

H. B. 4162

(By Delegates Lawrence, Fragale, M. Poling,
D. Evans, Rowan, Cooper and Perry)

[Introduced January 14, 2014; referred to the
Committee on Education then Finance.]

**FISCAL
NOTE**

A BILL to repeal §18-8-6a of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-5B-11 of said code, all relating to the Local Solution Dropout Prevention and Recovery Innovation Zone Act; providing an incentive for county boards of education to participate in juvenile probation truancy programs; requiring the county board of education to pay for the salary and other costs of a juvenile probation officer employed by a circuit court; permitting the county board to seek reimbursement of half of those costs from the State Board of Education; specifying minimum requirements of program agreement between a circuit court and a county board; requiring the state board to reserve funds for that partial reimbursement; providing that if state funds for the total state-wide reimbursements to county boards are not available, the reimbursements are to be on a pro rata basis; requiring rule-making; and making technical changes.

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

2 That §18-8-6a of the Code of West Virginia, 1931, as amended,
3 be repealed; and that §18-5B-11 of said code be amended and
4 reenacted, all to read as follows:

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

6 **§18-5B-11. Local Solution Dropout Prevention and Recovery**
7 **Innovation Zone Act.**

8 (a) *Legislative findings, intent and purpose.*

9 The Legislature finds that:

10 (1) High school graduation is an essential milestone for all
11 West Virginia students and impacts the future success of the
12 individual, community and state;

13 (2) There are significant correlations between educational
14 attainment and labor market outcomes, greater labor force
15 participation rate, increased employment rates, improved health,
16 and decreased levels of poverty and crime. The negative impact on
17 these linkages is most evident in the absence of high school
18 completion;

19 (3) Dropping out of school is a process, not an event, with
20 factors building and compounding over time;

21 (4) Students at risk of not completing high school can be
22 identified as early as sixth grade using the indicators of
23 attendance, behavior and course failures. Therefore, a
24 comprehensive graduation plan must include a comprehensive systemic

1 approach that emphasizes early interventions;

2 (5) Research identifies a number of effective strategies for
3 engaging students that have the most positive impact on improving
4 high school graduation rates. Some of these strategies are school-
5 community collaboration, safe learning environments, family
6 engagement, early literacy development, mentoring and tutoring
7 services, service learning opportunities, alternative and
8 nontraditional schooling, offering multiple pathways and settings
9 for attaining high school diplomas, after-school opportunities,
10 individualized instruction and career and technical education;

11 (6) Schools cannot solve the dropout problem alone. Research
12 shows when educators, parents, elected officials, business leaders,
13 faith-based leaders, human service personnel, judicial personnel
14 and civic leaders collectively work together they are often able to
15 find innovative solutions to address school and community problems;
16 and

17 (7) Increasing high school graduation rates is an important
18 factor in preparing a college and career-ready citizenry. Higher
19 education institutions, including community and technical colleges,
20 are essential partners in creating local and statewide solutions.

21 (b) Therefore, the intent of the Legislature is to provide a
22 separate category of innovation zones designated "Local Solution
23 Dropout Prevention and Recovery Innovation Zones" intended to
24 achieve the following purposes:

1 (1) Provide for the establishment of Local Solution Dropout
2 Prevention and Recovery Innovation Zones to increase graduation
3 rates and reduce the number of dropouts from West Virginia schools;

4 (2) Provide schools and communities with opportunities for
5 greater collaboration to plan and implement systemic approaches
6 that include evidence-based solutions for increasing graduation
7 rates and reducing the number of dropouts;

8 (3) Provide a testing ground for innovative graduation
9 programs, incentives and approaches to reducing the number of
10 dropouts;

11 (4) Provide information regarding the effects of specific
12 innovations, collaborations and policies on graduation rates and
13 dropout prevention and recovery; ~~and~~

14 (5) Document educational strategies that increase graduation
15 rates, prevent dropouts and enhance student success; and

16 (6) Provide incentives for participation in programs with
17 successful results.

18 (c) *Local Solution Dropout Prevention and Recovery Innovation*
19 *Zones.*

20 A school, a group of schools or a school district may be
21 designated as a Local Solution Dropout Prevention and Recovery
22 Innovation Zone in accordance with the provisions of this article,
23 subject to ~~the provisions of~~ this section. The state board shall
24 propose rules for legislative promulgation, including an emergency

1 rule if necessary, in accordance with article three-b chapter
2 twenty-nine of this code to implement ~~the provisions of this~~
3 section. All provisions of this article apply to Local Solution
4 Dropout Prevention and Recovery Innovation Zones, including, but
5 not limited to, the designation, application, approval, waiver of
6 statutes, policies, rule and interpretations, employee approval,
7 employee transfers, progress reviews, reports and revocations, and
8 job postings, subject to the following:

9 (1) For purposes of this section, a "school, a group of
10 schools or a school district" means a high school, a group of
11 schools comprised of a high school and any of the elementary and
12 middle schools whose students will attend the high school, or a
13 school district whose graduation rate in the year in which an
14 application is made is less than ninety percent based on the latest
15 available school year data published by the Department of
16 Education;

17 (2) The contents of the application for designation as a Local
18 Solution Dropout Prevention and Recovery Innovation Zone must
19 include a description of the dropout prevention and recovery
20 strategies and that the school, group of schools or school district
21 plans to implement if designated as a Local Solution Dropout
22 Prevention and Recovery Innovation Zone, and any other information
23 the state board requires. The application also shall include a
24 list of all county and state board rules, policies and

1 interpretations, and all statutes, if any, identified as
2 prohibiting or constraining the implementation of the plan,
3 including an explanation of the specific exceptions to the rules,
4 policies and interpretations and statutes required for plan
5 implementation. A school, a group of schools, or school district
6 may not request an exception nor may an exception be granted from
7 any of the following:

