13 requiring electronic county and school strategic improvement  
14 plans to identify and plan for early warnings and  
15 interventions regarding at-risk students; requiring electronic  
16 county and school strategic improvement plans to identify  
17 level of performance on certain high quality education  
18 standards; requiring state board adoption of rule on certain  
19 high quality education standards and including certain legally  
20 required elements; requiring certain reports on rule and  
21 submission on certain dates; requiring state board study  
22 consistent with rule of certain staffing issues and specifying  
23 submission; revising graduation standards used to determine  
24 adequate yearly progress under the No Child Left Behind Act;  
25 requiring state annual performance measures to account for  
26 growth over the previous year; revising extraordinary

1 circumstances that may warrant a school being given a low-  
2 performing accreditation status; narrowing deadlines for  
3 improvement of low performance in schools; revising school  
4 system approval criteria for schools given temporary and  
5 conditional status; authorizing the district-wide transfer of  
6 principals in school systems on nonapproved status in certain  
7 circumstances; requiring certain revision and state board  
8 approval of county strategic improvement plan of counties  
9 given temporary, conditional or nonapproval status;  
10 establishing the Education Opportunity Zone 180 program;  
11 requiring training for certain county board members and  
12 providing penalty for not attending; requiring training for  
13 superintendents and certain other personnel in certain  
14 circumstances; requiring counties given temporary, conditional  
15 or nonapproval status to examine various strategies  
16 collaboratively agreed upon to bring county to full approval;  
17 requiring county board of education annual reports including  
18 accreditation status and county board member training  
19 information on published financial reports; and making  
20 technical corrections and removing obsolete provisions  
21 throughout.

22 *Be it enacted by the Legislature of West Virginia:*

23 That §18-2E-5 of the Code of West Virginia, 1931, as amended,  
24 be amended and reenacted; and that §18-9-3a of said code be amended  
25 and reenacted, all to read as follows:

26 **ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.**

1 **§18-2E-5. Process for improving education; education standards;**  
2 **statewide assessment program; accountability**  
3 **measures; Office of Education Performance Audits;**  
4 **school accreditation and school system approval;**  
5 **intervention to correct low performance.**

6 (a) *Legislative findings, purpose and intent.* -- The  
7 Legislature makes the following findings with respect to the  
8 process for improving education and its purpose and intent in the  
9 enactment of this section:

10 (1) The process for improving education includes four primary  
11 elements, these being:

12 (A) Standards which set forth the knowledge and skills that  
13 students should know and be able to do as the result of a thorough  
14 and efficient education that prepares them for the twenty-first  
15 century, including measurable criteria to evaluate student  
16 performance and progress;

17 (B) Assessments of student performance and progress toward  
18 meeting the standards;

19 (C) A system of accountability for continuous improvement  
20 defined by high quality standards for schools and school systems  
21 articulated by a rule promulgated by the state board and outlined  
22 in subsection (c) of this section that will build capacity in  
23 schools and districts to meet rigorous outcomes that assure student  
24 performance and progress toward obtaining the knowledge and skills  
25 intrinsic to a high quality education rather than monitoring for  
26 compliance with specific laws and regulations; and

1 (D) A method for building the capacity and improving the  
2 efficiency of schools and school systems to improve student  
3 performance and progress.

4 (2) As the Constitutional body charged with the general  
5 supervision of schools as provided by general law, the state board  
6 has the authority and the responsibility to establish the  
7 standards, assess the performance and progress of students against  
8 the standards, hold schools and school systems accountable and  
9 assist schools and school systems to build capacity and improve  
10 efficiency so that the standards are met, including, when  
11 necessary, seeking additional resources in consultation with the  
12 Legislature and the Governor.

13 (3) As the Constitutional body charged with providing for a  
14 thorough and efficient system of schools, the Legislature has the  
15 authority and the responsibility to establish and be engaged  
16 constructively in the determination of the knowledge and skills  
17 that students should know and be able to do as the result of a  
18 thorough and efficient education. This determination is made by  
19 using the process for improving education to determine when school  
20 improvement is needed, by evaluating the results and the efficiency  
21 of the system of schools, by ensuring accountability and by  
22 providing for the necessary capacity and its efficient use.

23 (4) In consideration of these findings, the purpose of this  
24 section is to establish a process for improving education that  
25 includes the four primary elements as set forth in subdivision (1)  
26 of this subsection to provide assurances that the high quality

1 standards are, at a minimum, being met and that a thorough and  
2 efficient system of schools is being provided for all West Virginia  
3 public school students on an equal education opportunity basis.

4 (5) The intent of the Legislature in enacting this section and  
5 section five-c of this article is to establish a process through  
6 which the Legislature, the Governor and the state board can work in  
7 the spirit of cooperation and collaboration intended in the process  
8 for improving education to consult and examine the performance and  
9 progress of students, schools and school systems and, when  
10 necessary, to consider alternative measures to ensure that all  
11 students continue to receive the thorough and efficient education  
12 to which they are entitled. However, nothing in this section  
13 requires any specific level of funding by the Legislature.

14 (b) *Electronic county and school strategic improvement plans.*  
15 -- The state board shall promulgate a rule consistent with the  
16 provisions of this section and in accordance with article three-b,  
17 chapter twenty-nine-a of this code establishing an electronic  
18 county strategic improvement plan for each county board and an  
19 electronic school strategic improvement plan for each public school  
20 in this state. Each respective plan shall be a five-year plan that  
21 includes the mission and goals of the school or school system to  
22 improve student, school or school system performance and progress,  
23 ~~as applicable~~ and an analysis of early predictors and indicators to  
24 identify at-risk students before the students are off-track for  
25 graduation. Data for the analysis shall be provided by the West  
26 Virginia Education Information System as part of the Early Warning

1 Indicator and Intervention System. The plan shall include  
2 interventions needed to increase the number of students earning a  
3 high school diploma. The strategic plan shall be revised annually  
4 in each area in which the school or system is below the standard on  
5 the annual performance measures. The revised annual plan also  
6 shall identify ~~any deficiency which is reported on the check lists~~  
7 ~~identified in paragraph (G), subdivision (5), subsection (1) of~~  
8 ~~this section including any deficit more than a casual deficit by~~  
9 ~~the county board~~ the level of performance on meeting the high  
10 quality education standards established pursuant subsection (c) of  
11 this section, as applicable for the school or system level. The  
12 plan shall be revised when required pursuant to this section to  
13 include each annual performance measure upon which the school or  
14 school system fails to meet the standard for performance and  
15 progress, the action to be taken to meet each measure, a separate  
16 time line and a date certain for meeting each measure, a cost  
17 estimate and, when applicable, the assistance to be provided by the  
18 department and other education agencies to improve student, school  
19 or school system performance and progress to meet the annual  
20 performance measure.

