

1 **H. B. 4281**

2
3 (By Mr. Speaker, (Mr. Miley) and Delegate Armstead)

4 [By Request of the Executive]

5 [Introduced January 23, 2014; referred to the
6 Committee on Education.]

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10 A BILL to amend and reenact §18-2E-5 of the Code of West Virginia,
11 1931, as amended; to amend and reenact §18-9A-7 of said code;
12 to amend said code by adding thereto two new sections,
13 designated §18A-3-1e and §18A-3-1f; to amend and reenact
14 §18A-3-2a of said code; and to amend and reenact §18B-1D-4 of
15 said code, all relating to education reform; modifying time
16 frame for county and school strategic plans; aligning the
17 school system and school accreditation; alternative teaching
18 certificates; adding to the duties of the Higher Education
19 Policy Commission and the Council for Community and Technical
20 College Education; creating a more seamless transfer process;
21 and making it easier for students to finish a bachelors degree
22 program when transferring credit.

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

24 That §18-2E-5 of the Code of West Virginia, 1931, as amended,

1 be amended and reenacted; that §18-9A-7 of said code be amended and
2 reenacted; that said code be amended by adding thereto two new
3 sections, designated §18A-3-1e and §18A-3-1f; that §18A-3-2a of
4 said code be amended and reenacted; and that §18B-1D-4 of said code
5 be amended and reenacted, all to read as follows:

6 **CHAPTER 18. EDUCATION.**

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

8 **§18-2E-5. Process for improving education; education standards;**
9 **statewide assessment program; accountability**
10 **measures; Office of Education Performance Audits;**
11 **school accreditation and school system approval;**
12 **intervention to correct low performance.**

13 (a) *Legislative findings, purpose and intent.* - The
14 Legislature makes the following findings with respect to the
15 process for improving education and its purpose and intent in the
16 enactment of this section:

17 (1) The process for improving education includes four primary
18 elements, these being:

19 (A) Standards which set forth the knowledge and skills that
20 students should know and be able to perform as the result of a
21 thorough and efficient education that prepares them for the
22 twenty-first century, including measurable criteria to evaluate
23 student performance and progress;

1 (B) Assessments of student performance and progress toward
2 meeting the standards;

3 (C) A system of accountability for continuous improvement
4 defined by high-quality standards for schools and school systems
5 articulated by a rule promulgated by the state board and outlined
6 in subsection (c) of this section that will build capacity in
7 schools and districts to meet rigorous outcomes that assure student
8 performance and progress toward obtaining the knowledge and skills
9 intrinsic to a high-quality education rather than monitoring for
10 compliance with specific laws and regulations; and

11 (D) A method for building the capacity and improving the
12 efficiency of schools and school systems to improve student
13 performance and progress;

14 (2) As the constitutional body charged with the general
15 supervision of schools as provided by general law, the state board
16 has the authority and the responsibility to establish the
17 standards, assess the performance and progress of students against
18 the standards, hold schools and school systems accountable and
19 assist schools and school systems to build capacity and improve
20 efficiency so that the standards are met, including, when
21 necessary, seeking additional resources in consultation with the
22 Legislature and the Governor;

23 (3) As the constitutional body charged with providing for a
24 thorough and efficient system of schools, the Legislature has the

1 authority and the responsibility to establish and be engaged
2 constructively in the determination of the knowledge and skills
3 that students should know and be able to do as the result of a
4 thorough and efficient education. This determination is made by
5 using the process for improving education to determine when school
6 improvement is needed, by evaluating the results and the efficiency
7 of the system of schools, by ensuring accountability and by
8 providing for the necessary capacity and its efficient use;

9 (4) In consideration of these findings, the purpose of this
10 section is to establish a process for improving education that
11 includes the four primary elements as set forth in subdivision (1)
12 of this subsection to provide assurances that the high-quality
13 standards are, at a minimum, being met and that a thorough and
14 efficient system of schools is being provided for all West Virginia
15 public school students on an equal education opportunity basis; and

16 (5) The intent of the Legislature in enacting this section and
17 section five-c of this article is to establish a process through
18 which the Legislature, the Governor and the state board can work in
19 the spirit of cooperation and collaboration intended in the process
20 for improving education to consult and examine the performance and
21 progress of students, schools and school systems and, when
22 necessary, to consider alternative measures to ensure that all
23 students continue to receive the thorough and efficient education
24 to which they are entitled. However, nothing in this section

1 requires any specific level of funding by the Legislature.

2 (b) *Electronic county and school strategic improvement plans.*

3 - The state board shall promulgate a rule consistent with the
4 provisions of this section and in accordance with article three-b,
5 chapter twenty-nine-a of this code establishing an electronic
6 county strategic improvement plan for each county board and an
7 electronic school strategic improvement plan for each public school
8 in this state. Each respective plan shall be ~~a five-year plan that~~
9 ~~includes~~ for a period of no more than five years and shall include
10 the mission and goals of the school or school system to improve
11 student, school or school system performance and progress, as
12 applicable. The strategic plan shall be revised annually in each
13 area in which the school or system is below the standard on the
14 annual performance measures. The plan shall be revised when
15 required pursuant to this section to include each annual
16 performance measure upon which the school or school system fails to
17 meet the standard for performance and progress, the action to be
18 taken to meet each measure, a separate time line and a date certain
19 for meeting each measure, a cost estimate and, when applicable, the
20 assistance to be provided by the department and other education
21 agencies to improve student, school or school system performance
22 and progress to meet the annual performance measure.

23 The department shall make available to all public schools
24 through its website or the West Virginia Education Information

1 System an electronic school strategic improvement plan boilerplate
2 designed for use by all schools to develop an electronic school
3 strategic improvement plan which incorporates all required aspects
4 and satisfies all improvement plan requirements of the No Child
5 Left Behind Act.

6 (c) *High-quality education standards and efficiency standards.*

7 - In accordance with the provisions of article three-b, chapter
8 twenty-nine-a of this code, the state board shall adopt and
9 periodically review and update high-quality education standards for
10 student, school and school system performance and processes in the
11 following areas:

- 12 (1) Curriculum;
- 13 (2) Workplace readiness skills;
- 14 (3) Finance;
- 15 (4) Transportation;
- 16 (5) Special education;
- 17 (6) Facilities;
- 18 (7) Administrative practices;
- 19 (8) Training of county board members and administrators;
- 20 (9) Personnel qualifications;
- 21 (10) Professional development and evaluation;
- 22 (11) Student performance, progress and attendance;
- 23 (12) Professional personnel, including principals and central
24 office administrators, and service personnel attendance;

1 (13) School and school system performance and progress;

2 (14) A code of conduct for students and employees;

3 (15) Indicators of efficiency; and

4 (16) Any other areas determined by the state board.

5 (d) *Comprehensive statewide student assessment program.* - The
6 state board shall establish a comprehensive statewide student
7 assessment program to assess student performance and progress in
8 grades three through twelve. The assessment program is subject to
9 the following:

10 (1) The state board shall promulgate a rule in accordance with
11 the provisions of article three-b, chapter twenty-nine-a of this
12 code establishing the comprehensive statewide student assessment
13 program;

14 (2) Prior to the 2014-2015 school year, the state board shall
15 align the comprehensive statewide student assessment for all grade
16 levels in which the test is given with the college-readiness
17 standards adopted pursuant to section thirty-nine, article two of
18 this chapter or develop other aligned tests to be required at each
19 grade level so that progress toward college readiness in
20 English/language arts and math can be measured;

21 (3) The state board may require that student proficiencies be
22 measured through the ACT EXPLORE and the ACT PLAN assessments or
23 other comparable assessments, which are approved by the state board
24 and provided by future vendors;

1 (4) The state board may require that student proficiencies be
2 measured through the West Virginia writing assessment at any grade
3 levels determined by the state board to be appropriate; and

4 (5) The state board may provide through the statewide
5 assessment program other optional testing or assessment instruments
6 applicable to grade levels kindergarten through grade twelve which
7 may be used by each school to promote student achievement. The
8 state board annually shall publish and make available,
9 electronically or otherwise, to school curriculum teams and teacher
10 collaborative processes the optional testing and assessment
11 instruments.

