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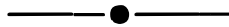
SECOND REGULAR SESSION, 2002



# ENROLLED

## House Bill No. 4319

(By Fahey, Morgan, Perry, Shelton, Paxton,  
Harrison and Canterbury)



Passed March 6, 2002

In Effect July 1, 2002

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**E N R O L L E D**

**H. B. 4319**

(BY FAHEY, MORGAN, PERRY, SHELTON, PAXTON,  
HARRISON AND CANTERBURY)

[Passed March 6, 2002; in effect July 1, 2002.]

AN ACT to amend and reenact sections five-a, twenty-three-a and twenty-six, article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to further amend said article by adding thereto a new section, designated section five-e; to amend and reenact sections five and nine, article two-e of said chapter; to further amend said article by adding thereto a new section, designated section five-c; to amend and reenact sections one, three and four, article two-i of said chapter; to amend and reenact section eighteen-b, article five of said chapter; to amend article twenty of said chapter by adding thereto a new section, designated section one-d; to amend and reenact section twelve, article two, chapter eighteen-a of said code; to amend and reenact sections one and two-c, article three of said chapter; to amend and reenact sections one, two and two-b, article three-a of said chapter; and to amend and reenact section nine, article three-b, chapter twenty-nine-a of said code all relating to education generally; the process for improving education; filing copies of proposed state board of education rules

with the legislative oversight commission on education accountability; higher education participation in development of public education assessments; requiring public institutions of higher education to include plans for using data in compacts after a certain date; specifying possible uses of data; improving the quality, coordination and efficiency of professional staff development in the public schools; changing the process, parties and time frame for state board establishment of professional staff development goals and master plan for professional staff development; establishing first priority for goals; adding state institutions of higher education to list of agencies to receive master plan for professional staff development; providing for periodic amendments to plan; establishing legislative intent for regional educational service agencies; definition; refocusing agencies' programs and services using performance based accountability model; setting forth legislative purpose in establishing agencies; establishing priorities for agencies' programs and services; requiring state board to promulgate rules by a certain date for effective administration and operation of agencies; prohibiting delegation of state board's constitutional authority for the general supervision of schools to the agencies; providing for discretion in certain programs; providing for selection of staff; prohibiting certain personnel changes before certain date; providing for appointment of regional councils; requiring state board to establish statewide standards for service delivery by agencies; providing for amendments to standards; providing for establishment of procedures for financial operation of agencies; requiring state board to establish by rule procedures for agencies to acquire and hold real property; providing for establishment of agency service areas and requiring each county to be a member of the agency in its geographical area; removing authority for agency board to implement regional programs and services by a majority vote of its board of directors; clarifying submission of agency reports and evaluations; prohibiting a member of a county board from being an employee of an agency; requiring agency executive director to attend annually at

least one meeting of each member county board within the service area; making certain findings with respect to process for improving education; adding progress to the criteria for school accreditation and school system approval; delineating authority and responsibility of state board and Legislature in process for improving education; further specifying intent; requiring state board to promulgate rules specifying that unified school improvement plans are to contain other required plans to extent permitted by law; eliminating certain performance standards and clarifying or strengthening others; strengthening purposes of system; providing for additional state and regional agencies to be used for early detection and intervention in low performing schools; requiring process for accrediting schools and school systems to focus on measurable criteria related to student performance and progress; specifying recommendations to be made to process for improving education council; expanding purposes of office of education performance audits; requiring development of reporting formats for certain information, specifying their use and providing penalty for intentional or grossly negligent reporting of false information; establishing relationship of audit with other required reviews and inspections and prohibiting duplication and more stringent compliance measures; providing for five school-day notice of on site review; authorizing unannounced on-site reviews under certain circumstances; authorizing on-site reviews of limited scope; providing for state board designation of certain expert persons to participate in on-site audits, lead teams and complete reports; revising process for appointment of team to assist person or persons designated by state board to participate in on-site review; requiring office of education performance audits to reimburse substitute expense; providing for exit conferences for on-site reviews; specifying time limit for submitting reports of on site reviews; requiring copies of on-site reports to be provided to process for improving education council; providing for schools and school systems to remain on full accreditation or approval for certain period if certain conditions are met; including

process for improving education council as an appropriate body for receipt of certain reports on capacity building; including principals academy as potential staff development provider to build capacity; authorizing state board to make determinations on continuing school monitor and to intervene in operation of school or school system at any time under certain limited circumstances; specifying certain types of intervention; specifying process for replacing a school principal; limiting actions of county board that would further impair a low performing school; authorizing state board to appoint a monitor for a school after the state board intervention period has been completed; authorizing state board to delegate certain powers and duties to state superintendent; adding an additional condition when state board intervention in operation of school system is authorized; establishing process for improving education council; providing for membership, reimbursement of expenses, and powers of council; designating governor to convene meetings and serve as council chair; requiring state board to notify council members of proposed changes to certain state board rules; providing for certain members of council to request governor to call meetings; requiring state board or its designees to meet and consult with council; authorizing council members and staff to participate as observers in on-site reviews of schools or school systems; exempting approved virtual and distance learning courses of West Virginia virtual school from mandatory use of primary source instructional materials listed on state multiple list subject to certain requirements; making West Virginia professional staff development advisory council an advisory council to the state board; reducing the number of members on the council; revising purpose and functions; providing that members may be reimbursed for expenses by the state board; providing for a council chair; authorizing state board to promulgate a rule adopting the national standards for school counseling programs; requiring county boards to provide training to implement the rule to the extent funding is available; requiring state board to adopt basic

model for individualized education programs for exceptional students not to exceed federal laws, policies, rules and regulations; providing that professional educators may not be required to prepare and/or implement an individualized education program which exceeds requirements of federal and state laws, policies, rules or regulations; allowing less frequent evaluations for certain professional personnel; providing that classroom teachers may request more frequent evaluations; providing that evaluations serve as basis to improve personnel performance; requiring that personnel demonstrate competence on state board adopted technology standards and providing for an improvement plan for those who can not demonstrate such competence; directing that lesson plans may not be used as a substitute for observations in the performance evaluation process nor for the performance audit documentation; directing that lesson plans may not be required to include certain nonessential items; directing that classroom teachers may not be required to keep records of routine contacts with parents or guardians; replacing outdated references to the college and university system boards and adding chancellor of higher education policy commission; requiring training and professional development through the principals academy to be specifically designed for the principals required to attend; establishing priority order for principals to attend the academy; requiring that training be completed within twelve months, except in the cases of principals whose schools are seriously impaired; requiring center for professional development to provide for all principals to attend the academy at least once every six years subject to available funding; requiring that members of the principals standards advisory council be selected by their relevant constituency organizations; reconstituting the membership on a certain date; requiring the center for professional development to reimburse the expenses of persons attending the academy; removing authorization to pay a stipend to persons who attend the academy outside of their employment term; prohibiting requiring persons to complete training and professional development

through the academy at certain times; requiring the center for professional development to use alternative methods of scheduling and instructional delivery to minimize time principals are away from school duties; expanding general mission of center for professional development to include assistance and support to regional and local education agencies in identifying and providing programs to meet local needs; establishing term limit for certain board members; requiring educators serving on center for professional development board be experienced educators with recognized knowledge, ability and performance in teaching or management; requiring that one of the three citizen members on the board be a representative of public higher education; providing for co-chairs of the center for professional development; making the executive director of center for professional development a will and pleasure employee of center for professional development board; directing executive director to chair the principals standards advisory council; requiring professional development project to cooperate and coordinate with the institutions of higher education to provide programs to aid teachers in meeting the requirements for additional endorsements; providing for the state board to certify certain professional staff development courses provided by center for professional development to meet the requirements if no agreement with higher education is reached; removing authorization for summer institutes in the principals academy and listing priorities for principal training; clarifying procedures for state board to file rules with legislative oversight commission on education accountability; and authorizing legislative oversight commission on education accountability to make recommendations to the state board and the Legislature regarding rules.

