

1 ENGROSSED

2 COMMITTEE SUBSTITUTE

3 FOR

4 **H. B. 3157**

5 (By Delegates M. Poling, Stowers, Lawrence, Williams, Perry,  
6 Pethtel, Tomblin, Young, Pasdon, Evans and Westfall)

7 (Originating in the Committee on Finance)

8 [March 29, 2013]

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11 A BILL to repeal §18-2-15, §18-2-15a, §18-2-18, §18-2-23, §18-2-30,  
12 §18-2-31, §18-2-36, §18-2-37 and §18-2-38 of the code of West  
13 Virginia, 1931, as amended; to repeal §18-2E-3c and §18-2E-3d  
14 of said code; to repeal §18-5-40 of said code; to repeal  
15 §18-9-2b, §18-9-5, §18-9-7 and §18-9-8 of said code; to repeal  
16 §18-9A-3a, §18-9A-3b, §18-9A-13, §18-9A-13a, §18-9A-13b,  
17 §18-9A-25 and §18-9A-26 of said code; to repeal §18-9B-11 and  
18 §18-9B-16 of said code; to repeal §18A-3-2b of said code; to  
19 amend and reenact §18-2-5g of said code; to further amend said  
20 code by adding thereto a new section, designated §18-2E-5e; to  
21 further amend said code by adding thereto a new section,  
22 designated §18-8-6a; and to amend and reenact §18-9A-10 of  
23 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 biennial  
26 report on public schools and institutions; eliminating expired

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3 outdated provisions on comprehensive education program plans;  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5 resource center; eliminating outdated provisions for automatic  
6 cost of living adjustment plan; eliminating outdated  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13 eliminating outdated provisions for transferring school funds  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15 outdated provisions related to the board of the school fund;  
16 eliminating outdated provisions related to supplemental aid to  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

1 compensation for unpaid work-based learning; eliminating  
2 outdated provisions related to board of school finance;  
3 eliminating provisions related to beginning teacher  
4 internship; replacing requirement for annual summary and  
5 submission of certain county board policies with requirement  
6 for state board to review and evaluate certain reports and  
7 report to legislative oversight commission; making legislative  
8 findings on Goals for Education; making legislative findings  
9 on policy-oriented objectives in Goals for Education; making  
10 legislative findings on certain issues raised by Efficiency  
11 Audit; making legislative findings on consistency of certain  
12 Audit conclusion and policy-oriented objectives of Goals for  
13 Education; stating purpose of section with respect to Goals  
14 for Education and policy-oriented objectives; requiring state  
15 board report on accountability supervisory method that does  
16 not affect school and district strategic plans in certain  
17 ways; requiring state board to provide clear and consistent  
18 expectations for reasonable period in certain ways; requiring  
19 state board to ensure certain school and school system  
20 capacity for professional development; requiring state board  
21 to evaluate its performance and progress on achieving goals  
22 and report to Legislative Oversight Commission on Education  
23 Accountability; providing reimbursement in certain  
24 circumstances for county board costs of probation officers for  
25 truant juveniles; eliminating state board approval of certain  
26 electronic strategic improvement plans; reducing percent of

1 increase in local share added to allowance to improve  
2 instructional programs; requiring certain funds available for  
3 use for personnel to be used for only certain personnel  
4 subject to certain condition; increasing percent of increase  
5 in local share added to instructional technology purposes;  
6 changing purpose to county and school strategic improvement  
7 plans; and changing method of allocation to counties.

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

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

23 **ARTICLE 2. STATE BOARD OF EDUCATION.**

24 **§18-2-5g. Review and determination of principal and teacher**  
25 **reports; identify reports with recommendations to**

1 Legislative Oversight Commission.

2 ~~In addition to filing each policy as required by section~~  
3 ~~fourteen, article five of this chapter, the state board shall~~  
4 ~~require each county board to provide a summary of any modifications~~  
5 ~~to the policies and copies of annual reports developed pursuant to~~  
6 ~~section fourteen, article five of this chapter. The state board~~  
7 ~~shall submit copies of these summaries of modifications to the~~  
8 ~~policies and annual reports, together with any comments and~~  
9 ~~recommendations, to the Legislative Oversight commission on~~  
10 ~~education accountability, no later than December 31, of each year.~~

11 (a) The state board shall review and evaluate all reports  
12 required to be written by principals and teachers in order to  
13 determine which reports are repetitive, unnecessary,  
14 counterproductive or outdated so that the administrative burden on  
15 principals and teachers may be lessened.