21 The department shall make available to all public schools  
22 through its website or the West Virginia Education Information  
23 System an electronic school strategic improvement plan boilerplate  
24 designed for use by all schools to develop an electronic school  
25 strategic improvement plan which incorporates all required aspects  
26 and satisfies all improvement plan requirements of the No Child

1 Left Behind Act.

2 (c) *High quality education standards and efficiency standards.*

3 -- In accordance with the provisions of article three-b, chapter  
4 twenty-nine-a of this code, the state board shall adopt ~~and~~  
5 ~~periodically review and update high quality education standards for~~  
6 ~~student, school and school system performance and processes in the~~  
7 ~~following areas~~ a rule that establishes high quality education  
8 standards to ensure that certain practices, processes and  
9 structures create student, school and school system performance and  
10 success. The state board shall periodically review and update the  
11 rule. The rule shall include standards that address:

12 (1) Culture and Climate: Core beliefs and values, safe and  
13 orderly environment and high expectations;

14 (2) Effective Leadership and Administrative Practices:  
15 Training of county board members and administrators;

16 (3) Curriculum, Instruction and Assessment: Workplace  
17 readiness skills, special education, student performance and  
18 progress;

19 (4) Effective Management Systems: Finance, transportation and  
20 facilities;

21 (5) Student Support Systems: Code of conduct for students;

22 (6) Continuous Improvement: School and school system  
23 performance and progress and indicators of efficiency;

24 (7) Educator Development: Personnel qualifications,  
25 professional development and evaluation, and code of conduct for  
26 employees; and

1       (8) Any other areas determined by the state board.

2       The standards, as applicable, shall incorporate all legally  
3 required elements of previously adopted standards in the areas of:

4 ~~(1) Curriculum; (2) Workplace readiness skills; (3) Finance; (4)~~  
5 ~~Transportation; (5) Special education; (6) Facilities; (7)~~  
6 ~~Administrative practices; (8) Training of county board members and~~  
7 ~~administrators; (9) Personnel qualifications; (10) Professional~~  
8 ~~development and evaluation; (11) Student performance and progress;~~  
9 ~~(12) School and school system performance and progress; (13) A code~~  
10 ~~of conduct for students and employees; and (14) Indicators of~~  
11 ~~efficiency; and (15) Any other areas determined by the state board.~~

12       The standards, as applicable, shall incorporate the state's  
13 21st Century Skills Initiative and shall assure that graduates are  
14 prepared for continuing post-secondary education, training and work  
15 and that schools and school systems are making progress toward  
16 achieving the education goals of the state.

17       The state board shall report to the Legislative Oversight  
18 Commission on Education Accountability as requested on its progress  
19 on developing the rule related to the high quality education  
20 standards as set forth in this subsection. The state board shall  
21 submit its proposed rule to the commission not later than December  
22 1, 2011, along with any additional recommendations it may have on  
23 related changes necessary to accomplish the process and purposes of  
24 the rule. The state board shall submit the final rule adopted by  
25 the state board not later than February 1, 2012. The rule shall  
26 include an effective date of July 1, 2012.



1 Consistent with its rule related to the high quality education  
2 standards, the state board shall conduct a study of the staffing  
3 levels, patterns and allocations, the efficient scheduling of staff  
4 and staff time and time allocations, and other staffing factors  
5 which affect the ability of teachers to deliver 21st Century  
6 curriculum and instructional strategies in the classroom, to work  
7 collaboratively toward organizational improvement and increased  
8 student achievement, to undertake teacher leadership and  
9 advancement assignments, to effectively mentor new teachers, and to  
10 plan and implement the change necessary to constantly increase  
11 student learning and promote student success. The state board  
12 shall submit the study to the Legislative Oversight Commission on  
13 Education Accountability not later than December 1, 2011, along  
14 with any recommendations it may have related to the study, but may  
15 not incorporate any of the findings and recommendations for  
16 staffing improvements that may result from the study in its rule to  
17 adopt high quality education standards.

18 (d) *Comprehensive statewide student assessment program.* -- The  
19 state board shall promulgate a rule in accordance with the  
20 provisions of article three-b, chapter twenty-nine-a of this code  
21 establishing a comprehensive statewide student assessment program  
22 to assess student performance and progress in grades three through  
23 twelve. The state board may require that student proficiencies be  
24 measured through the ACT EXPLORE and the ACT PLAN assessments or  
25 other comparable assessments, which are approved by the state board  
26 and provided by future vendors. The state board may require that

1 student proficiencies be measured through the West Virginia writing  
2 assessment at any of the grade levels four, seven and ~~ten~~  
3 ~~determined by the state board to be appropriate: *Provided,*~~  
4 ~~*That* *Provided,* That, effective July 1, 2008, the state board may~~  
5 ~~require that student proficiencies be measured through the West~~  
6 ~~Virginia writing assessment at any of the grade levels four, seven~~  
7 ~~and eleven determined by the state board to be appropriate. The~~  
8 state board may provide through the statewide assessment program  
9 other optional testing or assessment instruments applicable to  
10 grade levels kindergarten through grade twelve which may be used by  
11 each school to promote student achievement upon approval by the  
12 school curriculum team or the process for teacher collaboration to  
13 improve instruction and learning established by the faculty senate  
14 as provided in section six, article five-a of this chapter. The  
15 state board shall annually publish and make available,  
16 electronically or otherwise, to school curriculum teams and teacher  
17 collaborative processes the optional testing and assessment  
18 instruments. The failure of a school to use any optional testing  
19 and assessment may not be cited as a deficiency in any  
20 accreditation review of the school; nor may the exercise of its  
21 discretion, as provided in section six, article five-a of this  
22 chapter, in using the assessments and implementing the  
23 instructional strategies and programs that it determines best to  
24 promote student achievement at the school be cited as a deficiency  
25 in any accreditation review of the school or in the personnel  
26 evaluation of the principal. The use of assessment results are

1 subject to the following:

2 (1) The assessment results for grade levels three through  
3 eight and eleven are the only assessment results which may be used  
4 for determining whether any school or school system has made  
5 adequate yearly progress (AYP);

6 (2) Only the assessment results in the subject areas of  
7 reading/language arts and mathematics may be used for determining  
8 whether a school or school system has made adequate yearly progress  
9 (AYP);

10 (3) The results of the West Virginia writing assessment, the  
11 ACT EXPLORE assessments and the ACT PLAN assessments may not be  
12 used for determining whether a school or school system has made  
13 adequate yearly progress (AYP);

14 (4) The results of testing or assessment instruments provided  
15 by the state board for optional use by schools and school systems  
16 to promote student achievement may not be used for determining  
17 whether a school or school system has made adequate yearly progress  
18 (AYP); and

19 (5) All assessment provisions of the comprehensive statewide  
20 student assessment program in effect for the school year 2006-2007  
21 shall remain in effect until replaced by the state board rule.

