

H. B. 3051

(By Delegate J. Miller)
[Introduced February 8, 2011; referred to the
Committee on Education then Finance.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-33-1, §18-33-2, §18-33-3, §18-33-4 and §18-33-5, all relating to creating an opportunity for parents to petition a school district in order to convert a school into one of three possible models of school level reform.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §18-33-1, §18-33-2, §18-33-3, §18-33-4 and §18-33-5, all to read as follows:

ARTICLE 33. THE PARENT EMPOWERMENT AND CHOICE ACT.

§18-33-1. Definitions.

For purposes of this article, the following definitions apply:

(a) "Charter management organization" means a nonprofit organization that operates or manages charter schools by

1 centralizing or sharing certain functions and resources among
2 schools.

3 (b) "Education management organization" is a for-profit or
4 nonprofit organization that provides whole school operation
5 services to a county board of education.

6 (c) "Parent" means the natural or adoptive parent or guardian
7 of a dependent child.

8 (d) "School district of enrollment" means a school district
9 other than the school district in which the parent of a pupil
10 resides, but in which the parent of the pupil nevertheless intends
11 to enroll the pupil pursuant to this article.

12 (e) "School district of residence" means a school district in
13 which the parent of a pupil resides and in which the pupil would
14 otherwise be required to enroll pursuant to state code.

15 **§18-33-2. Parent Empowerment.**

16 For all public schools where more than one half of the parents
17 or legal guardians of pupils attending the school, or a combination
18 of more than one half of the parents or legal guardians of pupils
19 attending the school and the elementary or middle schools that
20 normally matriculate into a middle or high school, as applicable,
21 sign a petition requesting the county board of education to
22 implement one or more of the three interventions identified
23 pursuant to section four of this article, the county board of
24 education shall implement the option requested by the parents.

1 **§18-33-3. Intervention Implementation.**

2 The county board of education shall send notification to the
3 State Superintendent of Schools and the State Board of Education
4 upon receipt of a petition. The county board of education is given
5 one hundred eighty days to employ the chosen model of reform.

6 **§18-33-4. School Intervention Models.**

7 Parents may petition the county board of education to
8 implement one or more of the following intervention models:

9 (a) Restart model - A restart model is one in which a county
10 board of education converts a school or closes and reopens a school
11 under a charter school operator, a charter management organization
12 or an education management organization that has been selected
13 through a rigorous review process. A restart model must enroll,
14 within the grades it serves, any former student who wishes to
15 attend the school.

16 (b) School closure model - A school closure model occurs when
17 a county board of education closes a school and enrolls the
18 students who attended that school in other schools in the county
19 that are higher achieving. These other schools should be within
20 reasonable proximity to the closed school and may include, but are
21 not limited to, charter schools or new schools for which
22 achievement data are not yet available. In the event that no such
23 school exists, the district will implement the educational choice
24 model.

1 (c) Educational choice - Educational choice occurs when a
2 county board of education implements a school voucher program
3 pursuant to section five.

4 **§18-33-5. Universal Educational Vouchers.**

5 (a) Any student of, or student who would naturally matriculate
6 into, a school petitioned for the educational choice reform option
7 will have the option to receive a monetary voucher to cover the
8 cost of attendance at any private or other public school.

9 (b) Any student of a petitioned school wishing to attend a
10 private school will qualify for an annual scholarship in an amount
11 equal to the lesser of:

12 (1) Seventy-five percent the petitioned school's annual cost
13 per pupil, including both operational and capital facility costs;
14 or

15 (2) Seventy-five percent of the dollar amount the resident
16 school district would have received to serve and educate the
17 eligible student from state and local sources had the student
18 enrolled there.

19 (c) Any student of a petitioned school wishing to attend a
20 different public school will qualify for any public school with no
21 additional fee.

22 (d) Funds available to a student are calculated using an
23 average of the last three budget years and recalculated each year.

24 (e) Funds are made available to each student until the earlier

1 of (1) completion of their high school degree or(2) their twenty-
2 first birthday.

3 (g) Students receiving voucher moneys are to be counted in the
4 enrollment figures of its county board of education for the
5 purposes of calculating future voucher moneys.

6 (h) Students receiving voucher moneys more than the cost of
7 tuition in a private school are given the opportunity to store that
8 money in an educational savings account to be used for any
9 additionally encumbered educational expenses. Qualifying expenses
10 include, but are not limited to, tutoring, lessons, educational
11 camps, school materials, textbooks and educational software.

12 (i) There are no additional regulatory powers granted to the
13 state in this legislation:

14 (1) The education voucher reform option does not expand the
15 regulatory authority of the state, its officers or any school
16 district in any way.

17 (2) Any regulatory board in existence must be represented in
18 at least half by members not a part of the public school system.

NOTE: The purpose of this bill is to create a way for parents to petition a school district in order to convert a school into one of three possible models of school level reform.

This article is new; therefore, it has been completely underscored.