

Senate Bill No. 237

(By Senators Kessler (Acting President) and Hall,

By Request of The Executive)

[Introduced January 21, 2011; referred to the Committee on
Education; and then to the Committee on Finance.]

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 of said
12 code, all relating to the improvement of schools and school
13 districts; requiring electronic county and school strategic
14 improvement 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
27 circumstances that may warrant a school being given a low-

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

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

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

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

26 **§18-2E-5. Process for improving education; education standards;**
27 **statewide assessment program; accountability**

1 **measures; Office of Education Performance Audits;**
2 **school accreditation and school system approval;**
3 **intervention to correct low performance.**

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

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

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

15 (B) Assessments of student performance and progress toward
16 meeting the standards;

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

25 (D) A method for building the capacity and improving the
26 efficiency of schools and school systems to improve student
27 performance and progress.

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

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

20 (4) In consideration of these findings, the purpose of this
21 section is to establish a process for improving education that
22 includes the four primary elements as set forth in subdivision (1)
23 of this subsection to provide assurances that the high quality
24 standards are, at a minimum, being met and that a thorough and
25 efficient system of schools is being provided for all West Virginia
26 public school students on an equal education opportunity basis.

27 (5) The intent of the Legislature in enacting this section and

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

10 (b) *Electronic county and school strategic improvement plans.*
11 -- The state board shall promulgate a rule consistent with the
12 provisions of this section and in accordance with article three-b,
13 chapter twenty-nine-a of this code establishing an electronic
14 county strategic improvement plan for each county board and an
15 electronic school strategic improvement plan for each public school
16 in this state. Each respective plan shall be a five-year plan that
17 includes the mission and goals of the school or school system to
18 improve student, school or school system performance and progress,
19 ~~as applicable~~ and an analysis of early predictors and indicators to
20 identify at-risk students before the students are off-track for
21 graduation. Data for the analysis shall be provided by the West
22 Virginia Education Information System as part of the Early Warning
23 Indicator and Intervention System. The plan shall include
24 interventions needed to increase the number of students earning a
25 high school diploma. The strategic plan shall be revised annually
26 in each area in which the school or system is below the standard on
27 the annual performance measures. The revised annual plan also

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

16 The department shall make available to all public schools
17 through its website or the West Virginia Education Information
18 System an electronic school strategic improvement plan boilerplate
19 designed for use by all schools to develop an electronic school
20 strategic improvement plan which incorporates all required aspects
21 and satisfies all improvement plan requirements of the No Child
22 Left Behind Act.

23 (c) *High quality education standards and efficiency standards.*
24 -- In accordance with the provisions of article three-b, chapter
25 twenty-nine-a of this code, the state board shall adopt ~~and~~
26 ~~periodically review and update high quality education standards for~~
27 ~~student, school and school system performance and processes in the~~

1 ~~following areas~~ a rule that establishes high quality education
2 standards to ensure that certain practices, processes and
3 structures create student, school and school system performance and
4 success. The state board shall periodically review and update the
5 rule. The rule shall include standards that address:

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

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

10 (3) Curriculum, Instruction and Assessment: Workplace
11 readiness skills, special education, student performance and
12 progress;

13 (4) Effective Management Systems: Finance, transportation and
14 facilities;

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

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

18 (7) Educator Development: Personnel qualifications,
19 professional development and evaluation, and code of conduct for
20 employees; and

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

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

24 ~~(1) Curriculum; (2) Workplace readiness skills; (3) Finance; (4)~~
25 ~~Transportation; (5) Special education; (6) Facilities; (7)~~
26 ~~Administrative practices; (8) Training of county board members and~~
27 ~~administrators; (9) Personnel qualifications; (10) Professional~~

1 development and evaluation; ~~(11)~~ Student performance and progress;
2 ~~(12)~~ School and school system performance and progress; ~~(13)~~ A code
3 of conduct for students and employees; and ~~(14)~~ Indicators of
4 efficiency; ~~and (15) Any other areas determined by the state board.~~

5 The standards, as applicable, shall incorporate the state's
6 21st Century Skills Initiative and shall assure that graduates are
7 prepared for continuing post-secondary education, training and work
8 and that schools and school systems are making progress toward
9 achieving the education goals of the state.

