

1 **Senate Bill No. 371**

2 (By Senators Kessler (Mr. President) and Hall,

3 By Request of the Executive)

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5 [Introduced January 20, 2012; referred to the Committee on
6 Education.]
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10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §18-5B-3a, relating
12 to allowing flexibility within county school systems;
13 authorizing the State Board of Education to select a county
14 school system to serve as a county innovation zone pilot
15 project; authorizing the State Board of Education to
16 promulgate rules and emergency rules; providing the procedure
17 and criteria for application and selection as a county
18 innovation zone; requiring the development of county
19 innovation zone plans and setting forth their contents;
20 requiring a public meeting to obtain feedback; permitting
21 exceptions from county and state board rules, policies and
22 interpretations; permitting exceptions from statutes subject
23 to legislative approval; requiring annual performance reviews
24 and reports; and permitting the posting of certain teaching

1 vacancies.

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

3 That the Code of West Virginia, 1931, as amended, be amended
4 by adding thereto a new section, designated §18-5B-3a, to read as
5 follows:

6 **ARTICLE 5B. SCHOOL INNOVATION ZONES ACT.**

7 **§18-5B-3a. County Innovation Zones Pilot Project; requirements to**
8 **qualify; application for designation; required plans**
9 **for county innovation zones; plan approval; waiver**
10 **of statutes, policies, rules or interpretations;**
11 **progress reviews and annual reports; teacher**
12 **vacancies, job postings and approval.**

13 (a) The state board is authorized to choose one county school
14 system currently under a declared state of emergency by the state
15 board due to nonapproval status to participate in a pilot program
16 to test the effectiveness of allowing such county school systems to
17 be considered county innovation zones. This section terminates on
18 July 1, 2016, unless sooner terminated, continued or reestablished.

19 (b) The state board shall promulgate a rule, including an
20 emergency rule if necessary, in accordance with article three-b,
21 chapter twenty-nine-a of this code to implement this section. The
22 rule shall include, but not be limited to, the following
23 provisions:

1 (1) The manner, time and process for the submission of a
2 county innovation zone application;

3 (2) The contents of the application, which must include a
4 general description of the innovations the county school district
5 seeks to institute;

6 (3) Factors to be considered by the state board when
7 evaluating an application, which shall include, but are not limited
8 to, the following factors:

9 (A) Support from teachers, staff, parents, students, the
10 county board of education, the local school improvement council and
11 school business partners; and

12 (B) The potential for an applicant to be successful in raising
13 student achievement as a county innovation zone; and

14 (4) Standards for the state board to review applications for
15 designation as county innovation zone and to make determinations on
16 the designation of a county innovation zone pilot project.

17 (c) The state board shall review county innovation zone
18 applications in accordance with the standards adopted by the board
19 and shall determine whether to designate the applicant as a county
20 innovation zone. The state board shall notify an applicant of the
21 board's determination within sixty days of receipt of the
22 application.

23 (d) Prior to designation by the state board as a county
24 innovation zone, county school systems submitting applications

1 shall develop county innovation zone plans containing the following
2 information:

3 (1) A description of the programs, policies or initiatives the
4 county school system intends to implement as an innovative strategy
5 to improve student achievement if the plan is approved by the state
6 board;

7 (2) A description of the programs, policies and
8 interpretations, and all statutes, if any, identified as
9 prohibiting or constraining the implementation of the plan,
10 including an explanation of the specific exceptions to the rules,
11 policies and interpretations, and statutes required for plan
12 implementation. A county school system may not request an exception
13 nor may an exception be granted from any of the following:

14 (A) An assessment program administered by the West Virginia
15 Department of Education;

16 (B) Any provision of law or policy required by the No Child
17 Left Behind Act of 2001, Public Law No. 107-110 or other federal
18 law; and

19 (C) Section seven, article two and sections seven-a, seven-b,
20 eight and eight-b, article four, chapter eighteen-a of this code,
21 except as provided in subdivision (1) of this subsection; and

22 (3) Any other information the state board requires.