12 (e) *State annual performance measures for school and school*
13 *system accreditation.* -

14 The state board shall promulgate a rule in accordance with the
15 provisions of article three-b, chapter twenty-nine-a of this code
16 that establishes a system to assess and weigh annual performance
17 measures for state accreditation of schools and school systems.
18 The state board also may establish performance incentives for
19 schools and school systems as part of the state accreditation
20 system. On or before December 1, 2013, the state board shall
21 report to the Governor and to the Legislative Oversight Commission
22 on Education Accountability the proposed rule for establishing the
23 measures and incentives of accreditation and the estimated cost
24 therefore, if any. Thereafter, the state board shall provide an

1 annual report to the Governor and to the Legislative Oversight
2 Commission on Education Accountability on the impact and
3 effectiveness of the accreditation system. The rule for school and
4 school system accreditation proposed by the board may include, but
5 is not limited to, the following measures:

6 (1) Student proficiency in English and language arts, math,
7 science and other subjects determined by the board;

8 (2) Graduation and attendance rate;

9 (3) Students taking and passing AP tests;

10 (4) Students completing a career and technical education
11 class;

12 (5) Closing achievement gaps within subgroups of a school's
13 student population; and

14 (6) Students scoring at or above average attainment on SAT or
15 ACT tests.

16 (f) *Indicators of efficiency.* - In accordance with the
17 provisions of article three-b, chapter twenty-nine-a of this code,
18 the state board shall adopt by rule and periodically review and
19 update indicators of efficiency for use by the appropriate
20 divisions within the department to ensure efficient management and
21 use of resources in the public schools in the following areas:

22 (1) Curriculum delivery including, but not limited to, the use
23 of distance learning;

24 (2) Transportation;

1 (3) Facilities;

2 (4) Administrative practices;

3 (5) Personnel;

4 (6) Use of regional educational service agency programs and
5 services, including programs and services that may be established
6 by their assigned regional educational service agency or other
7 regional services that may be initiated between and among
8 participating county boards; and

9 (7) Any other indicators as determined by the state board.

10 (g) *Assessment and accountability of school and school system*
11 *performance and processes.* - In accordance with the provisions of
12 article three-b, chapter twenty-nine-a of this code, the state
13 board shall establish by rule a system of education performance
14 audits which measures the quality of education and the preparation
15 of students based on the annual measures of student, school and
16 school system performance and progress. The system of education
17 performance audits shall provide information to the state board,
18 the Legislature and the Governor, upon which they may determine
19 whether a thorough and efficient system of schools is being
20 provided. The system of education performance audits shall
21 include:

22 (1) The assessment of student, school and school system
23 performance and progress based on the annual measures established
24 pursuant to subsection (e) of this section;

1 (2) The evaluation of records, reports and other information
2 collected by the Office of Education Performance Audits upon which
3 the quality of education and compliance with statutes, policies and
4 standards may be determined;

5 (3) The review of school and school system electronic
6 strategic improvement plans; and

7 (4) The on-site review of the processes in place in schools
8 and school systems to enable school and school system performance
9 and progress and compliance with the standards.

10 (h) *Uses of school and school system assessment information.*
11 - The state board shall use information from the system of
12 education performance audits to assist it in ensuring that a
13 thorough and efficient system of schools is being provided and to
14 improve student, school and school system performance and progress.
15 Information from the system of education performance audits further
16 shall be used by the state board for these purposes, including, but
17 not limited to, the following:

18 (1) Determining school accreditation and school system
19 approval status;

20 (2) Holding schools and school systems accountable for the
21 efficient use of existing resources to meet or exceed the
22 standards; and

23 (3) Targeting additional resources when necessary to improve
24 performance and progress.

1 The state board shall make accreditation information available
2 to the Legislature, the Governor, the general public and to any
3 individual who requests the information, subject to the provisions
4 of any act or rule restricting the release of information.

5 (i) *Early detection and intervention programs.* - Based on the
6 assessment of student, school and school system performance and
7 progress, the state board shall establish early detection and
8 intervention programs using the available resources of the
9 Department of Education, the regional educational service agencies,
10 the Center for Professional Development and the Principals Academy,
11 as appropriate, to assist underachieving schools and school systems
12 to improve performance before conditions become so grave as to
13 warrant more substantive state intervention. Assistance shall
14 include, but is not limited to, providing additional technical
15 assistance and programmatic, professional staff development,
16 providing monetary, staffing and other resources where appropriate.

17 (j) *Office of Education Performance Audits.* -

18 (1) To assist the state board in the operation of a system of
19 education performance audits, the state board shall establish an
20 Office of Education Performance Audits consistent with the
21 provisions of this section. The Office of Education Performance
22 Audits shall be operated under the direction of the state board
23 independently of the functions and supervision of the State
24 Department of Education and State Superintendent. The Office of

1 Education Performance Audits shall report directly to and be
2 responsible to the state board in carrying out its duties under the
3 provisions of this section.

4 (2) The office shall be headed by a director who shall be
5 appointed by the state board and who serves at the will and
6 pleasure of the state board. The annual salary of the director
7 shall be set by the state board and may not exceed eighty percent
8 of the salary cap of the State Superintendent of Schools.

9 (3) The state board shall organize and sufficiently staff the
10 office to fulfill the duties assigned to it by law and by the state
11 board. Employees of the State Department of Education who are
12 transferred to the Office of Education Performance Audits shall
13 retain their benefits and seniority status with the Department of
14 Education.

15 (4) Under the direction of the state board, the Office of
16 Education Performance Audits shall receive from the West Virginia
17 education information system staff research and analysis data on
18 the performance and progress of students, schools and school
19 systems, and shall receive assistance, as determined by the state
20 board, from staff at the State Department of Education, the
21 regional education service agencies, the Center for Professional
22 Development, the Principals Academy and the School Building
23 Authority to carry out the duties assigned to the office.

24 (5) In addition to other duties which may be assigned to it by

1 the state board or by statute, the Office of Education Performance
2 Audits also shall:

3 (A) Assure that all statewide assessments of student
4 performance used as annual performance measures are secure as
5 required in section one-a of this article;

6 (B) Administer all accountability measures as assigned by the
7 state board, including, but not limited to, the following:

8 (i) Processes for the accreditation of schools and the
9 approval of school systems; and

10 (ii) Recommendations to the state board on appropriate action,
11 including, but not limited to, accreditation and approval action;

12 (C) Determine, in conjunction with the assessment and
13 accountability processes, what capacity may be needed by schools
14 and school systems to meet the standards established by the state
15 board and recommend to the state board plans to establish those
16 needed capacities;

17 (D) Determine, in conjunction with the assessment and
18 accountability processes, whether statewide system deficiencies
19 exist in the capacity of schools and school systems to meet the
20 standards established by the state board, including the
21 identification of trends and the need for continuing improvements
22 in education, and report those deficiencies and trends to the state
23 board;

24 (E) Determine, in conjunction with the assessment and

1 accountability processes, staff development needs of schools and
2 school systems to meet the standards established by the state board
3 and make recommendations to the state board, the Center for
4 Professional Development, the regional educational service
5 agencies, the Higher Education Policy Commission and the county
6 boards;

7 (F) Identify, in conjunction with the assessment and
8 accountability processes, school systems and best practices that
9 improve student, school and school system performance and
10 communicate those to the state board for promoting the use of best
11 practices. The state board shall provide information on best
12 practices to county school systems; and

13 (G) Develop reporting formats, such as check lists, which
14 shall be used by the appropriate administrative personnel in
15 schools and school systems to document compliance with applicable
16 laws, policies and process standards as considered appropriate and
17 approved by the state board, which may include, but is not limited
18 to, the following:

19 (i) The use of a policy for the evaluation of all school
20 personnel that meets the requirements of sections twelve and
21 twelve-a, article two, chapter eighteen-a of this code;

22 (ii) The participation of students in appropriate physical
23 assessments as determined by the state board, which assessment may
24 not be used as a part of the assessment and accountability system;

1 (iii) The appropriate licensure of school personnel; and

2 (iv) The appropriate provision of multicultural activities.