10 The state board shall report to the Legislative Oversight
11 Commission on Education Accountability as requested on its progress
12 on developing the rule related to the high quality education
13 standards as set forth in this subsection. The state board shall
14 submit its proposed rule to the commission not later than December
15 1, 2011, along with any additional recommendations it may have on
16 related changes necessary to accomplish the process and purposes of
17 the rule. The state board shall submit the final rule adopted by
18 the state board not later than February 1, 2012. The rule shall
19 include an effective date of July 1, 2012.

20 Consistent with its rule related to the high quality education
21 standards, the state board shall conduct a study of the staffing
22 levels, patterns and allocations, the efficient scheduling of staff
23 and staff time and time allocations, and other staffing factors
24 which affect the ability of teachers to deliver 21st Century
25 curriculum and instructional strategies in the classroom, to work
26 collaboratively toward organizational improvement and increased
27 student achievement, to undertake teacher leadership and

1 advancement assignments, to effectively mentor new teachers, and to
2 plan and implement the change necessary to constantly increase
3 student learning and promote student success. The state board
4 shall submit the study to the Legislative Oversight Commission on
5 Education Accountability not later than December 1, 2011, along
6 with any recommendations it may have related to the study, but may
7 not incorporate any of the findings and recommendations for
8 staffing improvements that may result from the study in its rule to
9 adopt high quality education standards.

10 (d) *Comprehensive statewide student assessment program.* -- The
11 state board shall promulgate a rule in accordance with the
12 provisions of article three-b, chapter twenty-nine-a of this code
13 establishing a comprehensive statewide student assessment program
14 to assess student performance and progress in grades three through
15 twelve. The state board may require that student proficiencies be
16 measured through the ACT EXPLORE and the ACT PLAN assessments or
17 other comparable assessments, which are approved by the state board
18 and provided by future vendors. The state board may require that
19 student proficiencies be measured through the West Virginia writing
20 assessment at any of the grade levels four, seven and ~~ten~~
21 ~~determined by the state board to be appropriate: *Provided,*~~
22 ~~*That* *Provided,* *That,* effective July 1, 2008, the state board may~~
23 ~~require that student proficiencies be measured through the West~~
24 ~~Virginia writing assessment at any of the grade levels four, seven~~
25 ~~and eleven determined by the state board to be appropriate. The~~
26 state board may provide through the statewide assessment program
27 other optional testing or assessment instruments applicable to

1 grade levels kindergarten through grade twelve which may be used by
2 each school to promote student achievement upon approval by the
3 school curriculum team or the process for teacher collaboration to
4 improve instruction and learning established by the faculty senate
5 as provided in section six, article five-a of this chapter. The
6 state board shall annually publish and make available,
7 electronically or otherwise, to school curriculum teams and teacher
8 collaborative processes the optional testing and assessment
9 instruments. The failure of a school to use any optional testing
10 and assessment may not be cited as a deficiency in any
11 accreditation review of the school; nor may the exercise of its
12 discretion, as provided in section six, article five-a of this
13 chapter, in using the assessments and implementing the
14 instructional strategies and programs that it determines best to
15 promote student achievement at the school be cited as a deficiency
16 in any accreditation review of the school or in the personnel
17 evaluation of the principal. The use of assessment results are
18 subject to the following:

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

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

27 (3) The results of the West Virginia writing assessment, the

1 ACT EXPLORE assessments and the ACT PLAN assessments may not be
2 used for determining whether a school or school system has made
3 adequate yearly progress (AYP);

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

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

12 (e) *Annual performance measures for Public Law 107-110, the*
13 *Elementary and Secondary Education Act of 1965, as amended (No*
14 *Child Left Behind Act of 2001)*. -- The standards shall include
15 annual measures of student, school and school system performance
16 and progress for the grade levels and the content areas defined by
17 the act. The following annual measures of student, school and
18 school system performance and progress shall be the only measures
19 for determining whether adequately yearly progress under the No
20 Child Left Behind Act has been achieved:

21 (1) The acquisition of student proficiencies as indicated by
22 student performance and progress on the required accountability
23 assessments at the grade levels and content areas as required by
24 the act subject to the limitations set forth in subsection (d) of
25 this section.