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

That sections five-a, twenty-three-a, and twenty-six, article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that said

article be further amended by adding thereto a new section, designated section five-e; that sections five and nine, article two-e of said chapter be amended and reenacted; that said article be further amended by adding thereto a new section, designated section five-c; that sections one, three, and four, article two-i of said chapter be amended and reenacted; that section eighteen-b, article five of said chapter be amended and reenacted; that article twenty of said chapter be further amended by adding thereto a new section, designated section one-d; that section twelve, article two, chapter eighteen-a of said code be amended and reenacted; that sections one and two-c, article three of said chapter be amended and reenacted; that sections one, two and two-b, article three-a of said chapter be amended and reenacted; and that section nine, article three-b, chapter twenty-nine-a of said code be amended and reenacted, all to read as follows:

## **CHAPTER 18. EDUCATION.**

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

#### **§18-2-5a. Board rules to be filed with Legislature.**

1       The state board of education shall file twenty copies of any  
 2 rule that it proposes to promulgate, adopt, amend or repeal  
 3 under the authority of the constitution or of this code with the  
 4 legislative oversight commission on education accountability  
 5 pursuant to article three-b, chapter twenty-nine-a of this code.  
 6 “Rule,” as used herein, means a regulation, standard, statement  
 7 of policy, or interpretation of general application and future  
 8 effect.

#### **§18-2-5e. Higher education participation in development and use of public education assessments.**

1       (a) It is the duty of the state board to consult with the duly  
 2 selected representatives of public higher education appointed  
 3 pursuant to subsection (b) of this section and to make full use  
 4 of their expertise when developing assessment instruments to



5 be administered in the public schools. Among other things, the  
6 higher education representatives shall assist the state board in  
7 assuring that assessment instruments provide meaningful data  
8 to be used by higher education pursuant to subsection (d) of this  
9 section.

10 (b) The chancellor of the higher education policy commis-  
11 sion shall appoint appropriate representatives from the system  
12 of public higher education to participate in the development of  
13 any assessment instruments required by rules of the state board  
14 to be administered in grades nine through twelve of the public  
15 schools of this state. It is the responsibility of these higher  
16 education representatives to assist the state board in developing  
17 assessments that test the knowledge and skills needed for  
18 success in postsecondary education.

19 (d) Not later than the school year beginning in two thousand  
20 five, the higher education policy commission shall require that  
21 each institution's compact, as set forth in section two, article  
22 one-b, chapter eighteen-b of this code, includes provisions for  
23 incorporating the data generated by public education assess-  
24 ments into their decision making processes. The use of the data  
25 may include, but is not limited to, consideration as a factor in  
26 admission to postsecondary education, college placement, or  
27 determinations of necessity for remedial course work.

**§18-2-23a. Annual professional staff development goals estab-  
lished by state board; coordination of professional  
development programs; program development,  
approval and evaluation.**

1 (a) *Legislative intent* — The intent of this section is to  
2 provide for the coordination of professional development  
3 programs by the state board and to promote high quality  
4 instructional delivery and management practices for a thorough  
5 and efficient system of schools.

6 (b) *Goals* — The state board annually shall establish goals  
7 for professional staff development in the public schools of the  
8 state. As a first priority, the state board shall require adequate  
9 and appropriate professional staff development to ensure high  
10 quality teaching that will enable students to achieve the content  
11 standards established for the required curriculum in the public  
12 schools.

13 The state board shall submit the goals to the state depart-  
14 ment of education, the center for professional development, the  
15 regional educational service agencies, the higher education  
16 policy commission and the legislative oversight commission on  
17 education accountability on or before the fifteenth day of  
18 January, each year.

19 The goals shall include measures by which the effectiveness  
20 of the professional staff development programs will be evalu-  
21 ated. The professional staff development goals may include  
22 separate goals for teachers, principals, paraprofessional service  
23 personnel and classroom aides and others in the public schools.

24 In establishing the goals, the state board shall review  
25 reports that may indicate a need for professional staff develop-  
26 ment including, but not limited to, the report of the center for  
27 professional development created in article three-a, chapter  
28 eighteen-a of this code, student test scores on the statewide  
29 student assessment program, the measures of student and school  
30 performance for accreditation purposes, school and school  
31 district report cards, and its plans for the use of funds in the  
32 strategic staff development fund pursuant to section thirty-two,  
33 article two, chapter eighteen of this code.

34 (c) The center for professional development shall design a  
35 proposed professional staff development program plan to  
36 achieve the goals of the state board and shall submit the

37 proposed plan to the state board for approval as soon as  
38 possible following receipt of the state board goals each year.

39 The proposed plan shall include a strategy for evaluating  
40 the effectiveness of the professional staff development pro-  
41 grams delivered under the plan and a cost estimate. The state  
42 board shall review the proposed plan and return it to the center  
43 for professional development noting whether the proposed plan  
44 is approved or is not approved, in whole or in part. If a pro-  
45 posed plan is not approved in whole, the state board shall note  
46 its objections to the proposed plan or to the parts of the pro-  
47 posed plan not approved and may suggest improvements or  
48 specific modifications, additions or deletions to address more  
49 fully the goals or eliminate duplication. If the proposed plan is  
50 not wholly approved, the center for professional development  
51 shall revise the plan to satisfy the objections of the state board.  
52 State board approval is required prior to implementation of the  
53 professional staff development plan.

54 (d) The state board approval of the proposed professional  
55 staff development plan shall establish a master plan for profes-  
56 sional staff development which shall be submitted by the state  
57 board to the affected agencies and to the legislative oversight  
58 commission on education accountability. The master plan shall  
59 include the state board approved plans for professional staff  
60 development by the state department of education, the center  
61 for professional development, the state institutions of higher  
62 education and the regional educational service agencies to meet  
63 the professional staff development goals of the state board. The  
64 master plan also shall include a plan for evaluating the effec-  
65 tiveness of the professional staff development delivered through  
66 the programs and a cost estimate.

67 The master plan shall serve as a guide for the delivery of  
68 coordinated professional staff development programs by the  
69 state department of education, the center for professional

70 development, the state institutions of higher education and the  
71 regional educational service agencies beginning on the first day  
72 of June in the year in which the master plan was approved  
73 through the thirtieth day of May in the following year: *Pro-*  
74 *vided*, That nothing in this section shall prohibit changes in the  
75 master plan, subject to state board approval, to address staff  
76 development needs identified after the master plan was ap-  
77 proved.

**§18-2-26. Establishment of multicounty regional educational  
service agencies; purpose; authority of state  
board; governance; annual performance stan-  
dards.**

1 (a) *Legislative intent* — The intent of the Legislature in  
2 providing for establishment of regional education service  
3 agencies, hereinafter referred to in this section as agency or  
4 agencies, is to provide for high quality, cost effective education  
5 programs and services to students, schools and school systems.

6 Since the first enactment of this section in one thousand  
7 nine hundred seventy-two, the focus of public education has  
8 shifted from a reliance on input models to determine if educa-  
9 tion programs and services are providing to students a thorough  
10 and efficient education to a performance based accountability  
11 model which relies on the following:

12 (1) Development and implementation of standards which  
13 set forth the things that students should know and be able to do  
14 as the result of a thorough and efficient education including  
15 measurable criteria to evaluate student performance and  
16 progress;

17 (2) Development and implementation of assessments to  
18 measure student performance and progress toward meeting the  
19 standards;

20 (3) Development and implementation of a system for  
21 holding schools and school systems accountable for student  
22 performance and progress toward obtaining a high quality  
23 education which is delivered in an efficient manner; and

24 (4) Development and implementation of a method for  
25 building the capacity and improving the efficiency of schools  
26 and school systems to improve student performance and  
27 progress.

28 (b) *Purpose* — In establishing the agencies the Legislature  
29 envisions certain areas of service in which the agencies can best  
30 assist the state board in implementing the standards based  
31 accountability model pursuant to subsection (a) of this section  
32 and, thereby, in providing high quality education programs.  
33 These areas of service include the following:

34 (1) Providing technical assistance to low performing  
35 schools and school systems;

36 (2) Providing high quality, targeted staff development  
37 designed to enhance the performance and progress of students  
38 in state public education;

39 (3) Facilitating coordination and cooperation among the  
40 county boards within their respective regions in such areas as  
41 cooperative purchasing; sharing of specialized personnel,  
42 communications and technology; curriculum development; and  
43 operation of specialized programs for exceptional children;

44 (4) Installing, maintaining and/or repairing education  
45 related technology equipment and software with special  
46 attention to the state level basic skills and SUCCESS programs;

47 (5) Receiving and administering grants under the provisions  
48 of federal and/or state law; and

49 (6) Developing and/or implementing any other programs or  
50 services as directed by law or by the state board.

