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**ENGROSSED**

**H. B. 4619**

(By Delegates M. Poling, Perry, Pethtel, Lawrence, Barrett,  
Campbell, Rowan, Pasdon, Hamrick, Westfall and Ambler)

[Originating in the Committee on Education]

(February 20, 2014)

A BILL to amend the code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5B-13, relating to authorizing innovation school districts; making legislative findings and providing intent and purpose of section; school system eligibility and application categories; providing for application process, review, content and periods; innovation school district plan purpose and content; plan development, approval and submission to state board; state board designation of innovation school districts; affect of designation and process for waiver of statutes, policies, rules and interpretations; limitation on waivers; revision and extension of plans; revocation of designation; affect of plan expiration on innovations; requiring state board rule; and annual review.

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

2 That §18-5B-3 of the code of West Virginia, 1931, as  
3 amended, be amended and reenacted; and that said code be further  
4 amended by adding thereto a new section, designated §18-5B-13,  
5 all to read as follows:

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

7 **§18-5B-3. School innovation zones; application for designation;**  
8 **state board rule.**

9 (a) A school, a group of schools, a subdivision or  
10 department of a group of schools, or a subdivision or department  
11 of a school may be designated as an innovation zone in accordance  
12 with this article.

13 (b) The state board shall promulgate a rule, including an  
14 emergency rule if necessary, in accordance with article three-b,  
15 chapter twenty-nine-a of this code to implement the provisions of  
16 this article. The rule shall include provisions for at least the  
17 following:

18 (1) A process for a school, a group of schools, a  
19 subdivision or department of a group of schools or a subdivision  
20 or department of a school to apply for designation as an  
21 innovation zone that encompasses at least the following:

22 (A) The manner, time and process for the submission of an  
23 innovation zone application;

24 (B) The contents of the application, which must include a

1 general description of the innovations the school or schools seek  
2 to institute and an estimation of the employees who may be  
3 affected by the implementation of the innovations; and

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

7 (i) The level of staff commitment to apply for designation  
8 as an innovation zone as determined by a vote by secret ballot at  
9 a special meeting of employees eligible to vote on the plan, as  
10 provided in section six of this article;

11 (ii) Support from parents, students, the county board of  
12 education, the local school improvement council and school  
13 business partners; and

14 (iii) The potential for an applicant to be successful as an  
15 innovation zone; and

16 (2) Standards for the state board to review applications for  
17 designation as innovation zones and to make determinations on the  
18 designation of innovation zones.

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

1           When initially designating innovation zones after the  
2 enactment of this article by the first extraordinary session of  
3 the 2009 Legislature, the state board shall consider applicants  
4 for designation in the following order: (1) A school and groups  
5 of schools; (2) a group of schools seeking designation across the  
6 same subdivision or department of the schools; and (3) a school  
7 seeking designation of a subdivision or a department.

8           (d) When designating innovation zones under these provisions  
9 following the amendment and reenactment of this section by the  
10 Legislature at its regular session 2014, and for each of the four  
11 succeeding school years, the state board shall establish a  
12 priority for applications that include the establishment of  
13 entrepreneurship education programs as a curricular offering for  
14 students. To qualify under this priority, the program strategy  
15 must include the active involvement of one or more partners from  
16 the business community in program delivery.

17 **§18-5B-13. Innovation school district Act; legislative**  
18 **findings, intent and purpose; eligibility;**  
19 **application; innovation plan and plan approval;**  
20 **designation; waiver of statutes, policies, rules**  
21 **or interpretations; exceptions; progress reviews**  
22 **and annual reports; state board rule.**

23           (a) Legislative findings:

24           (1) High school completion is an essential milestone for all

1 West Virginia students and impacts the future success of the  
2 individual, community and state as well as providing the pathway  
3 to and appreciation for life-long learning endeavors;

4 (2) There are significant correlations between educational  
5 attainment and labor market outcomes, greater labor force  
6 participation rate, increased employment rates, improved health,  
7 and decreased levels of poverty and crime. The negative impact on  
8 these linkages is most evident in the absence of high school  
9 completion;

10 (3) West Virginia as a state must improve in areas of  
11 student achievement, graduation rate, attendance, the college  
12 going rate and other indicators of academic success in public  
13 schools;

14 (4) Research identifies a number of effective strategies for  
15 engaging students that have the most positive impact on improving  
16 student success and high school graduation. Some of these  
17 strategies are school-community collaboration, safe learning  
18 environments, family engagement, early literacy development,  
19 mentoring and tutoring services, service learning opportunities,  
20 alternative and nontraditional schooling, offering multiple  
21 pathways and settings for attaining high school diplomas, after-  
22 school opportunities, individualized instruction and career and  
23 technical education;

