

1 **H. B. 3157**

2  
3 (By Delegates M. Poling, Stowers, Lawrence, Williams, Perry,  
4 Pethtel, Tomblin, Young, Pasdon, Evans and Westfall)

5  
6  
7 [Originating in the Committee on Education.]

8 (March 22, 2013)

9  
10  
11  
12 A BILL to repeal §11-1C-5b of the code of West Virginia, 1931,  
13 as amended; to repeal §18-2-5g, §18-2-15, §18-2-15a, §18-2-  
14 18, §18-2-23, §18-2-30, §18-2-31, §18-2-36, §18-2-37 and  
15 §18-2-38 of said code; to repeal §18-2E-3c and §18-2E-3d of  
16 said code; to repeal §18-5-40 of said code; to repeal §18-9-  
17 2b, §18-9-5, §18-9-7 and §18-9-8 of said code; to repeal  
18 §18-9A-3a, §18-9A-3b, §18-9A-13, §18-9A-13a, §18-9A-13b,  
19 §18-9A-25 and §18-9A-26 of said code; to repeal §18-9B-11  
20 and §18-9B-16 of said code; to repeal §18A-3-2b of said  
21 code; to further amend said code by adding thereto a new  
22 section, designated §18-2E-5e; and to amend and reenact §18-  
23 9A-10 of said code, all relating to restoring the authority,  
24 flexibility, and capacity of schools and school systems to  
25 improve student learning; eliminating requirement for annual  
26 summary and submission of certain county board policies;  
27 eliminating requirement for biennial report on public

1 schools and institutions; eliminating expired provisions for  
2 RESA study; eliminating expired provisions for study on  
3 staff fluctuations at certain schools; eliminating outdated  
4 provisions on comprehensive education program plans;  
5 eliminating requirement for statewide curriculum technology  
6 resource center; eliminating outdated provisions for  
7 automatic cost of living adjustment plan; eliminating  
8 outdated provisions for student learning abilities grant  
9 program; eliminating expired provisions on flood and  
10 property insurance study; eliminating expired provisions on  
11 study of school teams and committees; eliminating  
12 prescriptive summer reading and math grant program  
13 provisions; eliminating provisions pilot program for  
14 operation on schools on semester basis; eliminating outdated  
15 provisions for transferring school funds from magisterial  
16 and independent school districts; eliminating outdated  
17 provisions related to the board of the school fund;  
18 eliminating outdated provisions related to supplemental aid  
19 to for districts with institutional home for orphans and  
20 homeless children; eliminating expired provisions for  
21 transition to new provisions on school finance; eliminating  
22 expired provisions for school finance in certain fiscal  
23 year; eliminating expired provisions for one-year  
24 transitional allocation appropriation for certain rural  
25 districts; eliminating expired provisions related to levies  
26 subsequent to passage of statewide uniform excess levy;  
27 eliminating inoperable provisions for legislative reserve

1 fund; eliminating requirement for appropriation for teacher  
2 of the year salary; eliminating allowance for workers'  
3 compensation for unpaid work-based learning; eliminating  
4 outdated provisions related to board of school finance;  
5 eliminating provisions related to beginning teacher  
6 internship; making legislative findings on Goals for  
7 Education; making legislative findings on policy-oriented  
8 objectives in Goals for Education; making legislative  
9 findings on certain issues raised by Efficiency Audit;  
10 making legislative findings on consistency of certain Audit  
11 conclusion and policy-oriented objectives of Goals for  
12 Education; stating purpose of section with respect to Goals  
13 for Education and policy-oriented objectives; requiring  
14 state board report on accountability supervisory method that  
15 does not affect school and district strategic plans in  
16 certain ways; requiring state board to provide clear and  
17 consistent expectations for reasonable period in certain  
18 ways; requiring state board to ensure certain school and  
19 school system capacity for professional development;  
20 requiring state board to evaluate its performance and  
21 progress on achieving goals and report to Legislative  
22 Oversight Commission on Education Accountability;  
23 eliminating state board approval of certain electronic  
24 strategic improvement plans; reducing percent of increase in  
25 local share added to allowance to improve instructional  
26 programs; requiring certain funds available for use for  
27 personnel to be used for only certain personnel subject to

1 certain condition; increasing percent of increase in local  
2 share added to instructional technology purposes; changing  
3 purpose to county and school strategic improvement plans;  
4 and changing method of allocation to counties.