22 (e) *Annual performance measures for Public Law 107-110, the*  
23 *Elementary and Secondary Education Act of 1965, as amended (No*  
24 *Child Left Behind Act of 2001)*. -- The standards shall include  
25 annual measures of student, school and school system performance  
26 and progress for the grade levels and the content areas defined by

1 the act. The following annual measures of student, school and  
2 school system performance and progress shall be the only measures  
3 for determining whether adequately yearly progress under the No  
4 Child Left Behind Act has been achieved:

5 (1) The acquisition of student proficiencies as indicated by  
6 student performance and progress on the required accountability  
7 assessments at the grade levels and content areas as required by  
8 the act subject to the limitations set forth in subsection (d) of  
9 this section.

10 (2) The student participation rate in the uniform statewide  
11 assessment must be at least ninety-five percent or the average of  
12 the participation rate for the current and the preceding two years  
13 is ninety-five percent for the school, county and state;

14 (3) Only for schools that do not include grade twelve, the  
15 school attendance rate which shall be no less than ninety percent  
16 in attendance for the school, county and state. The following  
17 absences are excluded:

18 (A) Student absences excused in accordance with the state  
19 board rule promulgated pursuant to section four, article eight of  
20 this chapter;

21 (B) Students not in attendance due to disciplinary measures;  
22 and

23 (C) Absent students for whom the attendance director has  
24 pursued judicial remedies compelling attendance to the extent of  
25 his or her authority; and

26 (4) The high school graduation rate which shall be no less

1 than ~~eighty~~ ninety percent for the school, county and state; or if  
2 the high school graduation rate is less than ~~eighty~~ ninety percent,  
3 the high school graduation rate shall ~~be higher than the high~~  
4 ~~school graduation rate of the preceding year as determined from~~  
5 ~~information on the West Virginia Education Information System on~~  
6 ~~August 15~~ improve annually by at least one tenth of the difference  
7 between the actual graduation rate and ninety percent until it  
8 reaches ninety percent.

9 (f) *State annual performance measures for school and school*  
10 *system accreditation.* -- The state board shall establish a system  
11 to assess and weigh annual performance measures for state  
12 accreditation of schools and school systems ~~in a manner that~~  
13 includes a growth model for expected growth over the previous year  
14 as a way to achieve full accreditation and a system that gives  
15 credit or points such as an index to prevent any one measure alone  
16 from causing a school to achieve less than full accreditation  
17 status or a school system from achieving less than full approval  
18 status: *Provided,* That a school or school system that achieves  
19 adequate yearly progress (AYP) is eligible for no less than full  
20 accreditation or approval status, as applicable, and the system  
21 established pursuant to this subsection applies only to schools and  
22 school systems that do not achieve adequate yearly progress (AYP).

23 The following types of measures, as may be appropriate at the  
24 various programmatic levels, may be approved by the state board for  
25 the school and school system accreditation:

26 (1) The acquisition of student proficiencies as indicated by

1 student performance and progress on the uniform statewide  
2 assessment program at the grade levels as provided in subsection  
3 (d) of this section. The state board may approve providing bonus  
4 points or credits for students scoring at or above mastery and  
5 distinguished levels;

6 (2) Writing assessment results in grades tested;

7 (3) School attendance rates;

8 (4) Percentage of courses taught by highly qualified teachers;

9 (5) Percentage of students scoring at benchmarks on the  
10 currently tested ACT EXPLORE and ACT PLAN assessments or other  
11 comparable assessments, which are approved by the state board and  
12 provided by future vendors;

13 (6) Graduation rates;

14 (7) Job placement rates for vocational programs;

15 (8) Percent of students passing end-of-course career/technical  
16 tests;

17 (9) Percent of students not requiring college remediation  
18 classes; and

19 (10) Bonus points or credits for subgroup improvement,  
20 advanced placement percentages, dual credit completers and  
21 international baccalaureate completers.

22 (g) *Indicators of exemplary performance and progress.* -- The  
23 standards shall include indicators of exemplary student, school and  
24 school system performance and progress. The indicators of  
25 exemplary student, school and school system performance and  
26 progress shall be used only as indicators for determining whether

1 accredited and approved schools and school systems should be  
2 granted exemplary status. These indicators shall include, but are  
3 not limited to, the following:

4 (1) The percentage of graduates who declare their intent to  
5 enroll in college and other post-secondary education and training  
6 following high school graduation;

7 (2) The percentage of graduates who receive additional  
8 certification of their skills, competence and readiness for  
9 college, other post-secondary education or employment above the  
10 level required for graduation; and

11 (3) The percentage of students who successfully complete  
12 advanced placement, dual credit and honors classes.

13 (h) *Indicators of efficiency.* -- In accordance with the  
14 provisions of article three-b, chapter twenty-nine-a of this code,  
15 the state board shall adopt by rule and periodically review and  
16 update indicators of efficiency for use by the appropriate  
17 divisions within the department to ensure efficient management and  
18 use of resources in the public schools in the following areas:

19 (1) Curriculum delivery including, but not limited to, the use  
20 of distance learning;

21 (2) Transportation;

22 (3) Facilities;

23 (4) Administrative practices;

24 (5) Personnel;

25 (6) Use of regional educational service agency programs and  
26 services, including programs and services that may be established

1 by their assigned regional educational service agency or other  
2 regional services that may be initiated between and among  
3 participating county boards; and

4 (7) Any other indicators as determined by the state board.

5 (I) *Assessment and accountability of school and school system*  
6 *performance and processes.* -- In accordance with the provisions of  
7 article three-b, chapter twenty-nine-a of this code, the state  
8 board shall establish by rule a system of education performance  
9 audits which measures the quality of education and the preparation  
10 of students based on the annual measures of student, school and  
11 school system performance and progress. The system of education  
12 performance audits shall provide information to the state board,  
13 the Legislature and the Governor, individually and collectively as  
14 the Process for Improving Education Council, upon which they may  
15 determine whether a thorough and efficient system of schools is  
16 being provided. The system of education performance audits shall  
17 include:

18 (1) The assessment of student, school and school system  
19 performance and progress based on the annual measures set forth in  
20 ~~subsection (d)~~ subsections (e) or (f), as applicable, of this  
21 section;

22 (2) The evaluation of records, reports and other information  
23 collected by the department upon which the quality of education and  
24 compliance with statutes, policies and standards may be determined;

25 (3) The review of school and school system electronic  
26 strategic improvement plans; and



1           (4) The on-site review of the processes in place in schools  
2 and school systems to enable school and school system performance  
3 and progress and compliance with the standards.

4           (j) *Uses of school and school system assessment information.*

5 -- The state board and the Process for Improving Education Council  
6 established pursuant to section five-c of this article shall use  
7 information from the system of education performance audits to  
8 assist them in ensuring that a thorough and efficient system of  
9 schools is being provided and to improve student, school and school  
10 system performance and progress. Information from the system of  
11 education performance audits further shall be used by the state  
12 board for these purposes, including, but not limited to, the  
13 following:

14           (1) Determining school accreditation and school system  
15 approval status;

16           (2) Holding schools and school systems accountable for the  
17 efficient use of existing resources to meet or exceed the  
18 standards; and

19           (3) Targeting additional resources when necessary to improve  
20 performance and progress.