26 (2) The student participation rate in the uniform statewide
27 assessment must be at least ninety-five percent or the average of

1 the participation rate for the current and the preceding two years
2 is ninety-five percent for the school, county and state;

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

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

10 (B) Students not in attendance due to disciplinary measures;
11 and

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

15 (4) The high school graduation rate which shall be no less
16 than ~~eighty~~ ninety percent for the school, county and state; or if
17 the high school graduation rate is less than ~~eighty~~ ninety percent,
18 the high school graduation rate shall ~~be higher than the high~~
19 ~~school graduation rate of the preceding year as determined from~~
20 ~~information on the West Virginia Education Information System on~~
21 ~~August 15~~ improve annually by at least one-tenth of the difference
22 between the actual graduation rate and ninety percent until it
23 reaches ninety percent.

24 (f) *State annual performance measures for school and school*
25 *system accreditation.* -- The state board shall establish a system
26 to assess and weigh annual performance measures for state
27 accreditation of schools and school systems ~~in a manner~~ that

1 includes a growth model for expected growth over the previous year
2 as a way to achieve full accreditation and a system that gives
3 credit or points such as an index to prevent any one measure alone
4 from causing a school to achieve less than full accreditation
5 status or a school system from achieving less than full approval
6 status: *Provided*, That a school or school system that achieves
7 adequate yearly progress (AYP) is eligible for no less than full
8 accreditation or approval status, as applicable, and the system
9 established pursuant to this subsection applies only to schools and
10 school systems that do not achieve adequate yearly progress (AYP).

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

14 (1) The acquisition of student proficiencies as indicated by
15 student performance and progress on the uniform statewide
16 assessment program at the grade levels as provided in subsection
17 (d) of this section. The state board may approve providing bonus
18 points or credits for students scoring at or above mastery and
19 distinguished levels;

20 (2) Writing assessment results in grades tested;

21 (3) School attendance rates;

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

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

27 (6) Graduation rates;

1 (7) Job placement rates for vocational programs;

2 (8) Percent of students passing end-of-course career/technical
3 tests;

4 (9) Percent of students not requiring college remediation
5 classes; and

6 (10) Bonus points or credits for subgroup improvement,
7 advanced placement percentages, dual credit completers and
8 international baccalaureate completers.

9 (g) *Indicators of exemplary performance and progress.* -- The
10 standards shall include indicators of exemplary student, school and
11 school system performance and progress. The indicators of
12 exemplary student, school and school system performance and
13 progress shall be used only as indicators for determining whether
14 accredited and approved schools and school systems should be
15 granted exemplary status. These indicators shall include, but are
16 not limited to, the following:

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

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

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

26 (h) *Indicators of efficiency.* -- In accordance with the
27 provisions of article three-b, chapter twenty-nine-a of this code,

1 the state board shall adopt by rule and periodically review and
2 update indicators of efficiency for use by the appropriate
3 divisions within the department to ensure efficient management and
4 use of resources in the public schools in the following areas:

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

7 (2) Transportation;

8 (3) Facilities;

9 (4) Administrative practices;

10 (5) Personnel;

11 (6) Use of regional educational service agency programs and
12 services, including programs and services that may be established
13 by their assigned regional educational service agency or other
14 regional services that may be initiated between and among
15 participating county boards; and

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

17 (i) *Assessment and accountability of school and school system*
18 *performance and processes.* -- In accordance with the provisions of
19 article three-b, chapter twenty-nine-a of this code, the state
20 board shall establish by rule a system of education performance
21 audits which measures the quality of education and the preparation
22 of students based on the annual measures of student, school and
23 school system performance and progress. The system of education
24 performance audits shall provide information to the state board,
25 the Legislature and the Governor, individually and collectively as
26 the Process for Improving Education Council, upon which they may
27 determine whether a thorough and efficient system of schools is