3 Information contained in the reporting formats is subject to
4 examination during an on-site review to determine compliance with
5 laws, policies and standards. Intentional and grossly negligent
6 reporting of false information are grounds for dismissal of any
7 employee.

8 (k) *On-site reviews.* -

9 (1) The system of education performance audits shall include
10 on-site reviews of schools and school systems which shall be
11 conducted only at the specific direction of the state board upon
12 its determination that circumstances exist that warrant an on-site
13 review. Any discussion by the state board of schools to be subject
14 to an on-site review or dates for which on-site reviews will be
15 conducted may be held in executive session and is not subject to
16 the provisions of article nine-a, chapter six of this code relating
17 to open governmental proceedings. An on-site review shall be
18 conducted by the Office of Education Performance Audits of a school
19 or school system for the purpose of making recommendations to the
20 school and school system, as appropriate, and to the state board on
21 such measures as it considers necessary. The investigation may
22 include, but is not limited to, the following:

23 (A) Verifying data reported by the school or county board;

24 (B) Examining compliance with the laws and policies affecting

1 student, school and school system performance and progress;

2 (C) Evaluating the effectiveness and implementation status of
3 school and school system electronic strategic improvement plans;

4 (D) Investigating official complaints submitted to the state
5 board that allege serious impairments in the quality of education
6 in schools or school systems;

7 (E) Investigating official complaints submitted to the state
8 board that allege that a school or county board is in violation of
9 policies or laws under which schools and county boards operate; and

10 (F) Determining and reporting whether required reviews and
11 inspections have been conducted by the appropriate agencies,
12 including, but not limited to, the State Fire Marshal, the Health
13 Department, the School Building Authority and the responsible
14 divisions within the Department of Education, and whether noted
15 deficiencies have been or are in the process of being corrected.

16 (2) The Director of the Office of Education Performance Audits
17 shall notify the county superintendent of schools five school days
18 prior to commencing an on-site review of the county school system
19 and shall notify both the county superintendent and the principal
20 five school days before commencing an on-site review of an
21 individual school: *Provided*, That the state board may direct the
22 Office of Education Performance Audits to conduct an unannounced
23 on-site review of a school or school system if the state board
24 believes circumstances warrant an unannounced on-site review.

1 (3) The Office of Education Performance Audits shall conduct
2 on-site reviews which are limited in scope to specific areas in
3 which performance and progress are persistently below standard as
4 determined by the state board unless specifically directed by the
5 state board to conduct a review which covers additional areas.

6 (4) The Office of Education Performance Audits shall reimburse
7 a county board for the costs of substitutes required to replace
8 county board employees who serve on a review team.

9 (5) At the conclusion of an on-site review of a school system,
10 the director and team leaders shall hold an exit conference with
11 the superintendent and shall provide an opportunity for principals
12 to be present for at least the portion of the conference pertaining
13 to their respective schools. In the case of an on-site review of
14 a school, the exit conference shall be held with the principal and
15 curriculum team of the school and the superintendent shall be
16 provided the opportunity to be present. The purpose of the exit
17 conference is to review the initial findings of the on-site review,
18 clarify and correct any inaccuracies and allow the opportunity for
19 dialogue between the reviewers and the school or school system to
20 promote a better understanding of the findings.

21 (6) The Office of Education Performance Audits shall report
22 the findings of an on-site review to the county superintendent and
23 the principals whose schools were reviewed within thirty days
24 following the conclusion of the on-site review. The Office of

1 Education Performance Audits shall report the findings of the
2 on-site review to the state board within forty-five days after the
3 conclusion of the on-site review. A school or county that believes
4 one or more findings of a review are clearly inaccurate, incomplete
5 or misleading, misrepresent or fail to reflect the true quality of
6 education in the school or county or address issues unrelated to
7 the health, safety and welfare of students and the quality of
8 education, may appeal to the state board for removal of the
9 findings. The state board shall establish a process for it to
10 receive, review and act upon the appeals. The state board shall
11 report to the Legislative Oversight Commission on Education
12 Accountability during its July interim meetings, or as soon
13 thereafter as practical, on each appeal during the preceding school
14 year.

15 (7) The Legislature finds that the accountability and
16 oversight of some activities and programmatic areas in the public
17 schools are controlled through other mechanisms and agencies and
18 that additional accountability and oversight may be unnecessary,
19 counterproductive and impair necessary resources for teaching and
20 learning. Therefore, the Office of Education Performance Audits
21 may rely on other agencies and mechanisms in its review of schools
22 and school systems.

23 (1) *School accreditation.* -

24 (1) The state board shall establish levels of accreditation to

1 be assigned to schools. The establishment of levels of
2 accreditation and the levels shall be subject to the following:

3 (A) The levels will be designed to demonstrate school
4 performance in all the areas outlined in this section and also
5 those established by the state board;

6 (B) The state board shall promulgate legislative rules in
7 accordance with the provisions of article three-b, chapter
8 twenty-nine-a of this code to establish the performance and
9 standards required for a school to be assigned a particular level
10 of accreditation; and

11 (C) The state board will establish the levels of accreditation
12 in such a manner as to minimize the number of systems of school
13 recognition, both state and federal, that are employed to recognize
14 and accredit schools.

15 (2) The state board annually shall review the information from
16 the system of education performance audits submitted for each
17 school and shall issue to every school a level of accreditation as
18 designated and determined by the state board.

19 (3) The state board, in its exercise of general supervision of
20 the schools and school systems of West Virginia, may exercise any
21 or all of the following powers and actions:

22 (A) To require a school to revise its electronic strategic
23 plan;

24 (B) To define extraordinary circumstances under which the

1 state board may intervene directly or indirectly in the operation
2 of a school;

3 (C) To appoint monitors to work with the principal and staff
4 of a school where extraordinary circumstances are found to exist,
5 and to appoint monitors to assist the school principal after
6 intervention in the operation of a school is completed;

7 (D) To direct a county board to target resources to assist a
8 school where extraordinary circumstances are found to exist;

9 (E) To intervene directly in the operation of a school and
10 declare the position of principal vacant and assign a principal for
11 the school who will serve at the will and pleasure of the state
12 board. If the principal who was removed elects not to remain an
13 employee of the county board, then the principal assigned by the
14 state board shall be paid by the county board. If the principal
15 who was removed elects to remain an employee of the county board,
16 then the following procedure applies:

17 (i) The principal assigned by the state board shall be paid by
18 the state board until the next school term, at which time the
19 principal assigned by the state board shall be paid by the county
20 board;

21 (ii) The principal who was removed is eligible for all
22 positions in the county, including teaching positions, for which
23 the principal is certified, by either being placed on the transfer
24 list in accordance with section seven, article two, chapter

1 eighteen-a of this code, or by being placed on the preferred recall
2 list in accordance with section seven-a, article four, chapter
3 eighteen-a of this code; and

4 (iii) The principal who was removed shall be paid by the
5 county board and may be assigned to administrative duties, without
6 the county board being required to post that position until the end
7 of the school term; and

8 (F) ~~Such~~ Other powers and actions the state board determines
9 necessary to fulfill its duties of general supervision of the
10 schools and school systems of West Virginia.