8 (i) An assessment program administered by the West Virginia
9 Department of Education;

10 (ii) Any provision of law or policy required by the No Child
11 Left Behind Act of 2001, Public Law No. 107-110 or other federal
12 law; and

13 (iii) Section seven, article two and sections seven-a, seven-
14 b, eight and eight-b, article four, chapter eighteen-a of this
15 code, except as provided in section eight of this article;

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

19 (A) Evidence that other individuals or entities and community
20 organizations are involved as partners to collectively work with
21 the applicant to achieve the purposes as outlined in the dropout
22 prevention and recovery plan. These individuals or entities and
23 community organizations may include, but are not limited to,
24 individuals or entities and community organizations such as

1 parents, local elected officials, business leaders, faith-based
2 leaders, human service personnel, judicial personnel, civic leaders
3 community and technical colleges Higher education institutions;

4 (B) The level of commitment and support of staff, parents,
5 students, the county board of education, the local school
6 improvement council and the school's business partners as
7 determined in accordance with this article apply to become a Local
8 Solutions Dropout Prevention and Recovery Innovation Zone;

9 (C) The potential for an applicant to be successful in
10 building community awareness of the high school dropout problem and
11 developing and implementing its dropout prevention and recovery
12 plan; and

13 (D) Implementation of the statewide system of easily
14 identifiable early warning indicators of students at risk of not
15 completing high school developed by the state board in accordance
16 with section six, article eight of this chapter, known as The High
17 School Graduation Improvement Act, along with a plan of
18 interventions to increase the number of students earning a high
19 school diploma;

20 (4) The rule promulgated by the state board to implement this
21 section shall provide standards for the state board to review
22 applications for designation as a Local Solutions Dropout
23 Prevention and Recovery Innovation ~~Zones~~ Zone;

24 (5) The application for designation as a Local Solutions

1 Dropout Prevention and Recovery Innovation Zone under this section
2 is subject to approval in accordance with sections five and six of
3 this article. In addition to those approval stages, the
4 application, if approved by the school employees, shall be
5 presented to the local school improvement council for approval
6 prior to submission to county superintendent and board. Approval
7 by the local school improvement council is ~~obtain~~ obtained when at
8 least eighty percent of the local school improvement council
9 members present and voting after a quorum is established vote in
10 favor of the application; ~~and~~

11 (6) Upon approval by the state board and state superintendent
12 of the application, all exceptions to county and state board rules,
13 policies and interpretations listed within the plan are granted.
14 The applicant school, group of schools or school district shall
15 proceed to implement the plan as set forth in the approved
16 application and no further plan submissions or approval are
17 required, except that if an innovation zone plan, or a part
18 thereof, may not be implemented unless an exception to a statute is
19 granted by Act of the Legislature, the state board and state
20 superintendent may approve the plan, or the part thereof, only upon
21 the condition that the Legislature acts to grant the exception as
22 provided in this article; and

23 (7) The rule promulgated by the state board to implement this
24 section shall include procedures for a county board to apply under

1 this section and be reimbursed for one half of the salary, benefits
2 and travel costs of a juvenile probation officer employed by the
3 circuit court of the county under an agreement with the county
4 board that:

5 (A) Provides for the referral of truant juveniles for
6 supervision by the court's probation office pursuant to section
7 eleven, article five, chapter forty-nine of this code; and

8 (B) Requires the county board to pay the costs of a juvenile
9 probation officer employed by the circuit court who is assigned to
10 supervise truant juveniles.

11 A county board may not seek reimbursement for more than one
12 half of the salary, benefits and travel costs of one juvenile
13 probation officer. The state board shall reserve funds
14 appropriated for the Local Solutions Dropout Prevention and
15 Recovery Innovation Zones for the purposes of this subdivision. If
16 the funds reserved by the state board are insufficient for
17 reimbursement of one half of the salary, benefits and travel costs
18 of a juvenile probation officer for each county board eligible for
19 reimbursement, the amount of the reimbursements shall be prorated.
20 Applications for reimbursement under this subdivision are not
21 subject to any of the requirements for other applications under
22 this section or article.

23 *(d) Local solutions dropout prevention and recovery fund.*

24 There is hereby created in the State Treasury a special

1 revenue fund to be known as the "Local Solutions Dropout Prevention
2 and Recovery Fund." The fund shall consist of all moneys received
3 from whatever source to further the purpose of this article. The
4 fund shall be administered by the state board solely for the
5 purposes of this section. Any moneys remaining in the fund at the
6 close of a fiscal year shall be carried forward for use in the next
7 fiscal year. Fund balances shall be invested with the state's
8 consolidated investment fund and any and all interest earnings on
9 these investments shall be used solely for the purposes that moneys
10 deposited in the fund may be used pursuant to this section.

NOTE: The purpose of this bill is to replace the current, but unfunded, incentive for county boards to enter into agreements with their circuit courts for the employment of a juvenile probation officer to supervise truancy cases. The repealed section is replaced with a similar incentive through application under the Local Solution Dropout Prevention and Recovery Innovation Zone Act. The bill requires the county board of education to pay for the salary and other costs of a juvenile probation officer employed by a circuit court. The bill specifies minimum requirements of program agreement between a circuit court and a county board. The bill permits the county board to seek reimbursement of half of those costs from the State Board of Education. The bill requires the state board to reserve funds for that partial reimbursement. The bill provides that if state funds for the total state-wide reimbursements to county boards is not available, the reimbursements are to be on a pro rata basis. The bill requires rule-making. The bill makes technical changes.

The bill repeals §18-8-6a.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.