51 (c) *State board rule* — The state board shall reexamine the  
52 powers and duties of the agencies in light of the changes in state  
53 level education policy that have occurred and shall establish  
54 multi-county regional educational service agencies by rule,  
55 promulgated in accordance with the provisions of article three-  
56 b, chapter twenty-nine-a of this code.

57 The rule shall contain all information necessary for the  
58 effective administration and operation of the agencies. In  
59 developing the rule, the state board may not delegate its  
60 constitutional authority for the general supervision of schools  
61 to the agencies, however, it may allow the agencies greater  
62 latitude in the development and implementation of programs in  
63 the service areas outlined in subsection (b) of this section with  
64 the exceptions of providing technical assistance to low perform-  
65 ing schools and school systems and providing high quality,  
66 targeted staff development designed to enhance the perfor-  
67 mance and progress of students in state public education. These  
68 two areas constitute the most important responsibilities for the  
69 agencies.

70 The rule establishing the agencies shall be promulgated  
71 before the first day of November, two thousand two, and shall  
72 be consistent with the provisions of this section. It shall include,  
73 but is not limited to, the following procedures:

74 (1) Providing for a uniform governance structure for the  
75 agencies containing at least these elements:

76 (A) Selection by the state board of an executive director  
77 who shall be responsible for the administration of his or her  
78 respective agency. The rule shall provide for the state board to

79 consult with the appropriate regional council during the  
80 selection process;

81 (B) Development of a job description and qualifications for  
82 the position of executive director, together with procedures for  
83 informing the public of position openings and for taking and  
84 evaluating applications for these positions;

85 (C) Provisions for the agencies to employ other staff, as  
86 necessary, with the approval of the state board and upon the  
87 recommendation of the executive director: *Provided*, That prior  
88 to the first day of July, two thousand three, no person who is an  
89 employee of an agency on the effective date of this section may  
90 be terminated or have his or her salary and benefit levels  
91 reduced as the sole result of the changes made to this section or  
92 by state board rule;

93 (D) Appointment by the county boards of a regional council  
94 in each agency area consisting of representatives of county  
95 boards and county superintendents from within that area for the  
96 purpose of advising and assisting the executive director in  
97 carrying out his or her duties. The state board may provide for  
98 membership on the regional council for representatives from  
99 other agencies and institutions who have interest or expertise in  
100 the development or implementation of regional education  
101 programs; and

102 (E) Selection by the state superintendent of a representative  
103 from the state department of education to serve on each regional  
104 council. These representatives shall meet with their respective  
105 regional councils at least quarterly;

106 (2) Establishing statewide standards by the state board for  
107 service delivery by the agencies. These standards may be  
108 revised annually and shall include, but are not limited to,

109 programs and services to fulfill the purposes set forth in  
110 subsection (b) of this section;

111 (3) Establishing procedures for developing and adopting an  
112 annual basic operating budget for each agency and for other  
113 budgeting and accounting procedures as the state board may  
114 require;

115 (4) Establishing procedures to clarifying that agencies may  
116 acquire and hold real property;

117 (5) Dividing the state into appropriate, contiguous geo-  
118 graphical areas and designating an agency to serve each area.  
119 The rule shall provide that each of the state's counties is  
120 contained within a single service area and that all counties  
121 located within the boundaries of each agency, as determined by  
122 the state board, shall be members of that agency; and

123 (6) Such other standards or procedures as the state board  
124 finds necessary or convenient.

125 (d) *Regional services* — In furtherance of the purposes  
126 provided for in this section, the state board and the regional  
127 council of each agency shall continually explore possibilities  
128 for the delivery of services on a regional basis which will  
129 facilitate equality in the education offerings among counties in  
130 its service area, permit the delivery of high quality education  
131 programs at a lower per student cost, strengthen the cost  
132 effectiveness of education funding resources, reduce adminis-  
133 trative and/or operational costs, including the consolidation of  
134 administrative, coordinating and other county level functions  
135 into region level functions, and promote the efficient adminis-  
136 tration and operation of the public school systems generally.

137 Technical, operational, programmatic or professional  
138 services are among the types of services appropriate for  
139 delivery on a regional basis.



140 (e) *Virtual education* — The state board, in conjunction  
141 with the various agencies, shall develop an effective model for  
142 the regional delivery of instruction in subjects where there  
143 exists low student enrollment or a shortage of certified teachers  
144 or where the delivery method substantially improves the quality  
145 of an instructional program. The model shall incorporate an  
146 interactive electronic classroom approach to instruction. To the  
147 extent funds are appropriated or otherwise available, county  
148 boards or regional educational service agencies may adopt and  
149 utilize the model for the delivery of the instruction.

150 (f) *Computer information system* — Each county board of  
151 education shall use the uniform integrated regional computer  
152 information system recommended by the state board for data  
153 collection and reporting to the state department of education.  
154 County boards of education shall bear the cost of and fully  
155 participate in the implementation of the system by using one of  
156 the following methods:

157 (1) Acquiring necessary, compatible equipment to partici-  
158 pate in the regional computer information system; or

159 (2) Following receipt of a waiver from the state superinten-  
160 dent, operating a comparable management information system  
161 at a lower cost which provides at least all uniform integrated  
162 regional computer information system software modules and  
163 allows on-line, interactive access for schools and the county  
164 board office onto the statewide communications network. All  
165 data formats shall be the same as for the uniform integrated  
166 regional information system and will reside at the regional  
167 computer.

168 Any county granted a waiver shall receive periodic notifica-  
169 tion of any incompatibility or deficiency in its system. No  
170 county shall expand any system either through the purchase of  
171 additional software or hardware that does not advance the goals

172 and implementation of the uniform integrated regional com-  
173 puter information system as recommended by the state board.

174 (g) *Reports and evaluations* — Each agency shall submit to  
175 the state superintendent on such date and in such form as  
176 specified in the rules adopted by the state board a report and  
177 evaluation of the technical assistance and other services  
178 provided and utilized by the schools within each respective  
179 region and their effectiveness. Additionally, any school may  
180 submit an evaluation of the services provided by the agency to  
181 the state superintendent at any time. This report shall include an  
182 evaluation of the agency program, suggestions on methods to  
183 improve utilization and suggestions on the development of new  
184 programs and the enhancement of existing programs. The  
185 reports and evaluations submitted pursuant to this subsection  
186 shall be submitted to the state board and shall be made available  
187 upon request to the standing committees on education of the  
188 West Virginia Senate and House of Delegates and to the  
189 secretary of education and the arts.

190 (h) *Funding sources* — An agency may receive and  
191 disburse funds from the state and federal governments, from  
192 member counties, or from gifts and grants.

193 (i) *Employee expenses* — Notwithstanding any other  
194 provision of this code to the contrary, employees of agencies  
195 shall be reimbursed for travel, meals and lodging at the same  
196 rate as state employees under the travel management office of  
197 the department of administration.

198 A county board member may not be an employee of an  
199 agency.

200 (j) *Meetings and compensation* —

201 (1) Agencies shall hold at least one half of their regular  
202 meetings during hours other than those of a regular school day.

203 The executive director of each agency shall attend at least one  
204 meeting of each of the member county boards of education each  
205 year to explain the agency’s services, garner suggestions for  
206 program improvement and provide any other information as  
207 may be requested by the county board.

208 (2) Notwithstanding any other provision of this code to the  
209 contrary, county board members serving on regional councils  
210 may receive compensation at a rate not to exceed one hundred  
211 dollars per meeting attended, not to exceed fifteen meetings per  
212 year. County board members serving on regional councils may  
213 be reimbursed for travel at the same rate as state employees  
214 under the rules of the travel management office of the depart-  
215 ment of administration.

216 (k) *Computer installation, maintenance and repair* —  
217 Agencies shall serve as the lead agency for computer installa-  
218 tion, maintenance and repair for the basic skills and SUCCESS  
219 computer programs. Each agency shall submit a quarterly status  
220 report on turn around time for computer installation, mainte-  
221 nance and repair to the state superintendent of schools who  
222 shall then submit a report to the legislative oversight commis-  
223 sion on education accountability. The status report for turn  
224 around time for computer installation, maintenance and repair  
225 shall be based on the following suggested time schedules:

- 226 Network File Servers . . . . . forty-eight hours
- 227 Local Area Networks . . . . . forty-eight hours
- 228 West Virginia Education
- 229 Information System . . . . . twenty-four hours
- 230 Computer Workstations . . . . . three to five days
- 231 Printers . . . . . three to five days

232 Other Peripherals . . . . . three to five days

233 Agencies also shall submit an audit report to the legislative  
234 oversight commission on education accountability each year.