1 being provided. The system of education performance audits shall
2 include:

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

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

10 (3) The review of school and school system electronic
11 strategic improvement plans; and

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

15 (j) *Uses of school and school system assessment information.*
16 -- The state board and the Process for Improving Education Council
17 established pursuant to section five-c of this article shall use
18 information from the system of education performance audits to
19 assist them in ensuring that a thorough and efficient system of
20 schools is being provided and to improve student, school and school
21 system performance and progress. Information from the system of
22 education performance audits further shall be used by the state
23 board for these purposes, including, but not limited to, the
24 following:

25 (1) Determining school accreditation and school system
26 approval status;

27 (2) Holding schools and school systems accountable for the

1 efficient use of existing resources to meet or exceed the
2 standards; and

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

5 The state board shall make accreditation information available
6 to the Legislature, the Governor, the general public and to any
7 individual who requests the information, subject to the provisions
8 of any act or rule restricting the release of information.

9 (k) *Early detection and intervention programs.* -- Based on the
10 assessment of student, school and school system performance and
11 progress, the state board shall establish early detection and
12 intervention programs using the available resources of the
13 Department of Education, the regional educational service agencies,
14 the Center for Professional Development and the Principals Academy,
15 as appropriate, to assist underachieving schools and school systems
16 to improve performance before conditions become so grave as to
17 warrant more substantive state intervention. Assistance shall
18 include, but is not limited to, providing additional technical
19 assistance and programmatic, professional staff development,
20 ~~providing~~ monetary, staffing and other resources where appropriate,
21 and, if necessary, making appropriate recommendations to the
22 Process for Improving Education Council.

23 (l) *Office of Education Performance Audits.* --

24 (1) To assist the state board and the Process for Improving
25 Education Council in the operation of a system of education
26 performance audits, the state board shall establish an Office of
27 Education Performance Audits consistent with the provisions of this

1 section. The Office of Education Performance Audits shall be
2 operated under the direction of the state board independently of
3 the functions and supervision of the State Department of Education
4 and State Superintendent. The Office of Education Performance
5 Audits shall report directly to and be responsible to the state
6 board and the Process for Improving Education Council created in
7 section five-c of this article in carrying out its duties under the
8 provisions of this section.

9 (2) The office shall be headed by a director who shall be
10 appointed by the state board and who shall serve at the will and
11 pleasure of the state board. The annual salary of the director
12 shall be set by the state board and may not exceed eighty percent
13 of the salary cap of the State Superintendent of Schools.

14 (3) The state board shall organize and sufficiently staff the
15 office to fulfill the duties assigned to it by law and by the state
16 board. Employees of the State Department of Education who are
17 transferred to the Office of Education Performance Audits shall
18 retain their benefits and seniority status with the Department of
19 Education.

20 (4) Under the direction of the state board, the Office of
21 Education Performance Audits shall receive from the West Virginia
22 Education Information System staff research and analysis data on
23 the performance and progress of students, schools and school
24 systems, and shall receive assistance, as determined by the state
25 board, from staff at the State Department of Education, the
26 regional education service agencies, the Center for Professional
27 Development, the Principals Academy and the School Building

1 Authority to carry out the duties assigned to the office.

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

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

8 (B) Administer all accountability measures as assigned by the
9 state board, including, but not limited to, the following:

10 (i) Processes for the accreditation of schools and the
11 approval of school systems; and

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

14 (C) Determine, in conjunction with the assessment and
15 accountability processes, what capacity may be needed by schools
16 and school systems to meet the standards established by the state
17 board and recommend to the state board and the Process for
18 Improving Education Council plans to establish those needed
19 capacities;

20 (D) Determine, in conjunction with the assessment and
21 accountability processes, whether statewide system deficiencies
22 exist in the capacity of schools and school systems to meet the
23 standards established by the state board, including the
24 identification of trends and the need for continuing improvements
25 in education, and report those deficiencies and trends to the state
26 board and the Process for Improving Education Council;