24 (5) Among the major issues raised by the Efficiency Audit of West

1 Virginia's Primary and Secondary Education System conducted by Public  
2 Works, LLC, is a description of West Virginia's system of schools as  
3 heavily regulated. The report expresses the advantages of more local  
4 autonomy to better meet the needs of students, elevate their  
5 aspirations, and prepare them for post-secondary education and careers.  
6 Among its general conclusions is the need to drive more educational  
7 decision-making to the level closest to the students, to the classroom  
8 and building level - allowing principals to lead and teachers to  
9 deliver the most effective curriculum for their students - and then  
10 holding them accountable for student success;

11 (6) The Goals for Education, Vision 2020: An Education  
12 Blueprint for Two Thousand Twenty include policy-oriented  
13 objectives for restoring the autonomy, authority, flexibility,  
14 and capacity of local schools and county boards to improve  
15 student learning to meet or exceed the expectations established  
16 by the state board and Legislature;

17 (7) Allowing exceptions from certain statutes, policies,  
18 rules and interpretations through the creation of innovation  
19 school districts will restore the autonomy, authority,  
20 flexibility, and capacity of local schools and county boards to  
21 enable greater local autonomy and encourage innovation over the  
22 important factors that impact student achievement and the  
23 delivery of educational services to improve student learning; and

24 (8) When educators, parents, elected officials, business  
25 leaders, faith-based leaders, human service personnel, judicial

1 personnel and civic leaders collectively work together, they are  
2 often able to find innovative solutions to address school and  
3 community problems and implement a variety of innovative  
4 improvements that increase student engagement, develop more  
5 flexible schedules, enhance student and teacher ownership of the  
6 learning process and increase student achievement.

7 (b) Legislative intent and purpose of section:

8 In light of the foregoing findings, it is the intent of the  
9 Legislature through this section to create a special category of  
10 innovation zones entitled "Innovation School Districts" to  
11 provide an additional tool for school systems in collaboration  
12 with community and business partners to plan and implement new  
13 approaches to improve the performance and progress of the  
14 students, schools and school system. This section is intended to  
15 establish a process that includes:

16 (1) Broad participation and collaboration in the  
17 establishment of an innovation school district plan that includes  
18 approaches to build the capacity of the district to improve the  
19 performance and progress of its students, schools and school  
20 system; and

21 (2) Provides multiple opportunities over a period of five  
22 years for a school system designated as an innovation school  
23 district to seek and receive exceptions to certain statutes,  
24 policies, rules and interpretations applicable throughout the

1 county or at certain schools within the county as needed to best  
2 meet the needs of its students as the system moves forward with  
3 its partners toward fulfillment of its innovation school district  
4 plan.

5 (c) School System Eligibility:

6 All county boards are eligible to apply for designation as  
7 an innovation school district. The applications shall be taken  
8 in four categories: Sparse Density County; Low Density County;  
9 Medium Density County; and High Density County, as those terms  
10 are defined in section two, article nine-a of this chapter. The  
11 state board is authorized to designate two counties from each  
12 category on a competitive basis as innovation school districts.

13 (d) Application for designation as Innovation School  
14 District:

15 The rule promulgated by the state board to implement this  
16 section shall include an application and approval process for  
17 innovation school district plans that includes, but is not  
18 limited to, the following provisions:

19 (1) The manner, time and process for the submission of  
20 innovation school district applications. The initial application  
21 deadline may not be prior to January 2015. If after  
22 consideration of the applications submitted to it during an  
23 application period, the state board in its sole discretion does  
24 not designate the allotted number of school systems in each



1 density category as innovation school districts, the state board  
2 may establish another application period to permit county boards  
3 in a density category not filled to reapply. In addition, at any  
4 time the number of designated innovation school districts in a  
5 density category is less than the maximum two due to the  
6 revocation or expiration of a designation, the state board may  
7 establish an application period and may select on a competitive  
8 basis new school systems to achieve the maximum two per density  
9 category;

10 (2) The contents of the application, which must include:

11 (A) The innovation school district plan approved in  
12 accordance with subsection (f) of this section; and

13 (B) A general description of the innovations the school  
14 district seeks to institute as proposed in its innovation school  
15 district plan;

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

19 (A) Support from teachers, staff, parents, students, the  
20 county board of education, the local school improvement council  
21 and school business partners; and

22 (B) The potential for an applicant to be successful in  
23 raising student achievement as an innovation school district;

24 (4) Standards for the state board to review applications for

1 designation as an innovation school district and to make  
2 determinations on the designation of a school system as an  
3 innovation school district; and

4 (5) An innovation zone application review committee and  
5 recommendation process which shall be the same committee and  
6 process as used for all other innovation zones under this  
7 article.