235 (l) *Professional development* — Pursuant to the processes  
236 and provisions of section twenty-three-a, article two, chapter  
237 eighteen of this code, each agency shall provide coordinated  
238 professional development programs within its region to meet  
239 the professional development goals established by the state  
240 board.

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

**§18-2E-5. Process for improving education; education standards  
and accountability measures; office of education  
performance audits; school accreditation and  
school system approval; intervention to correct  
impairments.**

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

2 (l) The Legislature finds that the process for improving  
3 education includes four primary elements, these being:

4 (A) Standards which set forth the things that students  
5 should know and be able to do as the result of a thorough and  
6 efficient education including measurable criteria to evaluate  
7 student performance and progress;

8 (B) Assessments of student performance and progress  
9 toward meeting the standards;

10 (C) A system for holding schools and school systems  
11 accountable for student performance and progress toward  
12 obtaining a high quality education which is delivered in an  
13 efficient manner; and

14       (D) A method for building the capacity and improving the  
15 efficiency of schools and school systems to improve student  
16 performance and progress.

17       (2) The Legislature further finds that as the constitutional  
18 body charged with the general supervision of schools as  
19 provided by general law, the state board has the authority and  
20 the responsibility to establish the standards, assess the perfor-  
21 mance and progress of students against the standards, hold  
22 schools and school systems accountable, and assist schools and  
23 school systems to build capacity and improve efficiency so that  
24 the standards are met, including, when necessary, seeking  
25 additional resources in consultation with the Legislature and the  
26 governor.

27       (3) The Legislature also finds that as the constitutional body  
28 charged with providing for a thorough and efficient system of  
29 schools, the Legislature has the authority and the responsibility  
30 to establish and be engaged constructively in the determination  
31 of the things that students should know and be able to do as the  
32 result of a thorough and efficient education. This determination  
33 is made by using the process for improving education to  
34 determine when school improvement is needed, by evaluating  
35 the results and the efficiency of the system of schools, by  
36 ensuring accountability, and by providing for the necessary  
37 capacity and its efficient use.

38       (4) Therefore, the purpose of this section is to establish a  
39 process for improving education that includes the four primary  
40 elements as set forth in subdivision one of this subsection to  
41 provide assurances that a thorough and efficient system of  
42 schools is being provided for all West Virginia public school  
43 students on an equal education opportunity basis and that the  
44 high quality standards are, at a minimum, being met.

45 (5) The intent of the Legislature in enacting this section is  
46 to establish a process through which the Legislature, the  
47 governor and the state board can work in the spirit of coopera-  
48 tion and collaboration intended in the process for improving  
49 education to consult and examine, when necessary, the perfor-  
50 mance and progress of students, schools and school systems and  
51 consider alternative measures to ensure that all students  
52 continue to receive the thorough and efficient education to  
53 which they are entitled. However, nothing in this section  
54 requires any specific level of funding by the Legislature.

55 (b) *Unified county and school improvement plans.* — The  
56 state board shall promulgate rules in accordance with article  
57 three-b, chapter twenty-nine-a of this code establishing a  
58 unified county improvement plan for each county board and a  
59 unified school improvement plan for each public school in this  
60 state. The rules shall specify that the unified school improve-  
61 ment plan shall include all appropriate plans required by law  
62 including, but not limited to the following:

63 (1) The report required to be delivered to the county-wide  
64 council on productive and safe schools pursuant to subsection  
65 (f), section two, article five-a of this chapter;

66 (2) Plans or applications required in the area of technology  
67 pursuant to 20 U.S.C. 6845, section seven, article two-e of this  
68 chapter, state board policy or rule or any other county, state or  
69 federal law;

70 (3) The strategic plan to manage the integration of special  
71 needs students as required by section five, article five-a, of this  
72 chapter; and

73 (4) the school based improvement plan set forth in the  
74 Elementary and Secondary Education Act pursuant to 29 U.S.C.  
75 §6301 et seq.

76 The plans are required to be included only to the extent  
77 permitted by state and federal law.

78 (c) *High quality education standards and efficiency*  
79 *standards.* — In accordance with the provisions of article three-  
80 b, chapter twenty-nine-a of this code, the state board shall adopt  
81 and periodically review and update high quality education  
82 standards for student, school and school system performance  
83 and processes in the following areas:

- 84 (1) Curriculum;
- 85 (2) Workplace readiness skills;
- 86 (3) Finance;
- 87 (4) Transportation;
- 88 (5) Special education;
- 89 (6) Facilities;
- 90 (7) Administrative practices;
- 91 (8) Training of county board members and administrators;
- 92 (9) Personnel qualifications;
- 93 (10) Professional development and evaluation;
- 94 (11) Student performance and progress;
- 95 (12) School and school system performance and progress;
- 96 (13) A code of conduct for students and employees;
- 97 (14) Indicators of efficiency; and
- 98 (15) Any other areas determined by the state board.

99 (d) *Performance measures.* — The standards shall assure  
100 that all graduates are prepared for gainful employment or for  
101 continuing post-secondary education and training and that  
102 schools and school systems are making progress in achieving  
103 the education goals of the state.

104 The standards shall include measures of student perfor-  
105 mance and progress and measures of school and school system  
106 performance, progress and processes that enable student  
107 performance. The measures of student performance and  
108 progress and school and school system performance, progress  
109 and processes shall include, but are not limited to, the follow-  
110 ing:

111 (1) The acquisition of student proficiencies as indicated by  
112 student performance and progress by grade level measured,  
113 where possible, by a uniform statewide assessment program;

114 (2) School attendance rates;

115 (3) The student dropout rate;

116 (4) The high school graduation rate;

117 (5) The percentage of graduates who enrolled in college and  
118 the percentage of graduates who enrolled in other post-second-  
119 ary education within one year following high school graduation;

120 (6) The percentage of graduates who received additional  
121 certification of their skills, competence and readiness for  
122 college, other post-secondary education or employment above  
123 the level required for graduation; and

124 (7) The percentage of students who enrolled in and the  
125 percentage of students who successfully completed advanced  
126 placement, dual credit and honors classes, respectively, by  
127 grade level.



128 (e) *Indicators of efficiency.* — In accordance with the  
129 provisions of article three-b, chapter twenty-nine-a of this code,  
130 the state board shall adopt and periodically review and update  
131 indicators of efficiency for student and school system perfor-  
132 mance and processes in the following areas:

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

135 (2) Transportation;

136 (3) Facilities;

137 (4) Administrative practices;

138 (5) Personnel;

139 (6) Utilization of regional educational service agency  
140 programs and services, including programs and services that  
141 may be established by their assigned regional educational  
142 service agency, or other regional services that may be initiated  
143 between and among participating county boards; and

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

145 (f) *Assessment and accountability of school and school*  
146 *system performance and processes.* — In accordance with the  
147 provisions of article three-b, chapter twenty-nine-a of this code,  
148 the state board shall establish by rule a system of education  
149 performance audits which measures the quality of education  
150 and the preparation of students based on the standards and  
151 measures of student, school and school system performance,  
152 progress and processes, including, but not limited to, the  
153 standards and measures set forth in subsections (c) and (d) of  
154 this section. The system of education performance audits shall  
155 assist the state board, the Legislature and the governor in  
156 ensuring that the standards and measures established pursuant

157 to this section are, at a minimum, being met and that a thorough  
158 and efficient system of schools is being provided. The system  
159 of education performance audits shall include: (1) The assess-  
160 ment of student performance and progress, school and school  
161 system performance and progress, and the processes in place in  
162 schools and school systems which enable student performance  
163 and progress; (2) the review of school and school system  
164 unified improvement plans; and (3) the periodic on-site review  
165 of school and school system performance and progress and  
166 compliance with the standards.