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

6 That §11-1C-5b of the code of West Virginia, 1931, as  
7 amended, be repealed; that §18-2-5g, §18-2-15, §18-2-15a, §18-2-  
8 18, §18-2-23, §18-2-30, §18-2-31, §18-2-36, §18-2-37 and §18-2-38  
9 that §18-2E-3c and §18-2E-3d of said code be repealed; that §18-  
10 5-40 of said code be repealed; that §18-9-2b, §18-9-5, §18-9-7  
11 and §18-9-8 of said code be repealed; that §18-9A-2a, §18-9A-3a,  
12 §18-9A-3b, §18-9A-13, §18-9A-13a, §18-9A-13b, §18-9A-25 and §18-  
13 9A-26 of said code be repealed; that §18-9B-11 and §18-9B-16 of  
14 said code be repealed; that §18A-3-2b of said code be repealed;  
15 that said code be further amended by adding thereto a new  
16 section, designated §18-2E-5e; and that §18-9A-10 of said code be  
17 amended and reenacted, all to read as follows:

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

19 **18-2E-5e. Restoring the authority, flexibility, and capacity of**  
20 **schools and school systems to improve student learning;**  
21 **findings with respect to Goals for Education and Efficiency**  
22 **Audit; state board reports.**

23 (a) The Legislature finds that the Goals for Education,  
24 Vision 2020: An Education Blueprint for Two Thousand Twenty, are  
25 set forth in section four, article one of this chapter and among  
26 these Goals are policy-oriented objectives to be accomplished or  
27 attained to meet the Goals, including objectives for:

1           (1) Curriculum and engaging instruction;

2           (2) An accountability and accreditation system that is based  
3 on rigorous standards for student outcomes aligned with national  
4 and international standards

5           (3) A statewide balanced assessment processes for state,  
6 district, school and classroom decision-making that reflects  
7 national and international rigorous performance standards;

8           (4) A personnel allocation, licensure and funding process  
9 that aligns with the needs of 21<sup>st</sup> Century school systems and is  
10 supported by a quality coordinated professional development  
11 delivery system; and

12           (5) A leadership recruitment, development and support  
13 continuum.

14           (b) The Legislature finds that, while the other policy-  
15 oriented objectives relating to the promotion of a healthy, safe  
16 and responsible school environment, equitable access to  
17 technology and alignment with post-secondary and workplace  
18 readiness are equally important, embodied within these five  
19 listed objectives is the vision for a system of schools that:

20           (1) Has clear and consistent expectations for student  
21 learning upon which schools and school systems will be held  
22 accountable;

23           (2) Encourages school and district self-analysis and  
24 strategic planning and the implementation of research-based  
25 strategies to achieve the expectations for student learning;

26           (3) Allows schools and school districts to create innovative  
27 approaches to instructional delivery and design that help

1 students develop a deep understanding and ability to apply  
2 content to real-world situations;

3 (4) Includes ongoing professional development activities  
4 focused on enhancing student achievement and achieving specific  
5 goals the school and district strategic plans;

6 (5) Provides schools the ability to access, organize and  
7 deliver high quality embedded professional development that  
8 provides staff with in-depth sustained and supported learning;

9 (6) Allows opportunities for staff to collectively learn,  
10 plan and implement curricular and instructional improvements on  
11 behalf of the students they serve; and

12 (7) Develops high quality leadership at the classroom,  
13 school and district levels.

14 (c) The Legislature finds further that among the major  
15 issues raised by the Efficiency Audit of West Virginia's Primary  
16 and Secondary Education System conducted by Public Works, LLC, is  
17 a description of West Virginia's system of schools as heavily  
18 regulated. The Audit report focuses on how the system can be  
19 better designed to meet the needs of students, elevate their  
20 aspirations, and prepare them for post-secondary education and  
21 careers. Among its general conclusions is the need to drive more  
22 educational decision-making down to the level closest to the  
23 students, to the classroom and building level - allowing  
24 principals to lead and teachers to deliver the most effective  
25 curriculum for their students - and then holding them accountable  
26 for student success.