11 (4) The county board may take no action nor refuse any action
12 if the effect would be to impair further the school in which the
13 state board has intervened.

14 (m) *School system approval.* - ~~The state board annually shall~~
15 ~~review the information submitted for each school system from the~~
16 ~~system of education performance audits and issue one of the~~
17 ~~following approval levels to each county board: Full approval,~~
18 ~~temporary approval, conditional approval or nonapproval.~~

19 ~~(1) Full approval shall be given to a county board whose~~
20 ~~schools have all been given full, temporary or conditional~~
21 ~~accreditation status and which does not have any deficiencies which~~
22 ~~would endanger student health or safety or other extraordinary~~
23 ~~circumstances as defined by the state board. A fully approved~~
24 ~~school system in which other deficiencies are discovered shall~~

~~1 remain on full accreditation status for the remainder of the
2 approval period and shall have an opportunity to correct those
3 deficiencies, notwithstanding other provisions of this subsection.~~

~~4 (2) Temporary approval shall be given to a county board whose
5 education system is below the level required for full approval.
6 Whenever a county board is given temporary approval status, the
7 county board shall revise its electronic county strategic
8 improvement plan in accordance with subsection (b) of this section
9 to increase the performance and progress of the school system to a
10 full approval status level. The revised plan shall be submitted to
11 the state board for approval.~~

~~12 (3) Conditional approval shall be given to a county board
13 whose education system is below the level required for full
14 approval, but whose electronic county strategic improvement plan
15 meets the following criteria:~~

~~16 (A) The plan has been revised in accordance with subsection
17 (b) of this section;~~

~~18 (B) The plan has been approved by the state board; and~~

~~19 (C) The county board is meeting the objectives and time line
20 specified in the revised plan.~~

~~21 (4) Nonapproval status shall be given to a county board which
22 fails to submit and gain approval for its electronic county
23 strategic improvement plan or revised electronic county strategic
24 improvement plan within a reasonable time period as defined by the~~

1 ~~state board or which fails to meet the objectives and time line of~~
2 ~~its revised electronic county strategic improvement plan or fails~~
3 ~~to achieve full approval by the date specified in the revised plan.~~

4 ~~(A) The state board shall establish and adopt additional~~
5 ~~standards to identify school systems in which the program may be~~
6 ~~nonapproved and the state board may issue nonapproval status~~
7 ~~whenever extraordinary circumstances exist as defined by the state~~
8 ~~board.~~

9 ~~(B) Whenever a county board has more than a casual deficit, as~~
10 ~~defined in section one, article one of this chapter, the county~~
11 ~~board shall submit a plan to the state board specifying the county~~
12 ~~board's strategy for eliminating the casual deficit. The state~~
13 ~~board either shall approve or reject the plan. If the plan is~~
14 ~~rejected, the state board shall communicate to the county board the~~
15 ~~reason or reasons for the rejection of the plan. The county board~~
16 ~~may resubmit the plan any number of times. However, any county~~
17 ~~board that fails to submit a plan and gain approval for the plan~~
18 ~~from the state board before the end of the fiscal year after a~~
19 ~~deficit greater than a casual deficit occurred or any county board~~
20 ~~which, in the opinion of the state board, fails to comply with an~~
21 ~~approved plan may be designated as having nonapproval status.~~

22 ~~(C) Whenever nonapproval status is given to a school system,~~
23 ~~the state board shall declare a state of emergency in the school~~
24 ~~system and shall appoint a team of improvement consultants to make~~

~~1 recommendations within sixty days of appointment for correcting the
2 emergency. When the state board approves the recommendations, they
3 shall be communicated to the county board. If progress in
4 correcting the emergency, as determined by the state board, is not
5 made within six months from the time the county board receives the
6 recommendations, the state board shall intervene in the operation
7 of the school system to cause improvements to be made that will
8 provide assurances that a thorough and efficient system of schools
9 will be provided. This intervention may include, but is not
10 limited to, the following:~~

~~11 (i) Limiting the authority of the county superintendent and
12 county board as to the expenditure of funds, the employment and
13 dismissal of personnel, the establishment and operation of the
14 school calendar, the establishment of instructional programs and
15 rules and any other areas designated by the state board by rule,
16 which may include delegating decision-making authority regarding
17 these matters to the state superintendent;~~

~~18 (ii) Declaring that the office of the county superintendent is
19 vacant;~~

~~20 (iii) Delegating to the state superintendent both the
21 authority to conduct hearings on personnel matters and school
22 closure or consolidation matters and, subsequently, to render the
23 resulting decisions and the authority to appoint a designee for the
24 limited purpose of conducting hearings while reserving to the state~~

1 ~~superintendent the authority to render the resulting decisions;~~

2 ~~(iv) Functioning in lieu of the county board of education in~~
3 ~~a transfer, sale, purchase or other transaction regarding real~~
4 ~~property; and~~

5 ~~(v) Taking any direct action necessary to correct the~~
6 ~~emergency including, but not limited to, the following:~~

7 ~~(I) Delegating to the state superintendent the authority to~~
8 ~~replace administrators and principals in low performing schools and~~
9 ~~to transfer them into alternate professional positions within the~~
10 ~~county at his or her discretion; and~~

11 ~~(II) Delegating to the state superintendent the authority to~~
12 ~~fill positions of administrators and principals with individuals~~
13 ~~determined by the state superintendent to be the most qualified for~~
14 ~~the positions. Any authority related to intervention in the~~
15 ~~operation of a county board granted under this paragraph is not~~
16 ~~subject to the provisions of article four, chapter eighteen-a of~~
17 ~~this code;~~

18 (1) The state board shall establish levels of accreditation to
19 be assigned to school systems.

20 (A) The levels shall be designed to demonstrate school system
21 performance in all the areas outlined in this section and also
22 those established by the state board.

23 (B) The state board shall promulgate legislative rules in
24 accordance with the provisions of article three-b, chapter

1 twenty-nine-a of this code to establish the performance and
2 standards required for a school system to be assigned a particular
3 level of accreditation.

4 (C) The state board shall establish the levels of
5 accreditation to minimize the number of systems of school system
6 recognition, both state and federal, that are employed to recognize
7 and accredit school systems.

8 (2) The state board annually shall review the information from
9 the system of education performance audits submitted for each
10 school system and shall issue to every school system a level of
11 accreditation as designated and determined by the state board.

12 (3) The state board, in its exercise of general supervision of
13 the schools and school systems of West Virginia, may:

14 (A) Require a school system to revise its electronic strategic
15 plan;

16 (B) Define extraordinary circumstances under which the state
17 board may intervene directly or indirectly in the operation of a
18 school system;

19 (C) Whenever a county board has more than a casual deficit, as
20 defined in section one, article one of this chapter, require the
21 county board to submit a plan to the state board specifying the
22 county board's strategy for eliminating the casual deficit. The
23 state board either shall approve or reject the plan. If the plan
24 is rejected, the state board shall communicate to the county board

1 the reason or reasons for the rejection of the plan. The county
2 board may resubmit the plan any number of times. However, when a
3 county board that fails to submit a plan and gain approval for the
4 plan from the state board before the end of the fiscal year after
5 a deficit greater than a casual deficit occurred or when a county
6 board which, in the opinion of the state board, fails to comply
7 with an approved plan may be designated as having nonapproval
8 status, then the state board may declare that a state of emergency
9 exists for the county board;

10 (D) Whenever a state of emergency is declared in a school
11 system, then, except for a state of emergency declared pursuant to
12 the provisions of paragraph (C) of this subdivision, appoint a team
13 of improvement consultants to make recommendations within sixty
14 days of appointment for correcting the emergency. When the state
15 board approves the recommendations, they shall be communicated to
16 the county board. If progress in correcting the emergency, as
17 determined by the state board, is not made within six months from
18 the time the county board receives the recommendations of the team
19 of improvement, then the state board shall intervene in the
20 operation of the school system to cause improvements to be made
21 that will provide assurances that a thorough and efficient system
22 of schools will be provided. This intervention may include, but is
23 not limited to, the following:

24 (i) Limiting the authority of the county superintendent and

1 county board as to the expenditure of funds, the employment and
2 dismissal of personnel, the establishment and operation of the
3 school calendar, the establishment of instructional programs and
4 rules and any other areas designated by the state board by rule,
5 which may include delegating decision-making authority regarding
6 these matters to the state superintendent;

7 (ii) Declaring that the office of the county superintendent is
8 vacant;

9 (iii) Delegating to the state superintendent both the
10 authority to conduct hearings on personnel matters and school
11 closure or consolidation matters and, subsequently, to render the
12 resulting decisions and the authority to appoint a designee for the
13 limited purpose of conducting hearings while reserving to the state
14 superintendent the authority to render the resulting decisions;

15 (iv) Functioning in lieu of the county board of education in
16 a transfer, sale, purchase or other transaction regarding real
17 property; and

18 (v) Taking any direct action necessary to correct the
19 emergency including, but not limited to, the following:

20 (I) Delegating to the state superintendent the authority to
21 replace administrators and principals in low performing schools and
22 to transfer them into alternate professional positions within the
23 county at his or her discretion; and

24 (II) Delegating to the state superintendent the authority to

1 fill positions of administrators and principals with individuals
2 determined by the state superintendent to be the most qualified for
3 the positions. Any authority related to intervention in the
4 operation of a county board granted under this paragraph is not
5 subject to the provisions of article four, chapter eighteen-a of
6 this code.

7 (n) Notwithstanding any other provision of this section, the
8 state board may intervene immediately in the operation of the
9 county school system with all the powers, duties and
10 responsibilities contained in subsection (m) of this section, if
11 the state board finds the following:

12 (1) That the conditions precedent to intervention exist as
13 provided in this section; and that delaying intervention for any
14 period of time would not be in the best interests of the students
15 of the county school system; or

16 (2) That the conditions precedent to intervention exist as
17 provided in this section and that the state board had previously
18 intervened in the operation of the same school system and had
19 concluded that intervention within the preceding five years.

20 (o) *Capacity.* - The process for improving education includes
21 a process for targeting resources strategically to improve the
22 teaching and learning process. Development of electronic school
23 and school system strategic improvement plans, pursuant to
24 subsection (b) of this section, is intended, in part, to provide

1 mechanisms to target resources strategically to the teaching and
2 learning process to improve student, school and school system
3 performance. When deficiencies are detected through the assessment
4 and accountability processes, the revision and approval of school
5 and school system electronic strategic improvement plans shall
6 ensure that schools and school systems are efficiently using
7 existing resources to correct the deficiencies. When the state
8 board determines that schools and school systems do not have the
9 capacity to correct deficiencies, the state board shall work with
10 the county board to develop or secure the resources necessary to
11 increase the capacity of schools and school systems to meet the
12 standards and, when necessary, seek additional resources in
13 consultation with the Legislature and the Governor.

14 The state board shall recommend to the appropriate body
15 including, but not limited to, the Legislature, county boards,
16 schools and communities methods for targeting resources
17 strategically to eliminate deficiencies identified in the
18 assessment and accountability processes. When making
19 determinations on recommendations, the state board shall include,
20 but is not limited to, the following methods:

21 (1) Examining reports and electronic strategic improvement
22 plans regarding the performance and progress of students, schools
23 and school systems relative to the standards and identifying the
24 areas in which improvement is needed;

1 (2) Determining the areas of weakness and of ineffectiveness
2 that appear to have contributed to the substandard performance and
3 progress of students or the deficiencies of the school or school
4 system and requiring the school or school system to work
5 collaboratively with the West Virginia Department of Education
6 State System of Support to correct the deficiencies;

7 (3) Determining the areas of strength that appear to have
8 contributed to exceptional student, school and school system
9 performance and progress and promoting their emulation throughout
10 the system;

11 (4) Requesting technical assistance from the School Building
12 Authority in assessing or designing comprehensive educational
13 facilities plans;

14 (5) Recommending priority funding from the School Building
15 Authority based on identified needs;

16 (6) Requesting special staff development programs from the
17 Center for Professional Development, the Principals Academy, higher
18 education, regional educational service agencies and county boards
19 based on identified needs;

20 (7) Submitting requests to the Legislature for appropriations
21 to meet the identified needs for improving education;

22 (8) Directing county boards to target their funds
23 strategically toward alleviating deficiencies;

24 (9) Ensuring that the need for facilities in counties with

1 increased enrollment are appropriately reflected and recommended
2 for funding;

3 (10) Ensuring that the appropriate person or entity is held
4 accountable for eliminating deficiencies; and

5 (11) Ensuring that the needed capacity is available from the
6 state and local level to assist the school or school system in
7 achieving the standards and alleviating the deficiencies.

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

9 **§18-9A-7. Foundation allowance for transportation cost.**

10 (a) The allowance in the foundation school program for each
11 county for transportation ~~shall be~~ is the sum of the following
12 computations:

13 (1) A percentage of the transportation costs incurred by the
14 county for maintenance, operation and related costs exclusive of
15 all salaries, including the costs incurred for contracted
16 transportation services and public utility transportation, as
17 follows:

18 (A) For each high-density county, eighty-seven and one-half
19 percent;

20 (B) For each medium-density county, ninety percent;

21 (C) For each low-density county, ninety-two and one-half
22 percent;

23 (D) For each sparse-density county, ninety-five percent;

24 (E) For any county for the transportation cost for

1 maintenance, operation and related costs, exclusive of all
2 salaries, for transporting students to and from classes at a
3 multicounty vocational center, the percentage provided in
4 paragraphs (A) through (D) of this subdivision as applicable for
5 the county plus an additional ten percent; and

6 (F) For any county for that portion of its school bus system
7 that uses as an alternative fuel compressed natural gas or propane,
8 the percentage provided in paragraphs (A) through (D) of this
9 subdivision as applicable for the county plus an additional ten
10 percent: *Provided*, That for any county receiving an additional ten
11 percent for that portion of their bus system using bio-diesel as an
12 alternative fuel during the school year 2012-2013, bio-diesel shall
13 continue to qualify as an alternative fuel under this paragraph to
14 the extent that the additional percentage applicable to that
15 portion of the bus system using bio-diesel shall be decreased by
16 two and one-half percent per year for four consecutive school years
17 beginning in school year 2014-2015: *Provided, however*, That any
18 county using an alternative fuel and qualifying for the additional
19 allowance under this subdivision shall submit a plan regarding the
20 intended future use of alternatively fueled school buses;

21 (2) The total cost, within each county, of insurance premiums
22 on buses, buildings and equipment used in transportation;

23 (3) An amount equal to eight and one-third percent of the
24 current replacement value of the bus fleet within each county as

1 determined by the state board. The amount ~~shall~~ may only be used
2 for the replacement of buses. Buses purchased after July 1, 1999,
3 that are driven one hundred eighty thousand miles, regardless of
4 year model, ~~will be~~ are subject to the replacement value of eight
5 and one-third percent as determined by the state board. In
6 addition, in any school year in which its net enrollment increases
7 when compared to the net enrollment the year immediately preceding,
8 a school district may apply to the state superintendent for funding
9 for an additional bus or buses. The state superintendent shall
10 make a decision regarding each application based upon an analysis
11 of the individual school district's net enrollment history and
12 transportation needs: *Provided*, That the superintendent ~~shall~~ may
13 not consider any application which fails to document that the
14 county has applied for federal funding for additional buses. If
15 the state superintendent finds that a need exists, a request for
16 funding shall be included in the budget request submitted by the
17 state board for the upcoming fiscal year; and

18 (4) Aid in lieu of transportation equal to the state average
19 amount per pupil for each pupil receiving the aid within each
20 county.