167 (g) *Uses of school and school system assessment informa-*  
168 *tion.* — The state board and the process for improving educa-  
169 tion council established pursuant to section five-c of this article  
170 shall use information from the system of education performance  
171 audits to assist them in ensuring that a thorough and efficient  
172 system of schools is being provided and to improve student,  
173 school and school system performance and progress. Informa-  
174 tion from the system of education performance audits further  
175 shall be used by the state board for these purposes, including,  
176 but not limited to, the following: (1) Determining school  
177 accreditation and school system approval status; (2) holding  
178 schools and school systems accountable for the efficient use of  
179 existing resources to meet or exceed the standards; and (3)  
180 targeting additional resources when necessary to improve  
181 performance and progress. Primary emphasis in determining  
182 school accreditation and school system approval status is based  
183 on student performance and progress, school and school system  
184 performance and progress and such other measures as selected  
185 by the state board. The state board shall make accreditation  
186 information available to the Legislature, the governor, the  
187 general public and to any individuals who request the informa-  
188 tion, subject to the provisions of any act or rule restricting the  
189 release of information.

190 Based on the assessment of student, school and school  
191 system performance and progress, the state board shall establish  
192 early detection and intervention programs using the available  
193 resources of the department of education, the regional educa-  
194 tional service agencies, the center for professional development  
195 and the principals academy, as appropriate, to assist under-  
196 achieving schools and school systems to improve performance  
197 before conditions become so grave as to warrant more substan-  
198 tive state intervention. Assistance shall include, but is not  
199 limited to, providing additional technical assistance and  
200 programmatic, professional staff development, providing  
201 monetary, staffing and other resources where appropriate, and,  
202 if necessary, making appropriate recommendations to the  
203 process for improving education council.

204 (h) *Office of education performance audits.*

205 (1) To assist the state board and the process for improving  
206 education council in the operation of a system of education  
207 performance audits that will enable them to evaluate whether a  
208 thorough and efficient education is being provided, and to assist  
209 the state board in making determinations regarding the accredi-  
210 tation status of schools and the approval status of school  
211 systems, the state board shall establish an office of education  
212 performance audits which shall be operated under the direction  
213 of the state board independently of the functions and supervi-  
214 sion of the state department of education and state superinten-  
215 dent. The office of education performance audits shall report  
216 directly to and be responsible to the state board in carrying out  
217 its duties under the provisions of this section.

218 (2) The office shall be headed by a director who shall be  
219 appointed by the state board and who shall serve at the will and  
220 pleasure of the state board. The salary of the director shall not  
221 exceed the salary of the state superintendent of schools.

222 (3) The state board shall organize and sufficiently staff the  
223 office to fulfill the duties assigned to it by law and by the state  
224 board. Employees of the state department of education who are  
225 transferred to the office of education performance audits retain  
226 their benefit and seniority status with the department of  
227 education.

228 (4) Under the direction of the state board, the office of  
229 education performance audits shall receive from the West  
230 Virginia education information system staff research and  
231 analysis data on the performance and progress of students,  
232 schools and school systems, and shall receive assistance, as  
233 determined by the state board, from staff at the state department  
234 of education, the regional education service agencies, the center  
235 for professional development, the principals academy and the  
236 state school building authority to carry out the duties assigned  
237 to the office.

238 (5) In addition to other duties which may be assigned to it  
239 by the state board or by statute, the office of education perfor-  
240 mance audits also shall:

241 (A) Assure that all statewide assessments of student  
242 performance are secure as required in section one-a of this  
243 article;

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

246 (i) Processes for the accreditation of schools and the  
247 approval of school systems. These processes shall focus on  
248 those measurable criteria related to student performance and  
249 progress and to the delivery of instruction which will enable  
250 student performance and progress; and

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

254 (C) Determine, in conjunction with the assessment and  
255 accountability processes, what capacity may be needed by  
256 schools and school systems to meet the standards established by  
257 the Legislature and the state board, and recommend to the  
258 school, the school system, the state board and the process for  
259 improving education council, plans to establish those needed  
260 capacities;

261 (D) Determine, in conjunction with the assessment and  
262 accountability processes, whether statewide system deficiencies  
263 exist in the capacity to establish and maintain a thorough and  
264 efficient system of schools, including the identification of  
265 trends and the need for continuing improvements in education,  
266 and report those deficiencies and trends to the state board and  
267 the process for improving education council;

268 (E) Determine, in conjunction with the assessment and  
269 accountability processes, staff development needs of schools  
270 and school systems to meet the standards established by the  
271 Legislature and the state board, and make recommendations to  
272 the state board, the process for improving education council, the  
273 center for professional development, the regional educational  
274 service agencies, the higher education policy commission, and  
275 the county boards;

276 (F) Identify, in conjunction with the assessment and  
277 accountability processes, exemplary schools and school systems  
278 and best practices that improve student, school and school  
279 system performance, and make recommendations to the state  
280 board and the process for improving education council for  
281 recognizing and rewarding exemplary schools and school  
282 systems and promoting the use of best practices. The state

283 board shall provide information on best practices to county  
284 school systems and shall use information identified through the  
285 assessment and accountability processes to select schools of  
286 excellence; and

287 (G) Develop reporting formats, such as check lists, which  
288 shall be used by the appropriate administrative personnel in  
289 schools and school systems to document compliance with  
290 various of the applicable laws, policies and process standards  
291 as considered appropriate and approved by the state board,  
292 including, but not limited to, compliance with limitations on the  
293 number of pupils per teacher in a classroom and the number of  
294 split grade classrooms. Information contained in the reporting  
295 formats shall be examined during an on-site review to deter-  
296 mine compliance with laws, policies and standards. Intentional  
297 and grossly negligent reporting of false information is ground  
298 for dismissal.

299 (i) *On-site reviews.*

300 (1) At the direction of the state board or by weighted  
301 selection by the office of education performance audits, an on-  
302 site review shall be conducted by the office of education  
303 performance audits of any school or school system for pur-  
304 poses, including, but not limited to, the following:

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

306 (B) Documenting compliance with policies and laws;

307 (C) Evaluating the effectiveness and implementation status  
308 of school and school system unified improvement plans;

309 (D) Investigating official complaints submitted to the state  
310 board that allege serious impairments in the quality of educa-  
311 tion in schools or school systems;

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

316 (F) Determining and reporting whether required reviews  
317 and inspections have been conducted by the appropriate  
318 agencies, including, but not limited to, the state fire marshal,  
319 the health department, the school building authority and the  
320 responsible divisions within the department of education, and  
321 whether noted deficiencies have been or are in the process of  
322 being corrected. The office of education performance audits  
323 may not conduct a duplicate review or inspection nor mandate  
324 more stringent compliance measures.

325 (2) The selection of schools and school systems for an on-  
326 site review shall use a weighted sample so that those with lower  
327 performance and progress indicators and those that have not  
328 had a recent on-site review have a greater likelihood of being  
329 selected. The director of the office of education performance  
330 audits shall notify the county superintendent of schools five  
331 school days prior to commencing an on-site review of the  
332 county school system and shall notify both the county superin-  
333 tendent and the principal five school days prior to commencing  
334 an on-site review of an individual school: *Provided*, That the  
335 state board may direct the office of education performance  
336 audits to conduct an unannounced on-site review of a school or  
337 school system if the state board believes circumstances warrant  
338 an unannounced on-site review.

339 (3) The office of education performance audits may conduct  
340 on-site reviews which are limited in scope to specific areas in  
341 addition to full reviews which cover all areas.

342 (4) An on-site review of a school or school system shall  
343 include a person or persons who has expert knowledge and

344 experience in the area or areas to be reviewed and who is  
345 designated by the state board from the department of education  
346 and the agencies responsible for assisting the office. If the size  
347 of the school or school system being reviewed necessitates the  
348 use of an on-site review team or teams, the person or persons  
349 designated by the state board shall advise and assist the director  
350 to appoint the team or teams. The person or persons designated  
351 by the state board shall be the team leaders.

352       The persons designated by the state board shall be responsi-  
353 ble for completing the report on the findings and recommenda-  
354 tions of the on-site review in their area of expertise. It is the  
355 intent of the Legislature that the persons designated by the state  
356 board participate in all on-site reviews that involve their area of  
357 expertise to the extent practicable so that the on-site review  
358 process will evaluate compliance with the standards in a  
359 uniform, consistent and expert manner.