21           The state board shall make accreditation information available  
22 to the Legislature, the Governor, the general public and to any  
23 individual who requests the information, subject to the provisions  
24 of any act or rule restricting the release of information.

25           (k) *Early detection and intervention programs.* -- Based on the  
26 assessment of student, school and school system performance and

1 progress, the state board shall establish early detection and  
2 intervention programs using the available resources of the  
3 Department of Education, the regional educational service agencies,  
4 the Center for Professional Development and the Principals Academy,  
5 as appropriate, to assist underachieving schools and school systems  
6 to improve performance before conditions become so grave as to  
7 warrant more substantive state intervention. Assistance shall  
8 include, but is not limited to, providing additional technical  
9 assistance and programmatic, professional staff development,  
10 ~~providing~~ monetary, staffing and other resources where appropriate,  
11 and, if necessary, making appropriate recommendations to the  
12 Process for Improving Education Council.

13 (1) *Office of Education Performance Audits.* --

14 (1) To assist the state board and the Process for Improving  
15 Education Council in the operation of a system of education  
16 performance audits, the state board shall establish an Office of  
17 Education Performance Audits consistent with the provisions of this  
18 section. The Office of Education Performance Audits shall be  
19 operated under the direction of the state board independently of  
20 the functions and supervision of the State Department of Education  
21 and State Superintendent. The Office of Education Performance  
22 Audits shall report directly to and be responsible to the state  
23 board and the Process for Improving Education Council created in  
24 section five-c of this article in carrying out its duties under the  
25 provisions of this section.

26 (2) The office shall be headed by a director who shall be

1 appointed by the state board and who shall serve at the will and  
2 pleasure of the state board. The annual salary of the director  
3 shall be set by the state board and may not exceed eighty percent  
4 of the salary cap of the State Superintendent of Schools.

5 (3) The state board shall organize and sufficiently staff the  
6 office to fulfill the duties assigned to it by law and by the state  
7 board. Employees of the State Department of Education who are  
8 transferred to the Office of Education Performance Audits shall  
9 retain their benefits and seniority status with the Department of  
10 Education.

11 (4) Under the direction of the state board, the Office of  
12 Education Performance Audits shall receive from the West Virginia  
13 Education Information System staff research and analysis data on  
14 the performance and progress of students, schools and school  
15 systems, and shall receive assistance, as determined by the state  
16 board, from staff at the State Department of Education, the  
17 regional education service agencies, the Center for Professional  
18 Development, the Principals Academy and the School Building  
19 Authority to carry out the duties assigned to the office.

20 (5) In addition to other duties which may be assigned to it by  
21 the state board or by statute, the Office of Education Performance  
22 Audits also shall:

23 (A) Assure that all statewide assessments of student  
24 performance used as annual performance measures are secure as  
25 required in section one-a of this article;

26 (B) Administer all accountability measures as assigned by the

1 state board, including, but not limited to, the following:

2 (I) Processes for the accreditation of schools and the  
3 approval of school systems; and

4 (ii) Recommendations to the state board on appropriate action,  
5 including, but not limited to, accreditation and approval action;

6 (C) Determine, in conjunction with the assessment and  
7 accountability processes, what capacity may be needed by schools  
8 and school systems to meet the standards established by the state  
9 board and recommend to the state board and the Process for  
10 Improving Education Council plans to establish those needed  
11 capacities;

12 (D) Determine, in conjunction with the assessment and  
13 accountability processes, whether statewide system deficiencies  
14 exist in the capacity of schools and school systems to meet the  
15 standards established by the state board, including the  
16 identification of trends and the need for continuing improvements  
17 in education, and report those deficiencies and trends to the state  
18 board and the Process for Improving Education Council;

19 (E) Determine, in conjunction with the assessment and  
20 accountability processes, staff development needs of schools and  
21 school systems to meet the standards established by the state board  
22 and make recommendations to the state board, the Process for  
23 Improving Education Council, the Center for Professional  
24 Development, the regional educational service agencies, the Higher  
25 Education Policy Commission and the county boards;

26 (F) Identify, in conjunction with the assessment and

1 accountability processes, exemplary schools and school systems and  
2 best practices that improve student, school and school system  
3 performance and make recommendations to the state board and the  
4 Process for Improving Education Council for recognizing and  
5 rewarding exemplary schools and school systems and promoting the  
6 use of best practices. The state board shall provide information  
7 on best practices to county school systems and shall use  
8 information identified through the assessment and accountability  
9 processes to select schools of excellence; and

10 (G) Develop reporting formats, such as check lists, which  
11 shall be used by the appropriate administrative personnel in  
12 schools and school systems to document compliance with various  
13 requirements of the applicable laws, policies and process standards  
14 as considered appropriate and approved by the state board,  
15 including, but not limited to, the following:

16 (I) The use of a policy for the evaluation of all school  
17 personnel that meets the requirements of sections twelve and  
18 twelve-a, article two, chapter eighteen-a of this code;

19 (ii) The participation of students in appropriate physical  
20 assessments as determined by the state board, which assessment may  
21 not be used as a part of the assessment and accountability system;

22 (iii) The appropriate licensure of school personnel; and

23 (iv) The ~~school provides~~ provision of multicultural  
24 activities.

25 Information contained in the reporting formats is subject to  
26 examination during an on-site review to determine compliance with

1 laws, policies and standards. Intentional and grossly negligent  
2 reporting of false information are grounds for dismissal.

3 (m) *On-site reviews.* --

4 (1) The system of education performance audits shall include  
5 on-site reviews of schools and school systems which shall be  
6 conducted only at the specific direction of the state board upon  
7 its determination that the performance and progress of the school  
8 or school system are persistently below standard or that other  
9 circumstances exist that warrant an on-site review. Any discussion  
10 by the state board of schools to be subject to an on-site review or  
11 dates for which on-site reviews will be conducted may be held in  
12 executive session and is not subject to the provisions of article  
13 nine-a, chapter six of this code relating to open governmental  
14 proceedings. An on-site review shall be conducted by the Office of  
15 Education Performance Audits of a school or school system for the  
16 purpose of investigating the reasons for performance and progress  
17 that are persistently below standard and making recommendations to  
18 the school and school system, as appropriate, and to the state  
19 board on such measures as it considers necessary to improve  
20 performance and progress to meet the standard. The investigation  
21 may include, but is not limited to, the following:

22 (A) Verifying data reported by the school or county board;

23 (B) Examining compliance with the laws and policies affecting  
24 student, school and school system performance and progress;

25 (C) Evaluating the effectiveness and implementation status of  
26 school and school system electronic strategic improvement plans;

1 (D) Investigating official complaints submitted to the state  
2 board that allege serious impairments in the quality of education  
3 in schools or school systems;

4 (E) Investigating official complaints submitted to the state  
5 board ~~that allege that~~ alleging a school or county board is in  
6 violation of policies or laws under which schools and county boards  
7 operate; and

8 (F) Determining and reporting whether required reviews and  
9 inspections have been conducted by the appropriate agencies,  
10 including, but not limited to, the State Fire Marshal, ~~the~~ a Health  
11 Department, the School Building Authority and the responsible  
12 divisions within the Department of Education, and whether noted  
13 deficiencies have been or are in the process of being corrected.  
14 The Office of Education Performance Audits may not conduct a  
15 duplicate review or inspection of any compliance reviews or  
16 inspections conducted by the department or its agents or other duly  
17 authorized agencies of the state, nor may it mandate more stringent  
18 compliance measures.