16 (b) The state board shall submit a report to the Legislative  
17 Oversight Commission on Education Accountability no later than  
18 December 31 of each year identifying those unnecessary reports,  
19 together with any comments and recommendations on how to reduce or  
20 consolidate principal and teacher reports.

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

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

1       (a) The Legislature finds that the Goals for Education, Vision  
2 2020: An Education Blueprint for Two Thousand Twenty, are set forth  
3 in section four, article one of this chapter and among these Goals  
4 are policy-oriented objectives to be accomplished or attained to  
5 meet the Goals, including objectives for:

6       (1) Curriculum and engaging instruction;

7       (2) An accountability and accreditation system that is based  
8 on rigorous standards for student outcomes aligned with national  
9 and international standards;

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

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

17       (5) A leadership recruitment, development and support  
18 continuum.

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

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

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

4 (3) Allows schools and school districts to create innovative  
5 approaches to instructional delivery and design that help students  
6 develop a deep understanding and ability to apply content to real-  
7 world situations;

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

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

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

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

19 (c) The Legislature finds further that among the major issues  
20 raised by the Efficiency Audit of West Virginia's Primary and  
21 Secondary Education System conducted by Public Works, LLC, is a  
22 description of West Virginia's system of schools as heavily  
23 regulated. The Audit report focuses on how the system can be  
24 better designed to meet the needs of students, elevate their  
25 aspirations, and prepare them for post-secondary education and  
26 careers. Among its general conclusions is the need to drive more

1 educational decision-making down to the level closest to the  
2 students, to the classroom and building level - allowing principals  
3 to lead and teachers to deliver the most effective curriculum for  
4 their students - and then holding them accountable for student  
5 success.

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

20 (1) On or before November 1, 2013, report to the Legislative  
21 Oversight Commission on Education Accountability its  
22 recommendations, along with any recommended statutory changes  
23 necessary to effectuate its recommendations, a method for holding  
24 schools and school systems accountable for meeting or exceeding its  
25 expectations for student learning and for otherwise exercising its  
26 general supervisory authority that does not impede the ability of



1 schools and school systems to plan strategically and implement  
2 strategies for improving student learning, does not utilize school  
3 and school system strategic plans as a mechanism for regulatory  
4 compliance and does not subject them to state-level approval or  
5 annual updates to meet the state-level objectives;

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

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

19 (4) Annually evaluate and report the results to the  
20 Legislative Oversight Commission on Education Accountability its  
21 performance and progress on achieving the Goals for Education,  
22 Vision 2020: An Education Blueprint for Two Thousand Twenty and the  
23 associated policy-oriented objectives.

24 **ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.**

25 **§18-8-6a. Incentive for county board participation in circuit**  
26 **court juvenile probation truancy programs.**

1 A county board that enters into a truancy program agreement  
2 with the circuit court of the county that (1) provides for the  
3 referral of truant juveniles for supervision by the court's  
4 probation office pursuant to section eleven, article five, chapter  
5 forty-nine of this code and (2) requires the county board to pay  
6 for the costs of the probation officer or officers assigned to  
7 supervise truant juveniles, shall be reimbursed for one-half of the  
8 costs of the probation officer or officers, subject to  
9 appropriation of the Legislature for this purpose to the West  
10 Virginia Department of Education. For any year in which the funds  
11 appropriated are insufficient to cover the reimbursement costs, the  
12 county's costs shall be reimbursed prorata.

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

14 **§18-9A-10. Foundation allowance to improve instructional programs.**

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

17 (1) For instructional improvement, ~~in accordance with county~~  
18 ~~and school electronic strategic improvement plans required by~~  
19 ~~section five, article two e of this chapter,~~ an amount equal to  
20 ~~fifteen~~ ten percent of the increase in the local share amount for  
21 the next school year above any required allocation pursuant to  
22 section six-b of this article shall be added to the amount of the  
23 appropriation for this purpose for the immediately preceding school  
24 year. The sum of these amounts shall be distributed to the  
25 counties as follows:

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

1 (B) Distribution to the counties of the remainder of these  
2 funds shall be made proportional to the average of each county's  
3 average daily attendance for the preceding year and the county's  
4 second month net enrollment.