360       (5) The office of education performance audits shall  
361 reimburse a county board for the costs of substitutes required to  
362 replace county board employees while they are serving on a  
363 review team.

364       (6) At the conclusion of an on-site review of a school  
365 system, the director and team leaders shall hold an exit confer-  
366 ence with the superintendent and shall provide an opportunity  
367 for principals to be present for at least the portion of the  
368 conference pertaining to their respective schools. In the case of  
369 an on-site review of a school, the exit conference shall be held  
370 with the principal and the superintendent shall be provided the  
371 opportunity to be present.

372       (7) The office of education performance audits shall report  
373 the findings of the on-site reviews to the state board for  
374 inclusion in the evaluation and determination of a school's or  
375 county board's accreditation or approval status as applicable.



376 The report on the findings of an on-site review shall be submit-  
377 ted to the state board within thirty days following the conclu-  
378 sion of the on-site review and to the county superintendent and  
379 principals of schools within the reviewed school system within  
380 forty-five days following the conclusion of the on-site review.  
381 A copy of the report shall be provided to the process for  
382 improving education council.

383 (j) *School accreditation.* -- The state board annually shall  
384 review the information from the system of education perfor-  
385 mance audits submitted for each school and shall issue to every  
386 school one of the following approval levels: Exemplary  
387 accreditation status, full accreditation status, temporary  
388 accreditation status, conditional accreditation status, or seri-  
389 ously impaired status.

390 (1) Full accreditation status shall be given to a school when  
391 the school's performance and progress on the standards adopted  
392 by the state board pursuant to subsections (c) and (d) of this  
393 section are at a level which would be expected when all of the  
394 high quality education standards are being met. A school which  
395 meets or exceeds the measures of student performance and  
396 progress set forth in subsection (d) of this section, and which  
397 does not have any deficiencies which would endanger student  
398 health or safety or other extraordinary circumstances as defined  
399 by the state board, shall remain on full accreditation status for  
400 six months following an on-site review in which other deficien-  
401 cies are noted. The school shall have an opportunity to correct  
402 those deficiencies, notwithstanding other provisions of this  
403 subsection.

404 (2) Temporary accreditation status shall be given to a  
405 school when the measure of the school's performance and  
406 progress is below the level required for full accreditation status.  
407 Whenever a school is given temporary accreditation status, the  
408 county board shall ensure that the school's unified improvement

409 plan is revised to increase the performance and progress of the  
410 school to a full accreditation status level. The revised unified  
411 school improvement plan shall include objectives, a time line,  
412 a plan for evaluation of the success of the improvements, cost  
413 estimates, and a date certain for achieving full accreditation.  
414 The revised plan shall be submitted to the state board for  
415 approval.

416 (3) Conditional accreditation status shall be given to a  
417 school when the school's performance and progress on the  
418 standards adopted by the state board are below the level  
419 required for full accreditation, but the school's unified improve-  
420 ment plan has been revised to achieve full accreditation status  
421 by a date certain, the plan has been approved by the state board  
422 and the school is meeting the objectives and time line specified  
423 in the revised plan.

424 (4) Exemplary accreditation status shall be given to a  
425 school when the school's performance and progress on the  
426 standards adopted by the state board pursuant to subsections (c)  
427 and (d) of this section substantially exceed the minimal level  
428 which would be expected when all of the high quality education  
429 standards are being met. The state board shall promulgate  
430 legislative rules in accordance with the provisions of article  
431 three-b, chapter twenty-nine-a, designated to establish standards  
432 of performance and progress to identify exemplary schools.

433 (5) The state board shall establish and adopt standards of  
434 performance and progress to identify seriously impaired schools  
435 and the state board may declare a school seriously impaired  
436 whenever extraordinary circumstances exist as defined by the  
437 state board.

438 (A) These circumstances shall include, but are not limited  
439 to, the following:

440 (i) The failure of a school on temporary accreditation status  
441 to obtain approval of its revised unified school improvement  
442 plan within a reasonable time period as defined by the state  
443 board;

444 (ii) The failure of a school on conditional accreditation  
445 status to meet the objectives and time line of its revised unified  
446 school improvement plan; or

447 (iii) The failure of a school to achieve full accreditation by  
448 the date specified in the revised plan.

449 (B) Whenever the state board determines that the quality of  
450 education in a school is seriously impaired, the state board shall  
451 appoint a team of improvement consultants to make recommen-  
452 dations within sixty days of appointment for correction of the  
453 impairment. When the state board approves the recommenda-  
454 tions, they shall be communicated to the county board. If  
455 progress in correcting the impairment as determined by the state  
456 board is not made within six months from the time the county  
457 board receives the recommendations, the state board shall place  
458 the county board on temporary approval status and provide  
459 consultation and assistance to the county board to assist it in the  
460 following areas:

461 (i) Improving personnel management;

462 (ii) Establishing more efficient financial management  
463 practices;

464 (iii) Improving instructional programs and rules; or

465 (iv) Making any other improvements that are necessary to  
466 correct the impairment.

467 (C) If the impairment is not corrected by a date certain as  
468 set by the state board:

469 (i) The state board shall appoint a monitor who shall be  
470 paid at county expense to cause improvements to be made at the  
471 school to bring it to full accreditation status within a reasonable  
472 time period as determined by the state board. The monitor's  
473 work location shall be at the school and the monitor shall work  
474 collaboratively with the principal. The monitor shall, at a  
475 minimum, report monthly to the state board on the measures  
476 being taken to improve the school's performance and the  
477 progress being made. The reports may include requests for  
478 additional assistance and recommendations required in the  
479 judgment of the monitor to improve the school's performance,  
480 including, but not limited to, the need for targeting resources  
481 strategically to eliminate deficiencies;

482 (ii) The state board may make a determination, in its sole  
483 judgment, that the improvements necessary to provide a  
484 thorough and efficient education to the students at the school  
485 cannot be made without additional targeted resources, in which  
486 case, it shall establish a plan in consultation with the county  
487 board that includes targeted resources from sources under the  
488 control of the state board and the county board to accomplish  
489 the needed improvements. Nothing in this subsection shall be  
490 construed to allow a change in personnel at the school to  
491 improve school performance and progress, except as provided  
492 by law;

493 (iii) If the impairment is not corrected within one year after  
494 the appointment of a monitor, the state board may make a  
495 determination, in its sole judgment, that continuing a monitor  
496 arrangement is not sufficient to correct the impairment and may  
497 intervene in the operation of the school to cause improvements  
498 to be made that will provide assurances that a thorough and  
499 efficient system of schools will be provided. This intervention  
500 may include, but is not limited to, establishing instructional  
501 programs, taking such direct action as may be necessary to  
502 correct the impairments, declaring the position of principal is

503 vacant and assigning a principal for the school who shall serve  
504 at the will and pleasure of and, under the sole supervision of,  
505 the state board: *Provided*, That prior to declaring that the  
506 position of the principal is vacant, the state board must make a  
507 determination that all other resources needed to correct the  
508 impairment are present at the school. If the principal who was  
509 removed elects not to remain an employee of the county board,  
510 then the principal assigned by the state board shall be paid by  
511 the county board. If the principal who was removed elects to  
512 remain an employee of the county board, then the following  
513 procedure applies:

514 (I) The principal assigned by the state board shall be paid  
515 by the state board until the next school term, at which time the  
516 principal assigned by the state board shall be paid by the county  
517 board;

518 (II) The principal who was removed shall be placed on the  
519 preferred recall list for all positions in the county for which the  
520 principal is certified, as defined in section seven, article four of  
521 this chapter; and

522 (III) The principal who was removed shall be paid by the  
523 county board and may be assigned to administrative duties,  
524 without the county board being required to post that position  
525 until the end of the school term;

526 (6) The county board shall take no action nor refuse any  
527 action if the effect would be to impair further the school in  
528 which the state board has intervened.

529 (7) The state board may appoint a monitor pursuant to the  
530 provisions of this subsection to assist the school principal after  
531 intervention in the operation of a school is completed.

532 (k) *Transfers from seriously impaired schools.* — When-  
533 ever a school is determined to be seriously impaired and fails to

534 improve its status within one year, any student attending the  
535 school may transfer once to the nearest fully accredited school,  
536 subject to approval of the fully accredited school and at the  
537 expense of the school from which the student transferred.