19 (2) The Director of the Office of Education Performance Audits  
20 shall notify the county superintendent of schools five school days  
21 prior to commencing an on-site review of the county school system  
22 and shall notify both the county superintendent and the principal  
23 five school days before commencing an on-site review of an  
24 individual school: *Provided*, That the state board may direct the  
25 Office of Education Performance Audits to conduct an unannounced  
26 on-site review of a school or school system if the state board

1 believes circumstances warrant an unannounced on-site review.

2       (3) The Office of Education Performance Audits shall conduct  
3 on-site reviews which are limited in scope to specific areas in  
4 which performance and progress are persistently below standard as  
5 determined by the state board unless specifically directed by the  
6 state board to conduct a review which covers additional areas.

7       (4) An on-site review of a school or school system shall  
8 include a person or persons from the Department of Education or a  
9 public education agency in the state who has expert knowledge and  
10 experience in the area or areas to be reviewed and who has been  
11 trained and designated by the state board to perform such  
12 functions. If the size of the school or school system and issues  
13 being reviewed necessitate the use of an on-site review team or  
14 teams, the person or persons designated by the state board shall  
15 advise and assist the director to appoint the team or teams. The  
16 person or persons designated by the state board shall be the team  
17 leaders.

18       The persons designated by the state board shall be responsible  
19 for completing the report on the findings and recommendations of  
20 the on-site review in their area of expertise. It is the intent of  
21 the Legislature that the persons designated by the state board  
22 participate in all on-site reviews that involve their area of  
23 expertise, to the extent practicable, so that the on-site review  
24 process will evaluate compliance with the standards in a uniform,  
25 consistent and expert manner.

26       (5) The Office of Education Performance Audits shall reimburse



1 a county board for the costs of substitutes required to replace  
2 county board employees while they are serving on a review team.

3       (6) At the conclusion of an on-site review of a school system,  
4 the director and team leaders shall hold an exit conference with  
5 the superintendent and shall provide an opportunity for principals  
6 to be present for at least the portion of the conference pertaining  
7 to their respective schools. In the case of an on-site review of  
8 a school, the exit conference shall be held with the principal and  
9 curriculum team of the school and the superintendent shall be  
10 provided the opportunity to be present. The purpose of the exit  
11 conference is to review the initial findings of the on-site review,  
12 clarify and correct any inaccuracies and allow the opportunity for  
13 dialogue between the reviewers and the school or school system to  
14 promote a better understanding of the findings.

15       (7) The Office of Education Performance Audits shall report  
16 the findings of an on-site review to the county superintendent and  
17 the principals whose schools were reviewed within thirty days  
18 following the conclusion of the on-site review. The Office of  
19 Education Performance Audits shall report the findings of the on-  
20 site review to the state board within forty-five days after the  
21 conclusion of the on-site review. A copy of the report shall be  
22 provided to the Process for Improving Education Council at its  
23 request. A school or county that believes one or more findings of  
24 a review are clearly inaccurate, incomplete or misleading,  
25 misrepresent or fail to reflect the true quality of education in  
26 the school or county or address issues unrelated to the health,

1 safety and welfare of students and the quality of education, may  
2 appeal to the state board for removal of the findings. The state  
3 board shall establish a process for it to receive, review and act  
4 upon the appeals. The state board shall report to the Legislative  
5 Oversight Commission on Education Accountability during its July  
6 interim meetings, or as soon thereafter as practical, on each  
7 appeal during the preceding school year.

8       (8) The Legislature finds that the accountability and  
9 oversight of the following activities and programmatic areas in the  
10 public schools is controlled through other mechanisms and that  
11 additional accountability and oversight are not only unnecessary  
12 but counterproductive in distracting necessary resources from  
13 teaching and learning. Therefore, notwithstanding any other  
14 provision of this section to the contrary, the following activities  
15 and programmatic areas are not subject to review by the Office of  
16 Education Performance Audits:

- 17       (A) Work-based learning;
- 18       (B) Use of advisory councils;
- 19       (C) Program accreditation and student credentials;
- 20       (D) Student transition plans;
- 21       (E) Graduate assessment form;
- 22       (F) Casual deficit;
- 23       (G) Accounting practices;
- 24       (H) Transportation services;
- 25       (I) Special education services;
- 26       (J) Safe, healthy and accessible facilities;

1 (K) Health services;  
2 (L) Attendance director;  
3 (M) Business/community partnerships;  
4 (N) Pupil-teacher ratio/split grade classes;  
5 (O) Local school improvement council, faculty senate, student  
6 assistance team and curriculum team;  
7 (P) Planning and lunch periods;  
8 (Q) Skill improvement program;  
9 (R) Certificate of proficiency;  
10 (S) Training of county board members;  
11 (T) Excellence in job performance;  
12 (U) Staff development; and  
13 (V) Preventive discipline, character education and student and  
14 parental involvement.

15 (n) *School accreditation.* -- The state board annually shall  
16 review the information from the system of education performance  
17 audits submitted for each school and shall issue to every school  
18 one of the following approval levels: Exemplary accreditation  
19 status, distinction accreditation status, full accreditation  
20 status, temporary accreditation status, conditional accreditation  
21 status or low performing accreditation status.

22 (1) Full accreditation status shall be given to a school when  
23 the school's performance and progress meet or exceed the standards  
24 adopted by the state board pursuant to ~~subsection~~ subsections (e)  
25 or (f), as applicable, of this section and it does not have any  
26 deficiencies which would endanger student health or safety or other

1 extraordinary circumstances as defined by the state board. A  
2 school that meets or exceeds the performance and progress standards  
3 but has the other deficiencies shall remain on full accreditation  
4 status for the remainder of the accreditation period and shall have  
5 an opportunity to correct those deficiencies, notwithstanding other  
6 provisions of this subsection.

7 (2) Temporary accreditation status shall be given to a school  
8 when the school's performance and progress are below the level  
9 required for full accreditation status. Whenever a school is given  
10 temporary accreditation status, the county board shall ensure that  
11 the school's electronic strategic improvement plan is revised in  
12 accordance with subsection (b) of this section to increase the  
13 performance and progress of the school to a full accreditation  
14 status level. The revised plan shall be submitted to the state  
15 board for approval.

16 (3) Conditional accreditation status shall be given to a  
17 school when the school's performance and progress are below the  
18 level required for full accreditation, but the school's electronic  
19 strategic improvement plan meets the following criteria:

20 (A) The plan has been revised to improve performance and  
21 progress on the standard or standards by a date or dates certain;

22 (B) The plan has been approved by the state board; and

23 (C) The school is meeting the objectives and time line  
24 specified in the revised plan.