27 (d) The Legislature finds that the Audit's conclusion that

1 more local flexibility is needed, and the responses to it  
2 expressed during the Legislature's several reviews, are  
3 consistent with the direction of policy-oriented objectives as  
4 set forth in the Goals for Education, Vision 2020: An Education  
5 Blueprint for Two Thousand Twenty. Therefore, the purpose of  
6 this section is to establish the Goals and its policy-oriented  
7 objectives as set forth in section four, article one of this  
8 chapter as the primary avenue for restoring the authority,  
9 flexibility, and capacity of schools and school systems to  
10 improve student learning to meet or exceed the expectations  
11 established by the state board and Legislature. Pursuant to this  
12 purpose, in addition the plan to be submitted to the Legislative  
13 Oversight Commission on Education Accountability as provided in  
14 said section four, the state board shall:

15 (1) On or before November 1, 2013, report to the Legislative  
16 Oversight Commission on Education Accountability its  
17 recommendations, along with any recommended statutory changes  
18 necessary to effectuate its recommendations, a method for holding  
19 schools and school systems accountable for meeting or exceeding  
20 its expectations for student learning and for otherwise  
21 exercising its general supervisory authority that does not  
22 impede the ability of schools and school systems to plan  
23 strategically and implement strategies for improving student  
24 learning, does not utilize school and school system strategic  
25 plans as a mechanism for regulatory compliance and does not  
26 subject them to state-level approval or annual updates to meet  
27 the state-level objectives;

1           (2) Provide clear and consistent expectations for student  
2 learning upon which schools and school systems may base their  
3 school improvement efforts by limiting the frequency of large  
4 scale revisions of curriculum standards and assessments to a  
5 reasonable period of years to the extent possible by integrating  
6 any new initiatives within the existing framework of standards  
7 and assessments;

8           (3) Ensure that the state's mechanism for professional  
9 development delivery allows adequate flexibility and resources  
10 for schools and school systems to address in a timely and focused  
11 manner the needed improvement in professional personnel  
12 performance identified through the evaluation process and  
13 strategic improvement plans; and

14           (4) Annually evaluate and report the results to the  
15 Legislative Oversight Commission on Education Accountability its  
16 performance and progress on achieving the Goals for Education,  
17 Vision 2020: An Education Blueprint for Two Thousand Twenty and  
18 the associated policy-oriented objectives.

19 **ARTICLE 9A. PUBLIC SCHOOL SUPPORT.**

20 **§18-9A-10. Foundation allowance to improve instructional**  
21 **programs.**

22 (a) The total allowance to improve instructional programs  
23 shall be the sum of the following:

24 (1) For instructional improvement, ~~in accordance with county~~  
25 ~~and school electronic strategic improvement plans required by~~  
26 ~~section five, article two-e of this chapter,~~ an amount equal to  
27 ~~fifteen~~ ten percent of the increase in the local share amount for

1 the next school year above any required allocation pursuant to  
2 section six-b of this article shall be added to the amount of the  
3 appropriation for this purpose for the immediately preceding  
4 school year. The sum of these amounts shall be distributed to  
5 the counties as follows:

6 (A) \$150,000 shall be allocated to each county; and

7 (B) Distribution to the counties of the remainder of these  
8 funds shall be made proportional to the average of each county's  
9 average daily attendance for the preceding year and the county's  
10 second month net enrollment.

11 Moneys allocated by provision of this ~~section~~ subdivision  
12 shall be used to improve instructional programs according to the  
13 county and school ~~electronic~~ strategic improvement plans:  
14 ~~required by section five, article two-e of this chapter and~~  
15 ~~approved by the state board:~~ *Provided*, That notwithstanding any  
16 other provision of this code to the contrary, moneys allocated by  
17 provision of this section may also be used in the implementation  
18 and maintenance of the uniform integrated regional computer  
19 information system.

20 Up to twenty-five percent of this allocation may be used to  
21 employ professional educators and service personnel in counties  
22 after all applicable provisions of sections four and five of this  
23 article have been fully utilized.

24 Prior to the use of any funds from this ~~section~~ subdivision  
25 for personnel costs, the county board must receive authorization  
26 from the state Superintendent of Schools. The state  
27 superintendent shall require the county board to demonstrate:

1 (1) The need for the allocation; (2) efficiency and fiscal  
2 responsibility in staffing; (3) sharing of services with  
3 adjoining counties and the regional educational service agency  
4 for that county in the use of the total local district board  
5 budget; and (4) employment of technology integration specialists  
6 to meet the needs for implementation of the West Virginia 21st  
7 Century Strategic Technology Learning Plan. County boards shall  
8 make application for ~~available funds~~ the use of funds for  
9 personnel for the next fiscal year by May 1 of each year. On or  
10 before June 1, the state superintendent shall review all  
11 applications and notify applying county boards of the  
12 ~~distribution of the allocation. The funds shall be distributed~~  
13 approval or disapproval of the use of funds for personnel during  
14 the fiscal year appropriate. The state superintendent shall  
15 require the county board to demonstrate the need for an  
16 allocation for personnel based upon the county's inability to  
17 meet the requirements of state law or state board policy:  
18 *Provided*, That the funds available for personnel under this  
19 ~~section~~ subsection may not be used to increase the total number  
20 of professional noninstructional personnel in the central office  
21 beyond four: *Provided, however*, That for the school year  
22 beginning July 1, 2013, and thereafter, any funds available to a  
23 county for use for personnel above the amount available for the  
24 2012-2013 school year, may only be used for technology systems  
25 specialists until the state superintendent determines that the  
26 county has sufficient technology systems specialists to serve the  
27 needs of the county. The plan shall be made available for