538 (l) *School system approval.* — The state board annually  
539 shall review the information submitted for each school system  
540 from the system of education performance audits and issue one  
541 of the following approval levels to each county board: Full  
542 approval, temporary approval, conditional approval, or  
543 nonapproval.

544 (1) Full approval shall be given to a county board whose  
545 education system meets or exceeds all of the high quality  
546 standards for student, school and school system performance,  
547 progress and processes adopted by the state board and whose  
548 schools have all been given full, temporary or conditional  
549 accreditation status. A school system which meets or exceeds  
550 the measures of student performance and progress set forth in  
551 subsection (d) of this section, and which does not have any  
552 deficiencies which would endanger student health or safety or  
553 other extraordinary circumstances as defined by the state board,  
554 shall remain on full accreditation status for six months follow-  
555 ing an on-site review in which other deficiencies are noted. The  
556 school shall have an opportunity to correct those deficiencies,  
557 notwithstanding other provisions of this subsection.

558 (2) Temporary approval shall be given to a county board  
559 whose education system is below the level required for full  
560 approval. Whenever a county board is given temporary ap-  
561 proval status, the county board shall revise its unified county  
562 improvement plan to increase the performance and progress of  
563 the school system to a full approval status level. The revised  
564 plan shall include objectives, a time line, a plan for evaluation  
565 of the success of the improvements, a cost estimate, and a date

566 certain for achieving full approval. The revised plan shall be  
567 submitted to the state board for approval.

568 (3) Conditional approval shall be given to a county board  
569 whose education system is below the level required for full  
570 approval, but whose unified county improvement plan meets  
571 the following criteria:

572 (i) The plan has been revised to achieve full approval status  
573 by a date certain;

574 (ii) The plan has been approved by the state board; and

575 (iii) The county board is meeting the objectives and time  
576 line specified in the revised plan.

577 (4) Nonapproval status shall be given to a county board  
578 which fails to submit and gain approval for its unified county  
579 improvement plan or revised unified county improvement plan  
580 within a reasonable time period as defined by the state board or  
581 which fails to meet the objectives and time line of its revised  
582 unified county improvement plan or fails to achieve full  
583 approval by the date specified in the revised plan.

584 (A) The state board shall establish and adopt additional  
585 standards to identify school systems in which the program may  
586 be nonapproved and the state board may issue nonapproval  
587 status whenever extraordinary circumstances exist as defined by  
588 the state board.

589 (B) Whenever a county board has more than a casual  
590 deficit, as defined in section one, article one of this chapter, the  
591 county board shall submit a plan to the state board specifying  
592 the county board's strategy for eliminating the casual deficit.  
593 The state board either shall approve or reject the plan. If the  
594 plan is rejected, the state board shall communicate to the county  
595 board the reason or reasons for the rejection of the plan. The  
596 county board may resubmit the plan any number of times.

597 However, any county board that fails to submit a plan and gain  
598 approval for the plan from the state board before the end of the  
599 fiscal year after a deficit greater than a casual deficit occurred  
600 or any county board which, in the opinion of the state board,  
601 fails to comply with an approved plan may be designated as  
602 having nonapproval status.

603 (C) Whenever nonapproval status is given to a school  
604 system, the state board shall declare a state of emergency in the  
605 school system and shall appoint a team of improvement  
606 consultants to make recommendations within sixty days of  
607 appointment for correcting the emergency. When the state  
608 board approves the recommendations, they shall be communi-  
609 cated to the county board. If progress in correcting the emer-  
610 gency, as determined by the state board, is not made within six  
611 months from the time the county board receives the recommen-  
612 dations, the state board shall intervene in the operation of the  
613 school system to cause improvements to be made that will  
614 provide assurances that a thorough and efficient system of  
615 schools will be provided. This intervention may include, but is  
616 not limited to, the following:

617 (i) Limiting the authority of the county superintendent and  
618 county board as to the expenditure of funds, the employment  
619 and dismissal of personnel, the establishment and operation of  
620 the school calendar, the establishment of instructional programs  
621 and rules and any other areas designated by the state board by  
622 rule, which may include delegating decision-making authority  
623 regarding these matters to the state superintendent;

624 (ii) Declaring that the office of the county superintendent  
625 is vacant;

626 (iii) Delegating to the state superintendent both the author-  
627 ity to conduct hearings on personnel matters and school closure  
628 or consolidation matters and, subsequently, to render the



629 resulting decisions, and the authority to appoint a designee for  
630 the limited purpose of conducting hearings while reserving to  
631 the state superintendent the authority to render the resulting  
632 decisions; and

633 (iv) Taking any direct action necessary to correct the  
634 emergency including, but not limited to, the following:

635 (I) Delegating to the state superintendent the authority to  
636 replace administrators and principals in low performing schools  
637 and to transfer them into alternate professional positions within  
638 the county at his or her discretion; and

639 (II) Delegating to the state superintendent the authority to  
640 fill positions of administrators and principals with individuals  
641 determined by the state superintendent to be the most qualified  
642 for the positions. Any authority related to intervention in the  
643 operation of a county board granted under this paragraph is not  
644 subject to the provisions of article four, chapter eighteen-a of  
645 this code;

646 (m) Notwithstanding any other provision of this section, the  
647 state board may intervene immediately in the operation of the  
648 county school system with all the powers, duties and responsi-  
649 bilities contained in subsection (l) of this section, if the state  
650 board finds the following:

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

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

659 (n) *Capacity*. — The process for improving education  
660 includes a process for targeting resources strategically to  
661 improve the teaching and learning process. Development of  
662 unified school and school system improvement plans, pursuant  
663 to subsection (b) of this section, is intended, in part, to provide  
664 mechanisms to target resources strategically to the teaching and  
665 learning process to improve student, school and school system  
666 performance. When deficiencies are detected through the  
667 assessment and accountability processes, the revision and  
668 approval of school and school system unified improvement  
669 plans shall ensure that schools and school systems are effi-  
670 ciently using existing resources to correct the deficiencies.  
671 When the state board determines that schools and school  
672 systems do not have the capacity to correct deficiencies, the  
673 state board shall work with the county board to develop or  
674 secure the resources necessary to increase the capacity of  
675 schools and school systems to meet the standards and, when  
676 necessary, seek additional resources in consultation with the  
677 Legislature and the governor.

678 The state board shall recommend to the appropriate body  
679 including, but not limited to, the process for improving educa-  
680 tion council, the Legislature, county boards, schools and  
681 communities methods for targeting resources strategically to  
682 eliminate deficiencies identified in the assessment and account-  
683 ability processes. When making determinations on recommen-  
684 dations, the state board shall include, but is not limited to, the  
685 following methods:

686 (1) Examining reports and unified improvement plans  
687 regarding the performance and progress of students, schools  
688 and school systems relative to the standards and identifying the  
689 areas in which improvement is needed;

690 (2) Determining the areas of weakness and of ineffective-  
691 ness that appear to have contributed to the substandard perfor-

692 mance and progress of students or the deficiencies of the school  
693 or school system;

694 (3) Determining the areas of strength that appear to have  
695 contributed to exceptional student, school and school system  
696 performance and progress and promoting their emulation  
697 throughout the system;

698 (4) Requesting technical assistance from the school  
699 building authority in assessing or designing comprehensive  
700 educational facilities plans;

701 (5) Recommending priority funding from the school  
702 building authority based on identified needs;

703 (6) Requesting special staff development programs from the  
704 center for professional development, the principals academy,  
705 higher education, regional educational service agencies and  
706 county boards based on identified needs;

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

709 (8) Directing county boards to target their funds strategi-  
710 cally toward alleviating deficiencies;

711 (9) Ensuring that the need for facilities in counties with  
712 increased enrollment are appropriately reflected and recom-  
713 mended for funding;

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

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

**§18-2E-5c. Process for improving education council established;  
membership; expenses; meetings; powers.**

1       (a) *Process for improving education council* — There is  
2 hereby established the process for improving education council  
3 for the purpose of providing opportunities for consultation  
4 among state policy leaders on the process for improving  
5 education, including, but not limited to, determination of the  
6 things that students should know and be able to do as the result  
7 of a thorough and efficient education, the performance and  
8 progress of students toward meeting the high quality standards  
9 established by the state board, and any further improvements  
10 necessary to increase the capacity of schools and school  
11 systems to deliver a thorough and efficient education.