8 (e) *Innovation School District Plan:*

9 The innovation school district plan is intended to serve as  
10 the basis for the innovative activities of the school system and  
11 to provide a vision for the school improvement goals it will work  
12 to accomplish in collaboration with its school and community  
13 partners. The plan is not intended as a limit on the normal  
14 school improvement activities that all school systems are  
15 expected to pursue, nor is the plan intended as a restriction on  
16 the ability of the school system or its schools to pursue other  
17 innovative strategies in accordance with the other provisions of  
18 this article. The innovation school district plan may include,  
19 but are not limited to, the following proposals:

20 (1) Methods for providing schools and communities with  
21 opportunities for greater collaboration to plan and implement  
22 systemic approaches that include evidence-based solutions for  
23 increasing graduation rates, increasing achievement and  
24 educational outcomes and reducing the number of dropouts;

1           (2) Innovative approaches to revitalize vocational and  
2 technical education, an essential mission of county boards;

3           (3) Increased collaborative site-based decision-making  
4 powers over the budgeting for and spending on programs and  
5 services for students;

6           (4) Increased collaborative site-based decision-making  
7 powers over teacher recruitment;

8           (5) Improved site-based mentoring, collaboration and support  
9 for strengthening the professional practices of new and emerging  
10 teachers, including recognizing and supporting school-based  
11 teacher leaders that perform these duties;

12           (6) Allowing a collaborative process which ensures  
13 accountability and transparency to all stakeholders, provides  
14 information and additional measures of the effects of specific  
15 innovations upon which the success of the plan may be judged, and  
16 documents student, school and school system success;

17           (7) Allows input and demonstrative buy-in from education  
18 personnel regarding appropriate professional development,  
19 supports, resources and working conditions.

20           (8) Allowing a collaborative site-based process to reduce  
21 certain requirements to allow staff to meet the school's mission;

22           (9) Allowing, through a collaborative site-based process,  
23 flexibility to the alternative teacher certification programs;

24           (10) Utilizing virtual school courses aligned with the

1 Southern Regional Education Board's Standards for Quality Online  
2 Courses;

3 (11) Providing for greater autonomy for county board, and  
4 through the board's innovation's, for local schools; and

5 (12) Other innovation zone plans approved under the  
6 provisions of this article and being implemented in other schools  
7 and school systems throughout the state.

8 The innovation school district plan shall include a general  
9 description of the innovations the county school district seeks  
10 to institute, a proposed time line for implementation and  
11 measures for judging the success of the innovation school  
12 district plan.

13 (f) Innovation School District Plan - District Level  
14 Approval:

15 Prior to submitting an innovation school district plan to  
16 the state board, the county board shall:

17 (1) Form a broad based innovation school district  
18 stakeholders committee which may include, but is not limited to,  
19 educators, parents, elected officials, business leaders, faith-  
20 based leaders, human service personnel, judicial personnel and  
21 civic leaders, but at a minimum shall include the principals  
22 employed within the county, the chairs of the faculty senates of  
23 each school in the county, employee organization representatives,  
24 a school service person from each work site and parent

1 representatives. The stakeholder committee shall compose a  
2 conceptual proposal for the purpose of soliciting input on a  
3 variety of approaches that may be undertaken within the county if  
4 designated as an innovation school district and to guide  
5 development of an innovation school district plan;

6 (2) Direct the county superintendent to hold a meeting of  
7 all regularly employed school employees to provide them an  
8 opportunity to examine and discuss the conceptual proposal. The  
9 superintendent shall direct that a vote of all regularly employed  
10 school employees in the county be conducted within fifteen days  
11 of the meeting to determine the level of school employee support  
12 for the conceptual proposal. The vote shall be by secret ballot  
13 administered by the panels created in subsection (c), section six  
14 of this article for each school and shall be administered in  
15 accordance with that subsection. For the vote to be valid,  
16 ballots must be cast by at least fifty percent of all regularly  
17 employed school employees in the county. Before proceeding with  
18 the succeeding subdivisions of this subsection, the conceptual  
19 proposal must be approved by at least two-thirds ballots cast  
20 voting to approve it. If not approved, the stakeholder committee  
21 may revise the conceptual proposal and, subject to direction of  
22 the county board, the superintendent shall repeat the steps set  
23 forth in this subdivision for a revote;