1 distribution to the public at the office of each affected county  
2 board; plus

3 (2) For the purposes of ~~the West Virginia 21st Century~~  
4 ~~Strategic Technology Learning Plan provided for in section seven,~~  
5 ~~article two-e of this chapter~~ improving instructional technology  
6 programs according to the county and school strategic improvement  
7 plans, an amount equal to ~~fifteen~~ twenty percent of the increase  
8 in the local share amount for the next school year above any  
9 required allocation pursuant to section six-b of this article  
10 shall be added to the amount of the appropriation for this  
11 purpose for the immediately preceding school year. ~~The sum of~~  
12 ~~these amounts shall be allocated to the counties as provided in~~  
13 ~~section seven, article two-e of this chapter to meet the~~  
14 ~~objectives of the West Virginia 21st Century Strategic Technology~~  
15 ~~Learning Plan~~ The sum of these amounts shall be distributed to  
16 the counties as follows:

17 (A) \$30,000 shall be allocated to each county; and

18 (B) Distribution to the counties of the remainder of these  
19 funds shall be made proportional to the average of each county's  
20 average daily attendance for the preceding year and the county's  
21 second month net enrollment.

22 Moneys allocated by provision of this subdivision shall be  
23 used to improve instructional technology programs according to  
24 the county and school strategic improvement plans; plus

25 (3) One percent of the state average per pupil state aid  
26 multiplied by the number of students enrolled in dual credit,  
27 advanced placement and international baccalaureate courses, as

1 defined by the state board, distributed to the counties  
2 proportionate to enrollment in these courses in each county; plus

3 (4) An amount not less than the amount required to meet debt  
4 service requirements on any revenue bonds issued prior to January  
5 1, 1994, and the debt service requirements on any revenue bonds  
6 issued for the purpose of refunding revenue bonds issued prior to  
7 January 1, 1994, shall be paid into the School Building Capital  
8 Improvements Fund created by section six, article nine-d of this  
9 chapter and shall be used solely for the purposes of that  
10 article. The School Building Capital Improvements Fund shall not  
11 be utilized to meet the debt services requirement on any revenue  
12 bonds or revenue refunding bonds for which moneys contained  
13 within the School Building Debt Service Fund have been pledged  
14 for repayment pursuant to that section.

15 (b) When the school improvement bonds secured by funds from  
16 the School Building Capital Improvements Fund mature, the state  
17 Board of Education shall annually deposit an amount equal to  
18 \$24,000,000 from the funds allocated in this section into the  
19 School Construction Fund created pursuant to the provisions of  
20 section six, article nine-d of this chapter to continue funding  
21 school facility construction and improvements.

22 (c) Any project funded by the School Building Authority  
23 shall be in accordance with a comprehensive educational facility  
24 plan which must be approved by the state board and the School  
25 Building Authority.

Note: This bill repeals numerous outdated, overly prescriptive or ineffective sections of code. It makes findings on the Goals for Education, Vision 2020: An Education Blueprint

for Two Thousand Twenty and the education efficiency audit and establishes the policy-oriented objectives in the Goals as the primary avenue for restoring the authority, flexibility, and capacity of schools and school systems to improve student learning to meet or exceed the expectations established by the state board and Legislature.

It directs the State Board to report a method for accountability and supervision that does not interfere with school and county strategic planning, to provide clear and consistent expectations for student learning for a reasonable period of time, to ensure adequate flexibility and resources for school and school system professional development to address needs identified by evaluations and strategic plans, and to evaluate its performance and progress on the Goals and report to LOCEA.

Finally, it eliminates State Board approval of county strategic plans for instructional improvement and technology under Step 7 of the school aid formula, shifts 5% the growth in local share to the technology portion of the allocation, distributes the technology allocation to the counties using a base+net enrollment formula similar to the formula for the distribution of instructional improvement funds.

Strike-throughs indicate existing language that would be removed, and underscoring indicates new language that would be added.