21 (b) The total state share for this purpose ~~shall be~~ is the sum
22 of the county shares: *Provided*, That no county ~~shall~~ may receive
23 an allowance which is greater than one-third above the computed
24 state average allowance per transportation mile multiplied by the

1 total transportation mileage in the county exclusive of the
2 allowance for the purchase of additional buses.

3 (c) One half of one percent of the transportation allowance
4 distributed to each county ~~shall be~~ is for the purpose of trips
5 related to academic classroom curriculum and not related to any
6 extracurricular activity. Any remaining funds credited to a county
7 for the purpose of trips related to academic classroom curriculum
8 during the fiscal year shall be carried over for use in the same
9 manner the next fiscal year and shall be separate and apart from,
10 and in addition to, the appropriation for the next fiscal year.
11 The state board may request a county to document the use of funds
12 for trips related to academic classroom curriculum if the board
13 determines that it is necessary.

14 **CHAPTER 18A. SCHOOL PERSONNEL.**

15 **ARTICLE 3. TRAINING, CERTIFICATION, LICENSING, PROFESSIONAL**
16 **DEVELOPMENT.**

17 **§18A-3-1e. National teaching corps.**

18 (a) Definitions. - For the purposes of this section:

19 (1) "Critical need alternative teaching certificate" means a
20 certificate issued to a candidate who has been admitted to a
21 program designated as a national teaching corps pursuant to this
22 section, is assigned to teach in West Virginia, and who does not
23 meet the standard educational requirements for teacher

1 certification.

2 (2) "National teacher corps" means a program that:

3 (A) Includes a group of college graduates who commit to teach
4 for at least two years in under served communities in the United
5 States;

6 (B) Is designed to increase the supply of effective teachers
7 in low-income communities and have the capacity to provide teachers
8 for high-need fields;

9 (C) Is designed to meet the specific teacher needs of a
10 district or districts and the needs of high-need areas, including
11 rural areas;

12 (D) Recruits college graduates from across the United States
13 to teach in high-need, urban and rural schools;

14 (E) Provides high-quality professional development that is
15 sustained, intensive and classroom focused both prior to and while
16 teaching and intensive supervision that consists of structured
17 guidance and regular ongoing support;

18 (F) Serves multiple states; and

19 (G) That includes a summer training institute, requires
20 ongoing two-year professional development and employs a staff
21 member who can be a member of the professional support team
22 required by this section.

23 (3) "National teacher corps member" means an individual who
24 has been admitted to a national teacher corps to be a teacher, and

1 who is in the process of completing a two-year commitment as part
2 of the corps.

3 (b) Designation of national teacher corps. - Upon written
4 request to the state board, the state board shall determine whether
5 a group qualifies as a national teacher corps under the definition
6 set forth in subsection (a) of this section and whether a group is
7 otherwise compatible with the requirements of this section. If the
8 state board determines that the group qualifies under the
9 definition and is otherwise compatible with the requirements of
10 this section, the board shall designate the group as a national
11 teacher corps for the purposes of this section.

12 (c) Critical need alternative teaching certificate. -

13 (1) To serve as teacher of record under this section, the
14 candidate must hold a critical need alternative teaching
15 certificate issued by the state superintendent and endorsed for the
16 instructional field in which the candidate seeks certification.

17 (2) The certificate only is valid for the purposes of allowing
18 the certificate holder to teach in subject areas, public schools or
19 geographic areas of the state in which the state board determines
20 that critical teacher shortages exist. The state board shall
21 establish criteria and procedures for identifying critical teacher
22 shortages in subject areas, public schools and geographic areas of
23 the state. In establishing the criteria and procedures, the state
24 board shall coordinate with the Higher Education Policy Commission

1 as it establishes its criteria and procedures for identifying
2 critical teacher shortages for the purposes of the Underwood-Smith
3 Teacher Scholarship and Loan Assistance Fund pursuant to section
4 one, article four, chapter eighteen-c of this code.

5 (3) The certificate is issued for two years and may be renewed
6 for one additional year, and no individual may hold a critical need
7 alternative teacher certificate for a period exceeding three years.
8 The critical need alternative teacher certificate is equivalent to
9 a professional teaching certificate for the purpose of issuing a
10 continuing contract, and for the purposes of being designated a
11 highly qualified teacher under the No Child Left Behind Act.

12 (4) To be eligible for a critical need alternative teacher
13 certificate, an applicant shall meet the following criteria:

14 (A) Have been admitted into a national teacher corps and be
15 part of a national teacher corps serving West Virginia;

16 (B) Possess at least a bachelor's degree with a minimum of a
17 two and five tenths grade point average from a regionally
18 accredited institution of higher education in any discipline;

19 (C) Pass the same basic skills and subject matter test or
20 tests required by the state board for traditional program
21 candidates to become certified in the area for which licensure is
22 being sought, and passage of the subject matter test or tests is
23 sufficient to earn endorsement in the instructional field, if all
24 other requirements set forth in this subsection are met;

1 (D) Have completed the summer training institute offered by
2 the National Teacher Corps;

3 (E) Hold United States citizenship, be of good moral character
4 and be physically, mentally and emotionally qualified to perform
5 the duties of a teacher;

6 (F) Attain the age of eighteen years on or before October 1 of
7 the year in which the critical need alternative teacher certificate
8 is issued; and

9 (G) Qualify for employment following a criminal history check
10 pursuant to section ten of this article.

11 (5) Notwithstanding any law or rule to the contrary, a person
12 who satisfies the requirements set forth in subdivision (4) of this
13 subsection shall be granted a formal document authorizing him or
14 her to work in a public school in West Virginia.

15 (6) Participants certified under this section shall complete
16 the summer training institute and ongoing two-year professional
17 development required by the national teacher corps.

18 (7) In addition to receiving any support provided by staff of
19 a national teacher corps, candidates certified under this section
20 shall successfully complete a Beginning Teacher Internship program
21 under section two-b of this article or participate in a
22 comprehensive system of support pursuant to section three, article
23 three-c of this chapter during the time the candidate is certified
24 pursuant to this section.

1 (8) Professional support team. -
2 (A) Training and support of teachers certified under this
3 section are provided by a professional support team including:
4 (i) The school principal, or his or her designee;
5 (ii) An experienced classroom teacher who is serving as a
6 mentor under the Beginning Teacher Internship program pursuant to
7 section two-b of this article, or if the employing county has
8 adopted a plan for implementation of a comprehensive system of
9 support pursuant to section three, article three-c, chapter
10 eighteen-a of this code, a master teacher, mentor, academic coach,
11 other individual employee used to provide support, supervision or
12 other professional development or training to other employees or
13 any other appropriate professional person; and
14 (iii) A staff member of the National Teacher Corps.
15 (B) The school principal, or his or her designee, serves as
16 chairperson of the team.
17 (C) The professional support team shall submit a written
18 evaluation of the teacher certified under this section to the
19 county superintendent at the conclusion of the teacher's second
20 year of teaching. The written evaluation shall be in a form
21 specified by the county superintendent and submitted on a date
22 specified by the county superintendent. The evaluation shall report
23 the progress of the teacher toward meeting the requirements of the
24 training and support program, and all final decisions on the

1 progress of the teacher and recommendations rest with the
2 principal.

3 (D) Notwithstanding any law to the contrary, upon program
4 completion and at least three years of successful teaching
5 experience, the teacher is eligible for a professional certificate,
6 subject to the requirements established in section one-f of this
7 article and any requirements set forth in the state board rule
8 required by this section.