25 (4) Exemplary accreditation status shall be given to a school  
26 when the school's performance and progress substantially exceed the

1 standards adopted by the state board pursuant to subsections (f)  
2 and (g) of this section. The state board shall promulgate  
3 legislative rules in accordance with the provisions of article  
4 three-b, chapter twenty-nine-a of this code ~~designated to establish~~  
5 establishing standards of performance and progress to identify  
6 exemplary schools.

7 (5) Distinction accreditation status shall be given to a  
8 school when the school's performance and progress exceed the  
9 standards adopted by the state board. The state board shall  
10 promulgate legislative rules in accordance with the provisions of  
11 article three-b, chapter twenty-nine-a of this code establishing  
12 standards of performance and progress to identify schools of  
13 distinction.

14 (6) Low-performing accreditation status shall be given to a  
15 school whenever extraordinary circumstances exist as defined by the  
16 state board.

17 (A) These circumstances shall include, but are not limited to,  
18 any one or more of the following:

19 (I) The failure of a school on temporary accreditation status  
20 to obtain approval of its revised electronic school strategic  
21 improvement plan within a reasonable time period as defined by the  
22 state board;

23 (ii) The failure of a school on conditional accreditation  
24 status to meet the objectives and time line of its revised  
25 electronic school strategic improvement plan;

26 (iii) The failure of a school to meet a standard by the date

1 specified in the revised plan; and

2 (iv) The results of the most recent statewide assessment in  
3 reading and math or other multiple measures as determined by the  
4 state board that identify the school as low performing at its  
5 programmatic level. ~~in three of the last five years~~

6 (B) Whenever the state board determines that the quality of  
7 education in a school is low performing, the state board shall  
8 appoint a team of improvement consultants from the West Virginia  
9 Department of Education State System of Support to make  
10 recommendations for correction of the low performance. These  
11 recommendations shall be communicated to the county board and the  
12 school and a process shall be established in conjunction with the  
13 state System of Support to correct the identified deficiencies. If  
14 progress in correcting the low performance as determined by the  
15 state board is not made within ~~one year~~ six months following the  
16 implementation of the measures adopted to correct the identified  
17 deficiencies, ~~or by a date certain established by the state board~~  
18 ~~after at least one year of implementation~~ the state board shall  
19 place the county board on temporary approval status and provide  
20 consultation and assistance to the county board to assist it in the  
21 following areas:

22 (I) Improving personnel management;

23 (ii) Establishing more efficient financial management  
24 practices;

25 (iii) Improving instructional programs and rules; or

26 (iv) Making any other improvements that are necessary to

1 correct the low performance.

2 (C) If the measures identified to correct the low performance  
3 ~~is not corrected by a date certain as set by the state board~~ are  
4 not implemented within at least six months of receiving the state  
5 board's low performance determination or a later date certain  
6 established by the state board:

7 (I) The state board shall appoint a monitor who shall be paid  
8 at county expense to cause improvements to be made at the school to  
9 bring it to full accreditation status within a reasonable time  
10 period as determined by the state board. The monitor's work  
11 location shall be at the school and the monitor shall work  
12 collaboratively with the principal. The monitor shall, at a  
13 minimum, report monthly to the state board on the measures being  
14 taken to improve the school's performance and the progress being  
15 made. The reports may include requests for additional assistance  
16 and recommendations required in the judgment of the monitor to  
17 improve the school's performance, including, but not limited to,  
18 the need for targeting resources strategically to eliminate  
19 deficiencies;

20 (ii) The state board may make a determination, in its sole  
21 judgment, that the improvements necessary to provide a thorough and  
22 efficient education to the students at the school cannot be made  
23 without additional targeted resources, in which case it shall  
24 establish a plan in consultation with the county board that  
25 includes targeted resources from sources under the control of the  
26 state board and the county board to accomplish the needed

1 improvements. Nothing in this subsection shall be construed to  
2 allow a change in personnel at the school to improve school  
3 performance and progress, except as provided by law;

4 (iii) If the measures identified to correct the low  
5 performance is not corrected within one year are not implemented  
6 within at least six months after the appointment of a monitor or a  
7 later date certain established by the state board, the state board  
8 may make a determination, in its sole judgment, that continuing a  
9 monitor arrangement is not sufficient to correct the low  
10 performance and may intervene in the operation of the school to  
11 cause improvements to be made that will provide assurances that a  
12 thorough and efficient system of schools will be provided. This  
13 intervention may include, but is not limited to, establishing  
14 instructional programs, taking such direct action as may be  
15 necessary to correct the low performance, declaring the position of  
16 principal is vacant and assigning a principal for the school who  
17 shall serve at the will and pleasure of and, under the sole  
18 supervision of, the state board: *Provided*, That prior to declaring  
19 that the position of the principal is vacant, the state board must  
20 make a determination that all other resources needed to correct the  
21 low performance are present at the school. If the principal who  
22 was removed elects not to remain an employee of the county board,  
23 then the principal assigned by the state board shall be paid by the  
24 county board. If the principal who was removed elects to remain an  
25 employee of the county board, then the following procedure applies:

26 (I) The principal assigned by the state board shall be paid by



1 the state board until the next school term, at which time the  
2 principal assigned by the state board shall be paid by the county  
3 board;

4 (II) The principal who was removed is eligible for all  
5 positions in the county, including teaching positions, for which  
6 the principal is certified, by either being placed on the transfer  
7 list in accordance with section seven, article two, chapter  
8 eighteen-a of this code, or by being placed on the preferred recall  
9 list in accordance with section seven-a, article four, chapter  
10 eighteen-a of this code; ~~and~~

11 (III) The principal who was removed shall be paid by the  
12 county board and may be assigned to administrative duties, without  
13 the county board being required to post that position until the end  
14 of the school term; and

15 ~~(6)~~ (IV) The county board shall take no action nor refuse any  
16 action if the effect would be to impair further the school in which  
17 the state board has intervened.

18 ~~(7)~~ (6) The state board may appoint a monitor pursuant to the  
19 provisions of this subsection to assist the school principal after  
20 intervention in the operation of a school is completed.

21 (o) *Transfers from low-performing schools.* -- Whenever a  
22 school is determined to be low performing and fails to improve its  
23 status within one year, following state intervention in the  
24 operation of the school to correct the low performance, any student  
25 attending the school may transfer once to the nearest fully  
26 accredited school in the county, subject to approval of the fully

1 accredited school and at the expense of the school from which the  
2 student transferred.

3 (p) *School system approval.* -- The state board annually shall  
4 review the information submitted for each school system from the  
5 system of education performance audits and issue one of the  
6 following approval levels to each county board: Full approval,  
7 temporary approval, conditional approval or nonapproval.