24 (3) Make its conceptual proposal for an innovation school

1 district available to the public at least 20 days prior to the  
2 public hearings required under subdivision (2) of this  
3 subsection. In order to comply with this public notice  
4 requirement, the proposed plan shall be posted on the county  
5 board's web site, as well as hard copies of the proposed plan  
6 being made available at all county school sites and the county's  
7 central office, for public viewing and copying;

8 (4) After the closure of the 20 day public review period,  
9 conduct public town hall meetings in at least three schools in  
10 the county, including at least one each at schools with separate  
11 secondary, middle and elementary programmatic levels, or as near  
12 as possible considering the county's facility infrastructure, for  
13 the purpose of soliciting input from those in attendance on the  
14 challenges affecting the quality of education in the county and  
15 the potential strategies and priorities for addressing them;

16 (5) Direct the county superintendent to hold a meeting of  
17 the innovation school district stakeholders committee following  
18 the public town hall meetings for the purpose of reviewing the  
19 input gathered at the meetings and developing an innovation  
20 school district plan;

21 (6) Direct the county superintendent to hold a meeting of  
22 all regularly employed school employees to provide them an  
23 opportunity to examine and discuss the innovation school district  
24 plan. The superintendent shall direct that a vote of all

1 regularly employed school employees in the county be conducted  
2 within fifteen days of the meeting to determine the level of  
3 school employee support for the innovation school district plan.  
4 The vote shall be conducted as provided in subdivision (2) of  
5 this subsection, except that for the vote to be valid, ballots  
6 must be cast by at least sixty percent of all regularly employed  
7 school employees in the county and the innovation school district  
8 plan must be approved by at least two-thirds of the ballots cast  
9 voting to approve it. If not approved, the stakeholder committee  
10 may revise the plan and, subject to direction of the county  
11 board, the superintendent shall repeat the steps set forth in  
12 this subdivision for a revote; and

13 (7) The plan may then be submitted by the county  
14 superintendent to the county board for a vote to submit the plan  
15 to the state board. The authority of a county board to vote to  
16 submit an innovation school district plan and the right to submit  
17 the plan and be designated as an innovation school district, if  
18 selected, in accordance with this section are not subject to or  
19 affected by the approval status of the school system or  
20 intervention in the authority of county board for school system  
21 operation pursuant to section five, article two-e of this  
22 chapter.

23 (g) State Board Designation of Innovation School Districts:

24 The state board shall review the innovation school district

1 applications in accordance with the standards adopted by the  
2 board, shall determine the highest rated applicants in each  
3 category and shall determine whether to designate those  
4 applicants as innovation school districts. The designation of an  
5 applicant as an innovation school district is at the sole  
6 discretion of the state board. The state board shall notify each  
7 applicant of the board's determination within thirty days of the  
8 final determinations.

9 (h) Innovation School Districts:

10 The designation of a school system as an innovation school  
11 district authorizes the county board to submit requests to the  
12 state board for exceptions to statutes, policies, rules and  
13 interpretations that are required to permit implementation of the  
14 innovative strategies contemplated in its innovation school  
15 district plan. The designation as an innovation school district  
16 authorizes the county board to submit to submit multiple  
17 individual requests for exceptions to permit implementation of  
18 different strategies contemplated in the plan as the strategies  
19 are developed. Each request for an exception shall be submitted  
20 and may be approved by the state board subject to the following:

21 (1) The county board of a school system designated as an  
22 innovation school district may request an exception to a statute,  
23 policy, rule or interpretation by submitting an application to  
24 the state board that contains the following information:



1           (A) A description of the program or initiative the school  
2 system intends to implement at a school, group of schools or  
3 district-wide as an innovative strategy to improve student  
4 achievement if the request is approved by the state board;

5           (B) An explanation of the specific exception to a statute,  
6 policy, rule or interpretation, in the singular or plural, that  
7 the school system has identified as prohibiting or constraining  
8 the implementation of the program or initiative and why the  
9 exception is necessary;

10           (C) An explanation of how the program or initiative furthers  
11 the activities contemplated in the innovation school district  
12 plan;

13           (D) A certification by the county superintendent that the  
14 request for an exception was approved by a vote of the eligible  
15 employees in accordance with the process for voting as set forth  
16 in section six of this article; and

17           (E) Any other information the state board requires as set  
18 forth in its rule to implement this section.