27 (E) Determine, in conjunction with the assessment and

1 accountability processes, staff development needs of schools and
2 school systems to meet the standards established by the state board
3 and make recommendations to the state board, the Process for
4 Improving Education Council, the Center for Professional
5 Development, the regional educational service agencies, the Higher
6 Education Policy Commission and the county boards;

7 (F) Identify, in conjunction with the assessment and
8 accountability processes, exemplary schools and school systems and
9 best practices that improve student, school and school system
10 performance and make recommendations to the state board and the
11 Process for Improving Education Council for recognizing and
12 rewarding exemplary schools and school systems and promoting the
13 use of best practices. The state board shall provide information
14 on best practices to county school systems and shall use
15 information identified through the assessment and accountability
16 processes to select schools of excellence; and

17 (G) Develop reporting formats, such as check lists, which
18 shall be used by the appropriate administrative personnel in
19 schools and school systems to document compliance with various
20 requirements of the applicable laws, policies and process standards
21 as considered appropriate and approved by the state board,
22 including, but not limited to, the following:

23 (i) The use of a policy for the evaluation of all school
24 personnel that meets the requirements of sections twelve and
25 twelve-a, article two, chapter eighteen-a of this code;

26 (ii) The participation of students in appropriate physical
27 assessments as determined by the state board, which assessment may

1 not be used as a part of the assessment and accountability system;

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

3 (iv) The ~~school provides~~ provision of multicultural
4 activities.

5 Information contained in the reporting formats is subject to
6 examination during an on-site review to determine compliance with
7 laws, policies and standards. Intentional and grossly negligent
8 reporting of false information are grounds for dismissal.

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

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

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

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

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

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

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

13 (F) Determining and reporting whether required reviews and
14 inspections have been conducted by the appropriate agencies,
15 including, but not limited to, the State Fire Marshal, ~~the~~ a Health
16 Department, the School Building Authority and the responsible
17 divisions within the Department of Education, and whether noted
18 deficiencies have been or are in the process of being corrected.

19 The Office of Education Performance Audits may not conduct a
20 duplicate review or inspection of any compliance reviews or
21 inspections conducted by the department or its agents or other duly
22 authorized agencies of the state, nor may it mandate more stringent
23 compliance measures.

24 (2) The Director of the Office of Education Performance Audits
25 shall notify the county superintendent of schools five school days
26 prior to commencing an on-site review of the county school system
27 and shall notify both the county superintendent and the principal

1 five school days before commencing an on-site review of an
2 individual school: *Provided*, That the state board may direct the
3 Office of Education Performance Audits to conduct an unannounced
4 on-site review of a school or school system if the state board
5 believes circumstances warrant an unannounced on-site review.

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

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

22 The persons designated by the state board shall be responsible
23 for completing the report on the findings and recommendations of
24 the on-site review in their area of expertise. It is the intent of
25 the Legislature that the persons designated by the state board
26 participate in all on-site reviews that involve their area of
27 expertise, to the extent practicable, so that the on-site review

1 process will evaluate compliance with the standards in a uniform,
2 consistent and expert manner.

3 (5) The Office of Education Performance Audits shall reimburse
4 a county board for the costs of substitutes required to replace
5 county board employees while they are serving on a review team.

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

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

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

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

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

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

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

23 (1) Full accreditation status shall be given to a school when
24 the school's performance and progress meet or exceed the standards
25 adopted by the state board pursuant to ~~subsection~~ subsections (e)
26 or (f), as applicable, of this section and it does not have any
27 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
27 standards adopted by the state board pursuant to subsections (f)

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

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

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

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

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

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

25 (iii) The failure of a school to meet a standard by the date
26 specified in the revised plan; and

27 (iv) The results of the most recent statewide assessment in

1 reading and math or other multiple measures as determined by the
2 state board that identify the school as low performing at its
3 programmatic level. ~~in three of the last five years~~

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

- 20 (i) Improving personnel management;
- 21 (ii) Establishing more efficient financial management
22 practices;
- 23 (iii) Improving instructional programs and rules; or
- 24 (iv) Making any other improvements that are necessary to
25 correct the low performance.