8 (1) Full approval shall be given to a county board whose  
9 schools have all been given full, temporary or conditional  
10 accreditation status and which does not have any deficiencies which  
11 would endanger student health or safety or other extraordinary  
12 circumstances as defined by the state board. A fully approved  
13 school system in which other deficiencies are discovered shall  
14 remain on full accreditation status for the remainder of the  
15 approval period and shall have an opportunity to correct those  
16 deficiencies, notwithstanding other provisions of this subsection.

17 (2) Temporary approval shall be given to a county board whose  
18 education system is below the level required for full approval.  
19 ~~Whenever a county board is given temporary approval status, the~~  
20 ~~county board shall revise its electronic county strategic~~  
21 ~~improvement plan in accordance with subsection (b) of this section~~  
22 ~~to increase the performance and progress of the school system to a~~  
23 ~~full approval status level. The revised plan shall be submitted to~~  
24 ~~the state board for approval. Temporary approval status shall stay~~  
25 ~~in effect until the county board revises the electronic county~~  
26 ~~strategic improvement plan and the plan is approved by the state~~

1 board.

2 (3) Conditional approval shall be given to a county board  
3 whose education system is below the level required for full  
4 approval, but whose electronic county strategic improvement plan  
5 ~~meets the following criteria:~~

6 ~~(i) The plan has been revised in accordance with subsection~~  
7 ~~(b) of this section;~~

8 ~~(ii) The plan has been approved by the state board; and~~

9 ~~(iii) The county board is meeting the objectives and time line~~  
10 ~~specified in the revised plan has been approved by the state board.~~

11 Conditional approval shall stay in effect until full approval is  
12 attained.

13 (4) Nonapproval status shall be given to a county board which  
14 fails to submit and gain approval for its electronic county  
15 strategic improvement plan or revised electronic county strategic  
16 improvement plan within a reasonable time period as defined by the  
17 state board or which fails to meet the objectives and time line of  
18 its revised electronic county strategic improvement plan or fails  
19 to achieve full approval by the date specified in the revised plan.

20 (A) The state board shall establish and adopt additional  
21 standards to identify school systems in which the program may be  
22 nonapproved and the state board may issue nonapproval status  
23 whenever extraordinary circumstances exist as defined by the state  
24 board.

25 (B) Whenever a county board has more than a casual deficit, as  
26 defined in section one, article one of this chapter, the county

1 board shall submit a plan to the state board specifying the county  
2 board's strategy for eliminating the casual deficit. The state  
3 board either shall approve or reject the plan. If the plan is  
4 rejected, the state board shall communicate to the county board the  
5 reason or reasons for the rejection of the plan. The county board  
6 may resubmit the plan any number of times. However, any county  
7 board that fails to submit a plan and gain approval for the plan  
8 from the state board before the end of the fiscal year after a  
9 deficit greater than a casual deficit occurred or any county board  
10 which, in the opinion of the state board, fails to comply with an  
11 approved plan may be designated as having nonapproval status.

12 (C) Whenever nonapproval status is given to a school system,  
13 the state board shall declare a state of emergency in the school  
14 system and shall appoint a team of improvement consultants to make  
15 recommendations within sixty days of appointment for correcting the  
16 emergency. When the state board approves the recommendations, they  
17 shall be communicated to the county board. If progress in  
18 correcting the emergency, as determined by the state board, is not  
19 made within six months from the time the county board receives the  
20 recommendations, the state board shall intervene in the operation  
21 of the school system to cause improvements to be made that will  
22 provide assurances that a thorough and efficient system of schools  
23 will be provided. This intervention may include, but is not  
24 limited to, the following:

25 (I) Limiting the authority of the county superintendent and  
26 county board as to the expenditure of funds, the employment and

1 dismissal of personnel, the establishment and operation of the  
2 school calendar, the establishment of instructional programs and  
3 rules and any other areas designated by the state board by rule,  
4 which may include delegating decision-making authority regarding  
5 these matters to the state superintendent;

6 (ii) Declaring that the office of the county superintendent is  
7 vacant;

8 (iii) Delegating to the State Superintendent both the  
9 authority to conduct hearings on personnel matters and school  
10 closure or consolidation matters and, subsequently, to render the  
11 resulting decisions and the authority to appoint a designee for the  
12 limited purpose of conducting hearings while reserving to the State  
13 Superintendent the authority to render the resulting decisions;

14 (iv) Functioning in lieu of the county board of education in  
15 a transfer, sale, purchase or other transaction regarding real  
16 property; and

17 (v) Taking any direct action necessary to correct the  
18 emergency including, but not limited to, the following:

19 (I) Delegating to the State Superintendent the authority to  
20 replace administrators and principals in low performing schools and  
21 to transfer them into alternate professional positions within the  
22 county at his or her discretion and to transfer principals  
23 district-wide if necessary to effect district improvement:  
24 Provided, That a principal at a school that is not low performing  
25 must agree to be transferred; and

26 (II) Delegating to the State Superintendent the authority to

1 fill positions of administrators and principals with individuals  
2 determined by the State Superintendent to be the most qualified for  
3 the positions. Any authority related to intervention in the  
4 operation of a county board granted under this paragraph is not  
5 subject to the provisions of article four, chapter eighteen-a of  
6 this code;

7 (q) Notwithstanding any other provision of this section, the  
8 state board may intervene immediately in the operation of the  
9 county school system with all the powers, duties and  
10 responsibilities contained in subsection (p) of this section, if  
11 the state board finds the following:

12 (1) That the conditions precedent to intervention exist as  
13 provided in this section; and that delaying intervention for any  
14 period of time would not be in the best interests of the students  
15 of the county school system; or

16 (2) That the conditions precedent to intervention exist as  
17 provided in this section and that the state board had previously  
18 intervened in the operation of the same school system and had  
19 concluded that intervention within the preceding five years.

20 (r) *Capacity.* --

21 (1) The process for improving education includes a process for  
22 targeting resources strategically to improve the teaching and  
23 learning process. Development of electronic school and school  
24 system strategic improvement plans, pursuant to subsection (b) of  
25 this section, is intended, in part, to provide mechanisms to target  
26 resources strategically to the teaching and learning process to

1 improve student, school and school system performance. When  
2 deficiencies are detected through the assessment and accountability  
3 processes, the revision and approval of school and school system  
4 electronic strategic improvement plans shall ensure that schools  
5 and school systems are efficiently using existing resources to  
6 correct the deficiencies. When the state board determines that  
7 schools and school systems do not have the capacity to correct  
8 deficiencies, the state board shall work with the county board to  
9 develop or secure the resources necessary to increase the capacity  
10 of schools and school systems to meet the standards and, when  
11 necessary, seek additional resources in consultation with the  
12 Legislature and the Governor.

13 (2) (A) A county board given temporary, conditional or  
14 nonapproval status shall revise its electronic county strategic  
15 improvement plan in accordance with subsection (b) of this section  
16 to increase the performance and progress of the schools and school  
17 system to a full approval status level. The county board shall  
18 meet the objectives and time line specified in the revised plan.  
19 The revised plan shall be submitted to the state board for  
20 approval.