9 (d) On or before June 1, 2014, the state board shall
10 promulgate an emergency rule in accordance with article three-b,
11 chapter twenty-nine-a of this code to implement the provisions of
12 this section and section one-f of this article. On or before
13 November 1, 2014, the state board shall promulgate a legislative
14 rule for the same purpose. The rules shall include, but are not
15 limited to, additional requirements for a person with a critical
16 need alternative teaching certificate to obtain a professional
17 certificate. The additional requirements shall be the same as or
18 similar to the requirements set forth in code and policy for other
19 alternative education program participants to obtain a professional
20 certificate, and shall include the requirement that the person with
21 the critical need alternative teaching certificate meet the
22 requirements of paragraph (A), subdivision (5), subsection (c),
23 section one-a of this article, relating to the requirement for
24 eighteen semester hours of instruction.

1 §18A-3-1f. Recommendation for certification of National Teacher
2 Corps teachers.

3 (a) At the conclusion of the program administered pursuant to
4 section one-e of this article, the support team defined in section
5 one-e of this article shall prepare a comprehensive evaluation
6 report on the teacher's performance. This report shall be
7 submitted directly to the state superintendent and shall contain a
8 recommendation as to whether or not a professional certificate
9 should be issued to the teacher. The report shall be made on
10 standard forms developed by the state superintendent. The
11 comprehensive evaluation report shall include one of the following
12 recommendations:

13 (1) Approved: Recommends issuance of a professional
14 certificate;

15 (2) Insufficient: Recommends that a professional certificate
16 not be issued but that the candidate be allowed to seek reentry on
17 one or more occasions in the future into an approved alternative
18 teacher education program or national teacher corps program; or

19 (3) Disapproved: Recommends that a professional certificate
20 not be issued and that the candidate not be allowed to enter into
21 another approved alternative teacher education program or a
22 national corps program in this state, but may not be prohibited
23 from pursuing teacher certification through other approved programs
24 for the education of teachers in this state.

1 (b) The support team shall provide the teacher with a copy of
2 the teacher's written evaluation report and certification
3 recommendation before submitting it to the state superintendent. If
4 the teacher disagrees with the provider's recommendation, the
5 teacher may, within fifteen days of receipt, request an appeal in
6 accordance with the certification appeals process established by
7 the state board.

8 **§18A-3-2a. Certificates valid in the public schools that may be**
9 **issued by the state superintendent.**

10 In accordance with state board rules for the education of
11 professional educators adopted pursuant to section one of this
12 article and subject to the limitations and conditions of that
13 section, the state superintendent may issue the following
14 certificates valid in the public schools of the state:

15 (a) *Professional teaching certificates.* --

16 (1) A professional teaching certificate for teaching in the
17 public schools may be issued to a person who meets the following
18 conditions:

19 (A) Holds at least a bachelor's degree from an accredited
20 institution of higher education in this state, and

21 (i) Has completed a program for the education of teachers
22 which meets the requirements approved by the state board; or

23 (ii) Has met equivalent standards at institutions in other
24 states and has passed appropriate state board approved basic skills

1 and subject matter tests or has completed three years of successful
2 experience within the last seven years in the area for which
3 licensure is being sought; or

4 (B) Holds at least a bachelor's degree in a discipline taught
5 in the public schools from an accredited institution of higher
6 education, and

7 (i) Has passed appropriate state board approved basic skills
8 and subject matter tests; or

9 (ii) Has completed three years of successful experience within
10 the last seven years in the area for which licensure is being
11 sought; and

12 (I) Has completed an alternative program for teacher education
13 approved by the state board, or a national teacher corps program in
14 accordance with section one-e of this article;

15 (II) Is recommended for a certificate in accordance with the
16 provisions of sections one-a and one-b of this article relating to
17 the program; or

18 (III) Is recommended by the state superintendent based on
19 documentation submitted.

20 (2) The certificate shall be endorsed to indicate the grade
21 level or levels or areas of specialization in which the person is
22 certified to teach or to serve in the public schools.

23 (3) The initial professional certificate is issued
24 provisionally for a period of three years from the date of

1 issuance:

2 (A) The certificate may be converted to a professional
3 certificate valid for five years subject to successful completion
4 of a beginning teacher internship or induction program, if
5 applicable; or

6 (B) The certificate may be renewed subject to rules adopted by
7 the state board.

8 (b) *Alternative program teacher certificate.* -- An alternative
9 program teacher certificate may be issued to a candidate who is
10 enrolled in an alternative program for the education of teachers in
11 accordance with the provisions of section one-a of this article.

12 (1) The certificate is valid only for the alternative program
13 position in which the candidate is employed and is subject to
14 enrollment in the program.

15 (2) The certificate is valid for one year and may be renewed
16 for each of the following two consecutive years only.

17 (c) *Critical need alternative teaching certificate.* - - A
18 critical need alternative teaching certificate may be issued to a
19 candidate in accordance with provisions of section one-e of this
20 article.

21 (1) The certificate is valid, subject to the provisions of
22 section one-e of this article.

23 (2) The certificate is valid for two years and may be renewed
24 for one additional year only.

1 ~~(c)~~ (d) *Professional administrative certificate.* --

2 (1) A professional administrative certificate, endorsed for
3 serving in the public schools, with specific endorsement as a
4 principal, vocational administrator, supervisor of instructions or
5 superintendent, may be issued to a person who has completed
6 requirements all to be approved by the state board as follows:

7 (A) Holds at least a master's degree from an institution of
8 higher education accredited to offer a master's degree; and

9 (i) Has successfully completed an approved program for
10 administrative certification developed by the state board in
11 cooperation with the chancellor for higher education; ~~and~~

12 (ii) Has successfully completed education and training in
13 evaluation skills through the center for professional development,
14 or equivalent education and training in evaluation skills approved
15 by the state board; and

16 (iii) Possesses three years of management level experience.

17 (2) Any person serving in the position of dean of students on
18 June 4, 1992, is not required to hold a professional administrative
19 certificate.

20 (3) The initial professional administrative certificate is
21 issued provisionally for a period of five years. This certificate
22 may be converted to a professional administrative certificate valid
23 for five years or renewed, subject to the regulations of the state
24 board.

1 ~~(d)~~ (e) *Paraprofessional certificate.* -- A paraprofessional
2 certificate may be issued to a person who meets the following
3 conditions:

4 (1) Has completed thirty-six semester hours of post-secondary
5 education or its equivalent in subjects directly related to
6 performance of the job, all approved by the state board; and

7 (2) Demonstrates the proficiencies to perform duties as
8 required of a paraprofessional as defined in section eight, article
9 four of this chapter.

10 ~~(e)~~ (f) *Other certificates; permits.* --

11 (1) Other certificates and permits may be issued, subject to
12 the approval of the state board, to persons who do not qualify for
13 the professional or paraprofessional certificate.

14 (2) A certificate or permit may not be given permanent status
15 and a person holding one of these credentials shall meet renewal
16 requirements provided by law and by regulation, unless the state
17 board declares certain of these certificates to be the equivalent
18 of the professional certificate.

19 (3) Within the category of other certificates and permits, the
20 state superintendent may issue certificates for persons to serve in
21 the public schools as athletic coaches or coaches of other
22 extracurricular activities, whose duties may include the
23 supervision of students, subject to the following limitations:

24 (A) The person is employed under a contract with the county

1 board of education.

2 (i) The contract specifies the duties to be performed,
3 specifies a rate of pay that is equivalent to the rate of pay for
4 professional educators in the district who accept similar duties as
5 extra duty assignments, and provides for liability insurance
6 associated with the activity; and

7 (ii) The person holding this certificate is not considered an
8 employee of the board for salary and benefit purposes other than as
9 specified in the contract.

10 (B) A currently employed certified professional educator has
11 not applied for the position; and

12 (C) The person completes an orientation program designed and
13 approved in accordance with state board rules.