26 (C) If the measures identified to correct the low performance
27 ~~is not corrected by a date certain as set by the state board~~ are

1 not implemented within at least six months of receiving the state
2 board's low performance determination or a later date certain
3 established by the state board:

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

17 (ii) The state board may make a determination, in its sole
18 judgment, that the improvements necessary to provide a thorough and
19 efficient education to the students at the school cannot be made
20 without additional targeted resources, in which case it shall
21 establish a plan in consultation with the county board that
22 includes targeted resources from sources under the control of the
23 state board and the county board to accomplish the needed
24 improvements. Nothing in this subsection shall be construed to
25 allow a change in personnel at the school to improve school
26 performance and progress, except as provided by law;

27 (iii) If the measures identified to correct the low

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

22 (I) The principal assigned by the state board shall be paid by
23 the state board until the next school term, at which time the
24 principal assigned by the state board shall be paid by the county
25 board;

26 (II) The principal who was removed is eligible for all
27 positions in the county, including teaching positions, for which

1 the principal is certified, by either being placed on the transfer
2 list in accordance with section seven, article two, chapter
3 eighteen-a of this code, or by being placed on the preferred recall
4 list in accordance with section seven-a, article four, chapter
5 eighteen-a of this code; ~~and~~

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

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

13 ~~(7)~~ (6) The state board may appoint a monitor pursuant to the
14 provisions of this subsection to assist the school principal after
15 intervention in the operation of a school is completed.

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

24 (p) *School system approval.* -- The state board annually shall
25 review the information submitted for each school system from the
26 system of education performance audits and issue one of the
27 following approval levels to each county board: Full approval,

1 temporary approval, conditional approval or nonapproval.

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

11 (2) Temporary approval shall be given to a county board whose
12 education system is below the level required for full approval.

13 ~~Whenever a county board is given temporary approval status, the~~
14 ~~county board 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 school system to a~~
17 ~~full approval status level. The revised plan shall be submitted to~~
18 ~~the state board for approval. Temporary approval status shall stay~~
19 ~~in effect until the county board revises the electronic county~~
20 ~~strategic improvement plan and the plan is approved by the state~~
21 ~~board.~~

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

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

1 ~~(ii) The plan has been approved by the state board; and~~
2 ~~(iii) The county board is meeting the objectives and time line~~
3 ~~specified in the revised plan~~ has been approved by the state board.
4 Conditional approval shall stay in effect until full approval is
5 attained.

6 (4) Nonapproval status shall be given to a county board which
7 fails to submit and gain approval for its electronic county
8 strategic improvement plan or revised electronic county strategic
9 improvement plan within a reasonable time period as defined by the
10 state board or which fails to meet the objectives and time line of
11 its revised electronic county strategic improvement plan or fails
12 to achieve full approval by the date specified in the revised plan.

13 (A) The state board shall establish and adopt additional
14 standards to identify school systems in which the program may be
15 nonapproved and the state board may issue nonapproval status
16 whenever extraordinary circumstances exist as defined by the state
17 board.

18 (B) Whenever a county board has more than a casual deficit, as
19 defined in section one, article one of this chapter, the county
20 board shall submit a plan to the state board specifying the county
21 board's strategy for eliminating the casual deficit. The state
22 board either shall approve or reject the plan. If the plan is
23 rejected, the state board shall communicate to the county board the
24 reason or reasons for the rejection of the plan. The county board
25 may resubmit the plan any number of times. However, any county
26 board that fails to submit a plan and gain approval for the plan
27 from the state board before the end of the fiscal year after a

1 deficit greater than a casual deficit occurred or any county board
2 which, in the opinion of the state board, fails to comply with an
3 approved plan may be designated as having nonapproval status.