23 (e) The county innovation zone plan may include proposals:

24 (1) Allowing principals to have increased decision-making

1 powers over the budgeting for and spending on programs and services
2 for students;

3 (2) Allowing principals to have increased decision-making
4 powers over teacher recruitment;

5 (3) Allowing principals increased policy-making powers;

6 (4) Allowing principals the discretion in procuring supplies
7 and advisory services from within or without the school district;

8 (5) Allowing principals to reduce certain requirements to
9 allow staff to meet the school's mission;

10 (6) Allowing flexibility to the school calendar to achieve the
11 instructional day goal provided by section forty-five, article five
12 of this chapter;

13 (7) Allowing flexibility to the alternative teacher
14 certification provided in section one-a, article three, chapter
15 eighteen-a of the code; and

16 (8) Utilizing virtual school courses aligned with the Southern
17 Regional Education Board's Standards for Quality Online Courses.

18 (f) Prior to submitting a county innovation zone plan to the
19 state board, the applying county school system must hold a public
20 meeting in the county seat of the county school system for purposes
21 of presenting the plan to, and obtaining feedback from teachers,
22 staff, parents, students, the county board of education, the local
23 school improvement council and school business partners. The
24 applying county school system shall include a detailed, inclusive

1 report of the feedback obtained at the public meeting as an
2 appendix to its plan.

3 (g) Approval of a county innovation zone plan pursuant to this
4 section is at the sole discretion of the state board. Any approval
5 requirement not contained within this section do not apply.

6 (h) Except as provided in subsection (j) of this section, the
7 state board shall approve or disapprove the plan within sixty days
8 of receipt, subject to the following:

9 (1) No exceptions to county or state board rules, policies or
10 interpretations are granted unless both the state board and the
11 state superintendent approve the plan at least conditionally
12 pursuant to subsections (i) and (j) of this section;

13 (2) If the plan is disapproved, the state board, the state
14 superintendent or both, as applicable, shall communicate the
15 reasons for the disapproval to the county school system and shall
16 make recommendations for approving the plan. The county school
17 system may amend the plan for resubmission.

18 (i) Upon approval of the county innovation zone plan by the
19 state board, all exceptions to county and state board rules,
20 policies and interpretations listed in the plan are granted.

21 (j) If a county innovation zone plan, or a part thereof, may
22 not be implemented unless an exception to a statute is granted by
23 an Act of the Legislature, the state board may approve the plan, or
24 the part thereof, only upon the condition that the Legislature acts

1 to grant the exception. If the state board approves a plan on that
2 condition, the state board shall submit the plan with the request
3 for an exception to a statute, along with supporting reasons, to
4 the Legislative Oversight Commission of Education Accountability.
5 The commission shall review the plan and exemption request and make
6 a recommendation to the Legislature regarding the exemption
7 requested.

8 (k) The state board or its designated committee shall perform
9 annual performance reviews and provide annual reports in accordance
10 with section seven of this article.

11 (l) A county school system whose plan has been approved may
12 make a job posting for a teacher vacancy in accordance with the
13 procedures and approval provided by section eight of this article.

NOTE: The purpose of this bill is to provide for innovation zones for county school systems who are under a state of emergency. The bill authorizes the State Board of Education to select a county school system to serve as a county innovation zone pilot project. The bill authorizes the State Board of Education to promulgate rules and emergency rules. The bill provides procedure and criteria for application and selection as a county innovation zone. The bill requires the development of county innovation zone plans and sets forth their contents. The bill requires a public meeting to obtain feedback. The bill permits exceptions from county and state board rules, policies and interpretations. The bill permits exceptions from statutes subject to legislative approval. The bill also requires annual performance reviews and reports and permits the posting of certain teaching vacancies.

§18-5B-3a is new; therefore underscoring and strike-throughs have been omitted.