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

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

17 Prior to the use of any funds from this ~~section~~ subdivision  
18 for personnel costs, the county board must receive authorization  
19 from the state Superintendent of Schools. The state superintendent  
20 shall require the county board to demonstrate: (1) The need for  
21 the allocation; (2) efficiency and fiscal responsibility in  
22 staffing; (3) sharing of services with adjoining counties and the  
23 regional educational service agency for that county in the use of  
24 the total local district board budget; and (4) employment of  
25 technology integration specialists to meet the needs for  
26 implementation of the West Virginia 21st Century Strategic

1 Technology Learning Plan. County boards shall make application for  
2 ~~available funds~~ the use of funds for personnel for the next fiscal  
3 year by May 1 of each year. On or before June 1, the state  
4 superintendent shall review all applications and notify applying  
5 county boards of the ~~distribution of the allocation.~~ ~~The funds~~  
6 ~~shall be distributed~~ approval or disapproval of the use of funds  
7 for personnel during the fiscal year appropriate. The state  
8 superintendent shall require the county board to demonstrate the  
9 need for an allocation for personnel based upon the county's  
10 inability to meet the requirements of state law or state board  
11 policy: *Provided,* That the funds available for personnel under  
12 this ~~section~~ subsection may not be used to increase the total  
13 number of professional noninstructional personnel in the central  
14 office beyond four: *Provided, however,* That for the school year  
15 beginning July 1, 2013, and thereafter, any funds available to a  
16 county for use for personnel above the amount available for the  
17 2012-2013 school year, may only be used for technology systems  
18 specialists until the state superintendent determines that the  
19 county has sufficient technology systems specialists to serve the  
20 needs of the county. The plan shall be made available for  
21 distribution to the public at the office of each affected county  
22 board; plus

23 (2) For the purposes of ~~the West Virginia 21st Century~~  
24 ~~Strategic Technology Learning Plan provided for in section seven,~~  
25 ~~article two-e of this chapter~~ improving instructional technology  
26 programs according to the county and school strategic improvement

1 plans, an amount equal to ~~fifteen~~ twenty percent of the increase in  
2 the local share amount for the next school year above any required  
3 allocation pursuant to section six-b of this article shall be added  
4 to the amount of the appropriation for this purpose for the  
5 immediately preceding school year. ~~The sum of these amounts shall~~  
6 ~~be allocated to the counties as provided in section seven, article~~  
7 ~~two e of this chapter to meet the objectives of the West Virginia~~  
8 ~~21st Century Strategic Technology Learning Plan~~ The sum of these  
9 amounts shall be distributed to the counties as follows:

- 10 (A) \$30,000 shall be allocated to each county; and
- 11 (B) Distribution to the counties of the remainder of these  
12 funds shall be made proportional to the average of each county's  
13 average daily attendance for the preceding year and the county's  
14 second month net enrollment.

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

18 (3) One percent of the state average per pupil state aid  
19 multiplied by the number of students enrolled in dual credit,  
20 advanced placement and international baccalaureate courses, as  
21 defined by the state board, distributed to the counties  
22 proportionate to enrollment in these courses in each county; plus

23 (4) An amount not less than the amount required to meet debt  
24 service requirements on any revenue bonds issued prior to January  
25 1, 1994, and the debt service requirements on any revenue bonds  
26 issued for the purpose of refunding revenue bonds issued prior to

1 January 1, 1994, shall be paid into the School Building Capital  
2 Improvements Fund created by section six, article nine-d of this  
3 chapter and shall be used solely for the purposes of that article.  
4 The School Building Capital Improvements Fund shall not be utilized  
5 to meet the debt services requirement on any revenue bonds or  
6 revenue refunding bonds for which moneys contained within the  
7 School Building Debt Service Fund have been pledged for repayment  
8 pursuant to that section.

9       (b) When the school improvement bonds secured by funds from  
10 the School Building Capital Improvements Fund mature, the state  
11 Board of Education shall annually deposit an amount equal to  
12 \$24,000,000 from the funds allocated in this section into the  
13 School Construction Fund created pursuant to the provisions of  
14 section six, article nine-d of this chapter to continue funding  
15 school facility construction and improvements.

16       (c) Any project funded by the School Building Authority shall  
17 be in accordance with a comprehensive educational facility plan  
18 which must be approved by the state board and the School Building  
19 Authority.