19           (2) The state board shall review the request in accordance  
20 with the standards in its rule and shall determine whether to  
21 approve or disapprove the request. The approval or disapproval  
22 of a request is at the sole discretion of the state board in  
23 accordance with the requirements of this section.

24           (3) Except as provided in subdivision (5) of this

1 subsection, the state board shall approve or disapprove the  
2 request within thirty days of receipt, subject to the following:

3 (A) No exceptions to state board policies, rules or  
4 interpretations are granted unless the state board approves the  
5 request at least conditionally pursuant to subdivisions (2) and  
6 (5) of this subsection; and

7 (B) If the request is disapproved, the state board shall  
8 communicate its reasons for the disapproval to the county board  
9 and shall make recommendations for improving the request. The  
10 county board may amend and resubmit the request.

11 (4) Upon approval of the request by the state board, all of  
12 the exceptions to state board policies, rules and interpretations  
13 that were requested are granted;

14 (5) If a request, or a part thereof, may not be implemented  
15 unless an exception to a statute is granted by an Act of the  
16 Legislature, the state board may approve the request, or the part  
17 thereof, only upon the condition that the Legislature acts to  
18 grant the exception. If the state board approves a request on  
19 that condition, the state board shall submit the request for an  
20 exception to a statute, along with supporting reasons, to the  
21 Legislative Oversight Commission of Education Accountability.  
22 The commission shall review the request and make a recommendation  
23 to the Legislature regarding the exception requested; and

24 (6) An innovation school district may not request an

1 exception nor may an exception be granted from any of the  
2 following:

3 (A) A required statewide assessment program administered by  
4 the West Virginia Department of Education;

5 (B) Any provision of law or policy required by Public Law  
6 94-142, Public Law No. 107-110 or other federal law;

7 (C) Sections two and seven, article two, chapter eighteen-a  
8 of this code and sections seven-a, seven-b, eight and eight-b,  
9 article four, chapter eighteen-a of this code, except that an  
10 innovation school district may make a job posting for a teacher  
11 vacancy in accordance with the procedures and the approval by a  
12 vote of the teachers as provided in section eight of this  
13 article; and

14 (D) Any statute, policy, rule or other requirements of the  
15 state board or other agency related to the health and safety of  
16 students or employees, any requirements imposed by ethics laws or  
17 opinions, any requirements imposed by open records or open  
18 meetings laws, any requirements related to financial or academic  
19 reporting or transparency, or any requirements designed to  
20 protect the civil rights of students or employees.

21 (1) *Revision, Extension and Revocation of Innovation School*  
22 *District Plan:*

23 (1) The county board of a school system designated as an  
24 innovation school district pursuant to this section may revise

1 its innovation school district plan and resubmit its plan to the  
2 state board for approval after complying with all other  
3 applicable plan requirements set forth in this section for  
4 initial plan approval.

5 (2) The designation of a school system as an innovation  
6 school district shall be for a period of five years. The state  
7 board, upon request of the county board, may extend the  
8 designation for an additional two years if the school system has  
9 outstanding items in its school system collaborative innovation  
10 zone plan that it still wants to pursue and only for the purpose  
11 of pursuing those outstanding items.

12 (3) The state board after periodic review of an established  
13 innovation school district may, upon recommendation of the  
14 innovation zone application review committee, revoke the school  
15 district's designation as an innovation school district for  
16 noncompliance or nonperformance.

17 (m) *Affect of Plan Expiration on Innovations:*

18 The expiration of a school system's designation as an  
19 innovation school district does not negate any exceptions to  
20 statutes, policies, rules or interpretations granted to the  
21 school system unless and until specifically revoked, repealed or  
22 modified by the state board or by the Legislature, as applicable.

23 (o) *State Board Rule and Annual Reviews:*

24 The state board shall adopt, in accordance with article

1 three-b, chapter twenty-nine-a of this code, a rule for the  
2 implementation of this section. The state board or its  
3 designated committee shall perform annual performance reviews and  
4 provide annual reports in accordance with section seven of this  
5 article.

Note: The purpose of this bill is to authorize eight county school systems to be designated as Innovation School Districts through a competitive application process to the State Board. Two school systems each may be selected from each of the four student population density categories (sparse, low, medium and high). The district must develop a plan for the innovations it seeks to implement and it must be approved at the local level. If selected by the State Board, the district is authorized to seek waivers of statutes, policies, rules and interpretations over a five-year period as it progresses with implementation of its plan.

This section is new, therefore the entire section is underscored.