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

17 (i) Limiting the authority of the county superintendent and
18 county board as to the expenditure of funds, the employment and
19 dismissal of personnel, the establishment and operation of the
20 school calendar, the establishment of instructional programs and
21 rules and any other areas designated by the state board by rule,
22 which may include delegating decision-making authority regarding
23 these matters to the state superintendent;

24 (ii) Declaring that the office of the county superintendent is
25 vacant;

26 (iii) Delegating to the State Superintendent both the
27 authority to conduct hearings on personnel matters and school

1 closure or consolidation matters and, subsequently, to render the
2 resulting decisions and the authority to appoint a designee for the
3 limited purpose of conducting hearings while reserving to the State
4 Superintendent the authority to render the resulting decisions;

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

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

10 (I) Delegating to the State Superintendent the authority to
11 replace administrators and principals in low performing schools and
12 to transfer them into alternate professional positions within the
13 county at his or her discretion and to transfer principals
14 district-wide if necessary to effect district improvement:
15 Provided, That a principal at a school that is not low performing
16 must agree to be transferred; and

17 (II) Delegating to the State Superintendent the authority to
18 fill positions of administrators and principals with individuals
19 determined by the State Superintendent to be the most qualified for
20 the positions. Any authority related to intervention in the
21 operation of a county board granted under this paragraph is not
22 subject to the provisions of article four, chapter eighteen-a of
23 this code;

24 (q) Notwithstanding any other provision of this section, the
25 state board may intervene immediately in the operation of the
26 county school system with all the powers, duties and
27 responsibilities contained in subsection (p) of this section, if

1 the state board finds the following:

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

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

10 (r) *Capacity*. --

11 (1) The process for improving education includes a process for
12 targeting resources strategically to improve the teaching and
13 learning process. Development of electronic school and school
14 system strategic improvement plans, pursuant to subsection (b) of
15 this section, is intended, in part, to provide mechanisms to target
16 resources strategically to the teaching and learning process to
17 improve student, school and school system performance. When
18 deficiencies are detected through the assessment and accountability
19 processes, the revision and approval of school and school system
20 electronic strategic improvement plans shall ensure that schools
21 and school systems are efficiently using existing resources to
22 correct the deficiencies. When the state board determines that
23 schools and school systems do not have the capacity to correct
24 deficiencies, the state board shall work with the county board to
25 develop or secure the resources necessary to increase the capacity
26 of schools and school systems to meet the standards and, when
27 necessary, seek additional resources in consultation with the

1 Legislature and the Governor.

2 (2) (A) A county board given temporary, conditional or
3 nonapproval status shall revise its electronic county strategic
4 improvement plan in accordance with subsection (b) of this section
5 to increase the performance and progress of the schools and school
6 system to a full approval status level. The county board shall
7 meet the objectives and time line specified in the revised plan.
8 The revised plan shall be submitted to the state board for
9 approval.

10 (B) A county board given temporary, conditional or nonapproval
11 status shall be designated as a member of the Educational
12 Opportunity Zone 180 as defined by the state board. A member of
13 the Educational Opportunity Zone 180 shall meet the following
14 requirements:

15 (i) Members of the county board shall attend five days of
16 training or other duration of time or days of training as
17 established by the state board. In making a determination as to
18 the design, content, delivery, execution and duration of this
19 training, the state board shall receive recommendations from the
20 West Virginia County Board Member Training Standards Review
21 Committee and the West Virginia School Board Association as
22 applicable. The attendance of county board members at this
23 training is in addition to the requirement for all county board
24 members to attend approved orientation and training as provided in
25 section one-a, article five of this chapter, and the failure of a
26 board member to attend the training required in this subparagraph
27 (i) without good cause as defined by the state board by duly

1 promulgated legislative rules constitutes neglect of duty under
2 section seven, article six, chapter six of this code;

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

6 (iii) The county leadership team shall meet monthly with the
7 West Virginia Department of Education State System of Support to
8 review progress on the revised electronic county strategic
9 improvement plan;

10 (iv) The county board shall examine various strategies to
11 bring the county to full approval including, but not limited to,
12 instituting year-round education; engaging external support
13 partners to intervene in low-performing schools; applying for
14 waiver of statute, rule or policy to address flexibility and
15 capacity to meet identified deficiencies; reorganizing central
16 office roles and responsibilities; examining the current staffing
17 patterns of the county to assess the critical human resource needs
18 of low-performing schools; instituting an efficiency audit in
19 conjunction with the Division of Student Services of the West
20 Virginia Department of Education; creating or revising standard
21 operating procedures of the district; and other strategies
22 collaboratively agreed upon with the state System of Support.