21 (B) A county board given temporary, conditional or nonapproval  
22 status shall be designated as a member of the Educational  
23 Opportunity Zone 180 as defined by the state board. A member of  
24 the Educational Opportunity Zone 180 shall meet the following  
25 requirements:

26 (I) Members of the county board shall attend five days of

1 training or other duration of time or days of training as  
2 established by the state board. In making a determination as to  
3 the design, content, delivery, execution and duration of this  
4 training, the state board shall receive recommendations from the  
5 West Virginia County Board Member Training Standards Review  
6 Committee and the West Virginia School Board Association as  
7 applicable. The attendance of county board members at this  
8 training is in addition to the requirement for all county board  
9 members to attend approved orientation and training as provided in  
10 section one-a, article five of this chapter, and the failure of a  
11 board member to attend the training required in this subparagraph  
12 (I) without good cause as defined by the state board by duly  
13 promulgated legislative rules constitutes neglect of duty under  
14 section seven, article six, chapter six of this code;

15 (ii) The county superintendent and the county leadership team  
16 shall attend training designed by the state board for no less than  
17 five days;

18 (iii) The county leadership team shall meet monthly with the  
19 West Virginia Department of Education State System of Support to  
20 review progress on the revised electronic county strategic  
21 improvement plan;

22 (iv) The county board shall examine various strategies to  
23 bring the county to full approval including, but not limited to,  
24 instituting year-round education; engaging external support  
25 partners to intervene in low-performing schools; applying for  
26 waiver of statute, rule or policy to address flexibility and



1 capacity to meet identified deficiencies; reorganizing central  
2 office roles and responsibilities; examining the current staffing  
3 patterns of the county to assess the critical human resource needs  
4 of low-performing schools; instituting an efficiency audit in  
5 conjunction with the Division of Student Services of the West  
6 Virginia Department of Education; creating or revising standard  
7 operating procedures of the district; and other strategies  
8 collaboratively agreed upon with the state System of Support.

9       (3) The state board shall recommend to the appropriate body  
10 including, but not limited to, the Process for Improving Education  
11 Council, the Legislature, county boards, schools and communities  
12 methods for targeting resources strategically to eliminate  
13 deficiencies identified in the assessment and accountability  
14 processes. When making determinations on recommendations, the  
15 state board shall include, but is not limited to, the following  
16 methods:

17       ~~(1)~~ (A) Examining reports and electronic strategic improvement  
18 plans regarding the performance and progress of students, schools  
19 and school systems relative to the standards and identifying the  
20 areas in which improvement is needed;

21       ~~(2)~~ (B) Determining the areas of weakness and of  
22 ineffectiveness that appear to have contributed to the substandard  
23 performance and progress of students or the deficiencies of the  
24 school or school system and requiring the school or school system  
25 to work collaboratively with the West Virginia Department of  
26 Education State System of Support to correct the deficiencies;

- 1       ~~(3)~~ (C) Determining the areas of strength that appear to have  
2 contributed to exceptional student, school and school system  
3 performance and progress and promoting their emulation throughout  
4 the system;
- 5       ~~(4)~~ (D) Requesting technical assistance from the School  
6 Building Authority in assessing or designing comprehensive  
7 educational facilities plans;
- 8       ~~(5)~~ (E) Recommending priority funding from the School Building  
9 Authority based on identified needs;
- 10       ~~(6)~~ (F) Requesting special staff development programs from the  
11 Center for Professional Development, the Principals Academy, higher  
12 education, regional educational service agencies and county boards  
13 based on identified needs;
- 14       ~~(7)~~ (G) Submitting requests to the Legislature for  
15 appropriations to meet the identified needs for improving  
16 education;
- 17       ~~(8)~~ (H) Directing county boards to target their funds  
18 strategically toward alleviating deficiencies;
- 19       ~~(9)~~ (I) Ensuring that the need for facilities in counties with  
20 increased enrollment are appropriately reflected and recommended  
21 for funding;
- 22       ~~(10)~~ (J) Ensuring that the appropriate person or entity is  
23 held accountable for eliminating deficiencies; and
- 24       ~~(11)~~ (K) Ensuring that the needed capacity is available from  
25 the state and local level to assist the school or school system in  
26 achieving the standards and alleviating the deficiencies.

1 **ARTICLE 9. SCHOOL FINANCES.**

2 **§18-9-3a. Preparation, publication and disposition of financial**  
3 **statements by county boards of education.**

4 The county board of every county, within ninety days after the  
5 beginning of each fiscal year, shall prepare on a form to be  
6 prescribed by the State Tax Commissioner and the State  
7 Superintendent, ~~of free schools,~~ and cause to be published a  
8 statement revealing: (a) The receipts and expenditures of the  
9 board during the previous fiscal year arranged under descriptive  
10 headings; (b) the name of each firm, corporation, and person who  
11 received more than two hundred fifty dollars in the aggregate from  
12 all funds during the previous fiscal year, together with the  
13 aggregate amount received from all funds and the purpose for which  
14 paid: *Provided*, That ~~such~~ the statement shall not include the name  
15 of any person who has entered into a contract with this board  
16 pursuant to the provisions of sections two, three, four and five,  
17 article two, chapter eighteen-a of this code; and (c) all debts of  
18 the board, the purpose for which each debt was contracted, its due  
19 date, and to what date the interest thereon has been paid.

20 The statement shall further include the accreditation status  
21 of the county, the name of each member of the county board, the  
22 number of days and hours of county board member training that each  
23 member was required to attend during that fiscal year and the  
24 number of days and hours of training attended by each member.

25 ~~Such~~ The statement shall be published as a Class I-0 legal  
26 advertisement in compliance with the provisions of article three,

1 chapter fifty-nine of this code, and the publication area for ~~such~~  
2 the publication shall be the county. The county board shall pay  
3 the cost of publishing ~~such~~ the statement from the maintenance fund  
4 of the board.

5 As soon as ~~is~~ practicable following the close of the fiscal  
6 year, a copy of the published statement herein required shall be  
7 filed by the county board with the State Tax Commissioner and with  
8 the State Superintendent. ~~of free schools~~

9 The county board shall transmit to any resident of the county  
10 requesting the same a copy of the published statement for the  
11 fiscal year designated, supplemented by a list of the names of all  
12 school personnel employed by the board during ~~such~~ the fiscal year  
13 showing the amount paid to each, and a list of the names of each  
14 firm, corporation, and person who received less than five hundred  
15 dollars from any fund during ~~such~~ the fiscal year showing the  
16 amount paid to each and the purpose for which paid.

NOTE: The purpose of this bill is to facilitate the improvement of schools and school districts through a number of strategies. The bill will require improvement plans to plan for early warnings and intervention, updates high quality education standards, requires the state annual performance measures to account for growth over the previous year, narrows deadlines for improvement of low performance in schools, authorizes the district-wide transfer of principals in school systems in low-performing counties, and increases the graduation rate.

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