14 ~~(f)~~ (g) *Teacher-In-Residence Permit.* --

15 (1) A teacher-in-residence permit may be issued to a candidate
16 who is enrolled in a teacher-in-residence program in accordance
17 with an agreement between an institution of higher education and a
18 county board. The agreement is developed pursuant to subsection
19 (f), section one of this article and requires approval by the state
20 board.

21 (2) The permit is valid only for the teacher-in-residence
22 program position in which the candidate is enrolled and is subject
23 to enrollment in the program. The permit is valid for no more than
24 one school year and may not be renewed.

1 **CHAPTER 18B. HIGHER EDUCATION.**

2 **ARTICLE 1D. HIGHER EDUCATION ACCOUNTABILITY.**

3 **§18B-1D-4. Responsibilities of Higher Education Policy Commission**
4 **and Council for Community and Technical College**
5 **Education; development of public policy agendas;**
6 **reports; institutional responsibilities.**

7 (a) It is the responsibility of the commission, in cooperation
8 with the council, to develop, oversee and advance the public policy
9 agenda mandated by section four, article one-b of this chapter to
10 address the goals and objectives established pursuant to this
11 article and section one-a, article one of this chapter, including,
12 but not limited to, aligning state and institutional compacts,
13 master plans, implementation plans and institutional missions with
14 state goals and objectives to accomplish the purposes of this
15 article.

16 (b) It is the responsibility of the council, in cooperation
17 with the commission when applicable, to develop, oversee and
18 advance the public policy agenda mandated by section six, article
19 two-b of this chapter to address the goals and objectives
20 established pursuant to this article and section one-a, article one
21 of this chapter, including, but not limited to, aligning state and
22 institutional compacts, master plans, implementation plans and
23 institutional missions with state goals and objectives to

1 accomplish the purposes of this article.

2 (c) It is further the responsibility of the commission and
3 council to collect the data, assemble it in the appropriate format
4 and transmit all reports and any other essential documents as
5 needed to fulfill the purposes of this article. Each report shall
6 contain a brief, concise executive summary and shall include trends
7 and recommendations in text format. Recommendations shall be
8 ranked by order of importance and shall be supported by objective
9 data available elsewhere in the report. In addition to those
10 specifically mandated by this chapter or chapter eighteen-c of this
11 code, reporting responsibilities include, but are not limited to,
12 the following:

13 (1) Ensuring that data systems collect the essential
14 information state-level policymakers need to answer key policy
15 questions to fulfill the purposes of the accountability system
16 established pursuant to this article and section one-a, article one
17 of this chapter;

18 (2) Collaborating with public education to establish policies
19 to link existing pre-K, K-12, higher education and teacher data
20 systems to enable tracking of student progress and teacher
21 performance over time; and

22 (3) Ensuring that reports provide data analyses to determine
23 if students entering the public higher education systems are
24 prepared for post-secondary education and if students obtaining

1 degrees, certificates or other credentials are prepared to pursue
2 careers or to continue their education.

3 (d) It is the responsibility of public institutions of higher
4 education to report to the commission or the council, as
5 appropriate, on plans, accomplishments and recommendations to
6 implement the goals and objectives contained in the institutional
7 and state compacts.

8 (e) (1) The Higher Education Policy Commission and the Council
9 for Community and Technical College Education, in collaboration
10 with the state public colleges and universities and community and
11 technical colleges, shall:

12 (A) Develop, implement, and maintain a statewide course coding
13 system for a common, statewide lower-division general education
14 program of courses taught at public institutions of higher
15 education;

16 (B) Guarantee that all completed, lower division, general
17 education coursework courses shall be transferable and credited to
18 related bachelors degree programs by all public institutions of
19 higher education;

20 (C) Standardize credit-by-exam equivalencies and common
21 passing scores for lower-division general education courses so that
22 course credit can be transferable and credited to related bachelors
23 degree programs by all public institutions of higher education;

24 (D) Develop and implement a statewide agreement for alignment

1 of approved, specifically-designed associate of arts and associate
2 of science programs that shall be accepted and fully credited to
3 related bachelors degree programs by all public institutions of
4 higher education;

5 (E) Provide that graduates of the approved,
6 specifically-designed associate of arts and associate of science
7 programs, shall not be required to repeat or to take any additional
8 lower-level courses to fulfill bachelor degree requirements in the
9 same major, and these students shall be granted admission, with
10 junior status, to related upper-division bachelors degree programs
11 of a public institution of higher education on the same criteria as
12 those students earning lower-division credits at the institution to
13 which the student transferred;

14 (F) Provide that graduates of approved, specifically-designed
15 associate of arts and associate of science programs (2+2 pathways)
16 and associate of applied science program shall receive priority for
17 admission to a public institution of higher education over
18 out-of-state students if they meet the same admission criteria;

19 (G) Provide that graduates of the Associate of Applied Science
20 degree programs are not required to repeat or to take any
21 additional lower-level courses to fulfill bachelor degree
22 requirements in Bachelor of Applied Science or Bachelor of Applied
23 Technology programs and that bachelors degree-granting public
24 institutions of higher education establish and implement seamless

1 transfer into these programs at the receiving institution;

2 (H) Develop state-wide articulation agreements, transfer
3 procedures, and policies across public institutions of higher
4 education. These shall include: Admissions criteria, student
5 declaration of major and intention to transfer, and student
6 guidance and counseling policies designed to ensure that students
7 pursuing an associate of arts or associate of science degree
8 program provide timely notification of their intention to transfer.
9 Students shall receive effective guidance as well as advising
10 regarding specific coursework for identified bachelors degree
11 programs by specific public institutions of higher education. All
12 public institutions are required to publish transfer policies,
13 including courses eligible for guaranteed transfer, in course
14 catalogs and on institutional websites;

15 (I) Develop uniform data collection and reporting methods,
16 including transfer student success data for specific associate of
17 arts and associate of science programs and associate of applied
18 science to facilitate and ensure statewide and institutional
19 compliance with course transfer and credit requirements, submitted
20 to the Governor and Legislature annually;

21 (J) Create a joint commission, with members from both the
22 Higher Education Policy Commission and the Council for Community
23 and Technical College Education, to establish and oversee an
24 appeals process to resolve disagreements between transferring

1 students and receiving educational institutions regarding the
2 transfer and acceptance of credits earned at another institution;

3 (K) Ensure that all articulation and transfer policies are
4 consistent with the rules and regulations established by all
5 appropriate discipline-specific accrediting bodies and
6 institutional accrediting agencies as recognized by the United
7 States Department of Education;

8 (L) Develop policy that encourages bachelor-degree granting
9 institutions to establish financial aid opportunities that are
10 available and prioritized for transfer students; and

11 (M) Determine institutional compliance, at the discretion of
12 the aforementioned joint commission, and report noncompliant
13 institutions to the Governor as well as the Legislature which would
14 enforce a five percent reduction of general revenue appropriations
15 for noncompliance.

16 (2) When a bachelor degree institution seeks to change its
17 required program of study for a bachelor of arts or bachelor of
18 science program that is a part of an approved statewide 2 + 2
19 pathway, the college or university shall notify the Council for
20 Community and Technical College Education and the Higher Education
21 Policy Commission of the proposed changes at the same time as the
22 initiation of the university's approval process. If it is
23 determined that the proposed change will have an adverse effect on
24 transferability, the college or university proposing the change

1 shall enter into discussion with the council and commission to
2 verify that a clearly defined path remains for those students who
3 plan to transfer from a community and technical college program to
4 a bachelor's degree program.

5 (3) The provisions of this proposal shall be implemented by
6 the beginning of the 2016-2017 academic year.

NOTE: The purpose of this bill is to align school and school system accreditation, establish critical need alternative teaching certificates, modernize our school bus fleet by adding propane as an alternative fuel for recovery of additional school transportation costs, and address transferability of college credits.

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

§18A-3-1e and §18A-3-1f are new; therefore, it has been completely underscored.