23 (3) The state board shall recommend to the appropriate body
24 including, but not limited to, the Process for Improving Education
25 Council, the Legislature, county boards, schools and communities
26 methods for targeting resources strategically to eliminate
27 deficiencies identified in the assessment and accountability

1 processes. When making determinations on recommendations, the
2 state board shall include, but is not limited to, the following
3 methods:

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

8 ~~(2)~~ (B) Determining the areas of weakness and of
9 ineffectiveness that appear to have contributed to the substandard
10 performance and progress of students or the deficiencies of the
11 school or school system and requiring the school or school system
12 to work collaboratively with the West Virginia Department of
13 Education State System of Support to correct the deficiencies;

14 ~~(3)~~ (C) Determining the areas of strength that appear to have
15 contributed to exceptional student, school and school system
16 performance and progress and promoting their emulation throughout
17 the system;

18 ~~(4)~~ (D) Requesting technical assistance from the School
19 Building Authority in assessing or designing comprehensive
20 educational facilities plans;

21 ~~(5)~~ (E) Recommending priority funding from the School Building
22 Authority based on identified needs;

23 ~~(6)~~ (F) Requesting special staff development programs from the
24 Center for Professional Development, the Principals Academy, higher
25 education, regional educational service agencies and county boards
26 based on identified needs;

27 ~~(7)~~ (G) Submitting requests to the Legislature for

1 appropriations to meet the identified needs for improving
2 education;

3 ~~(8)~~ (H) Directing county boards to target their funds
4 strategically toward alleviating deficiencies;

5 ~~(9)~~ (I) Ensuring that the need for facilities in counties with
6 increased enrollment are appropriately reflected and recommended
7 for funding;

8 ~~(10)~~ (J) Ensuring that the appropriate person or entity is
9 held accountable for eliminating deficiencies; and

10 ~~(11)~~ (K) Ensuring that the needed capacity is available from
11 the state and local level to assist the school or school system in
12 achieving the standards and alleviating the deficiencies.

13 **ARTICLE 9. SCHOOL FINANCES.**

14 **§18-9-3a. Preparation, publication and disposition of financial**
15 **statements by county boards of education.**

16 The county board of every county, within ninety days after the
17 beginning of each fiscal year, shall prepare on a form to be
18 prescribed by the State Tax Commissioner and the State
19 Superintendent, ~~of free schools,~~ and cause to be published a
20 statement revealing: (a) The receipts and expenditures of the
21 board during the previous fiscal year arranged under descriptive
22 headings; (b) the name of each firm, corporation, and person who
23 received more than two hundred fifty dollars in the aggregate from
24 all funds during the previous fiscal year, together with the
25 aggregate amount received from all funds and the purpose for which
26 paid: *Provided*, That ~~such~~ the statement shall not include the name
27 of any person who has entered into a contract with this board

1 pursuant to the provisions of sections two, three, four and five,
2 article two, chapter eighteen-a of this code; and (c) all debts of
3 the board, the purpose for which each debt was contracted, its due
4 date, and to what date the interest thereon has been paid.

5 The statement shall further include the accreditation status
6 of the county, the name of each member of the county board, the
7 number of days and hours of county board member training that each
8 member was required to attend during that fiscal year and the
9 number of days and hours of training attended by each member.

10 ~~Such~~ The statement shall be published as a Class I-0 legal
11 advertisement in compliance with the provisions of article three,
12 chapter fifty-nine of this code, and the publication area for ~~such~~
13 the publication shall be the county. The county board shall pay
14 the cost of publishing ~~such~~ the statement from the maintenance fund
15 of the board.

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

20 The county board shall transmit to any resident of the county
21 requesting the same a copy of the published statement for the
22 fiscal year designated, supplemented by a list of the names of all
23 school personnel employed by the board during ~~such~~ the fiscal year
24 showing the amount paid to each, and a list of the names of each
25 firm, corporation, and person who received less than five hundred
26 dollars from any fund during ~~such~~ the fiscal year showing the
27 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.