12       (b) *Council membership* — The legislative oversight  
13 commission on education accountability, together with the  
14 governor, ex officio, or the governor's designee, and the  
15 chancellor of the higher education policy commission, ex  
16 officio, or the chancellor's designee, comprise the process for  
17 improving education council. Ex officio members are entitled  
18 to vote. The governor or the governor's designee shall convene  
19 the council, as appropriate, and shall serve as chair. The council  
20 may meet at any time at the call of the governor or the gover-  
21 nor's designee.

22       (c) *Compensation* — Members of the council shall serve  
23 without compensation, but shall be reimbursed as provided by  
24 law by their respective agencies for all reasonable and neces-  
25 sary expenses actually incurred in the performance of their  
26 official duties under this section upon presentation of an  
27 itemized sworn statement of their expenses.

28       (d) *Powers of the council.*

29       The council has the following powers:

30 (1) To meet and consult with the state board, or their  
31 designees, and make recommendations on issues related to  
32 student, school and school system performance. The following  
33 steps are part of the consultation process:

34 (A) The state board shall notify each member of the council  
35 whenever the state board proposes to amend its rules on any of  
36 the following issues:

37 (i) High quality education standards and efficiency  
38 standards established pursuant to section five of this article;

39 (ii) Indicators of efficiency established pursuant to section  
40 five of this article; and

41 (iii) Assessment and accountability of school and school  
42 system performance and processes established pursuant to  
43 section five of this article.

44 (B) If the governor, or the governor's designee, believes it  
45 is necessary for the council to meet and consult with the state  
46 board, or its designees, on changes proposed to any of the issues  
47 outlined in subdivision one of this subsection, he or she may  
48 convene a meeting of the council.

49 (C) If both the president of the Senate and the speaker of  
50 the House of Delegates believe it is necessary for the council to  
51 meet and consult with the state board, or its designees, they  
52 shall notify the governor who shall convene a meeting of the  
53 council.

54 (D) If the chancellor, or the chancellor's designee, believes  
55 that it is necessary for the council to meet and consult with the  
56 state board, or its designees, he or she may request the governor  
57 to convene a meeting of the council.

58 (2) To require the state board, or its designees, to meet with  
59 the council to consult on issues that lie within the scope of the  
60 council's jurisdiction;

61 (3) To participate as observers in any on-site review of a  
62 school or school system conducted by the office of education  
63 performance audits; and

64 (4) To authorize any employee of the agencies represented  
65 by council members to participate as observers in any on-site  
66 review of a school or school system conducted by the office of  
67 education performance audits.

**§18-2E-9. West Virginia virtual school.**

1 (a) Findings: — The Legislature finds that:

2 (1) West Virginia schools have improved and expanded  
3 internet access which enables schools to offer courses through  
4 the internet and other new and developing technologies;

5 (2) Current technology is available to provide students with  
6 more resources for learning and new and developing technolo-  
7 gies offer even more promise for expanded learning opportuni-  
8 ties;

9 (3) A number of states and other jurisdictions have devel-  
10 oped internet-based instruction which is available currently and  
11 which is being used by schools in this state;

12 (4) To educate better the students of West Virginia, more  
13 course and class offerings can be made available through  
14 technology, especially to students who are geographically  
15 disadvantaged;

16 (5) Virtual learning enables students to learn from remote  
17 sites, learn at times other than the normal school day and learn

18 at a different pace and gives students access to courses that  
19 would not be available in their area;

20 (6) There is a need to assure that internet-based courses and  
21 courses offered through new and developing technologies are  
22 of high quality; and

23 (7) The state and county school systems can benefit from  
24 the purchasing power the state can offer.

25 (b) The Legislature hereby creates the West Virginia virtual  
26 school. The West Virginia virtual school shall be located within  
27 the office of technology and information systems within the  
28 West Virginia department of education.

29 (c) The state superintendent of schools shall appoint the  
30 director of the West Virginia virtual school with the approval  
31 of the state board.

32 (d) The director of the West Virginia virtual school has the  
33 following powers and duties:

34 (1) To contract with providers for courses and other  
35 services;

36 (2) To review courses and courseware and make determina-  
37 tions and recommendations relative to the cost and quality of  
38 the courses and the alignment with the instructional goals and  
39 objectives of the state board;

40 (3) To develop policy recommendations for consideration  
41 by the state board, which may include, but not be limited to, the  
42 following:

43 (A) Hardware and software considerations for the offering  
44 of courses on the internet or other developing technologies;

45 (B) Standards of teachers and other school employees who  
46 are engaged in the activities surrounding the offering of courses  
47 on the internet or other developing technologies;

48 (C) Sharing of resources with other agencies of govern-  
49 ment, both within and outside West Virginia, to facilitate the  
50 offering of courses on the internet or other developing technolo-  
51 gies;

52 (D) Methods for including courses offered on the internet  
53 or through other developing technologies in alternative educa-  
54 tion programs;

55 (E) Methods for making courses offered on the internet or  
56 through other developing technologies available for students  
57 receiving home instruction;

58 (F) Methods for brokering the courses offered on the  
59 internet or through other developing technologies;

60 (G) Methods for applying for grants;

61 (H) Methods for employing persons who are the most  
62 familiar with the instructional goals and objectives to develop  
63 the courses to be offered on the internet and through other  
64 developing technologies; and

65 (I) Proper funding models that address all areas of funding  
66 including, but not limited to, which county, if any, may include  
67 a student receiving courses on the internet or through other  
68 developing technologies in enrollment and who, if anyone, is  
69 required to pay for the courses offered on the internet or  
70 through other developing technologies; and

71 (4) Any other powers and duties necessary to address the  
72 findings of the Legislature in subsection (a) of this section.



73 (e) Subject to the process outlined in this section, the West  
74 Virginia virtual school's approved virtual and distance learning  
75 courses are exempt from the mandatory use of primary source  
76 instructional materials listed on the state multiple list.

77 (f) The West Virginia department of education shall report  
78 the progress of the West Virginia virtual school to the legisla-  
79 tive oversight commission on education accountability on or  
80 before the first day of September, two thousand.

**ARTICLE 2I. STAFF DEVELOPMENT COUNCILS.**

**§18-2I-1. Legislative purpose.**

1 The purpose of this article is to create the West Virginia  
2 professional staff development advisory council and eight  
3 regional professional staff development councils to advise and  
4 assist the state board with ensuring the coordination and quality  
5 of professional staff development programs that address locally  
6 identified needs for professional staff development and meet  
7 the goals for professional staff development established by the  
8 state board.

**§18-2I-3. Creation of West Virginia professional staff develop-  
ment advisory council; members; and functions.**

1 (a) There shall be a West Virginia professional staff  
2 development advisory council which shall consist of the  
3 following members:

4 (1) The chairpersons of each of the eight regional staff  
5 development councils established in section five of this article;

6 (2) The coordinators of each of the eight regional educa-  
7 tional service agency staff development councils;

8 (3) The assistant superintendent for the division of instruc-  
9 tional and student services of the state department of education;

10 (4) The secretary of education and the arts or his or her  
11 designee, who shall chair the council;

12 (5) The chancellor of the higher education policy commis-  
13 sion or his or her designee;

14 (6) The executive director of the West Virginia center for  
15 professional development;

16 (7) The presidents, or their designees, of each of the two  
17 professional organizations or associations representing teachers  
18 in the state with the greatest number of teacher members.

19 (b) Any member of the advisory council may be reimbursed  
20 by the state board for the cost of reasonable and necessary  
21 expenses actually incurred in the performance of their duties  
22 under this article.

**§18-2I-4. Functions of the West Virginia professional staff devel-  
opment advisory council.**

1 The council shall advise and assist the state board in all  
2 phases of developing or amending the goals for professional  
3 staff development required by subsection (b) of this section.  
4 Advice and assistance shall include, but is not limited to the  
5 following:

6 (a) Reporting to the state board on the professional staff  
7 development needs identified by the public schools within the  
8 respective regions;

9 (b) Recommending effective professional staff development  
10 programs to meet identified needs;

11 (c) Providing local input on the proposed goals and on the  
12 professional staff development plan proposed by the center for  
13 professional development pursuant to subsection (c) of this  
14 section;

15 (d) Communicating professional staff development infor-  
16 mation and findings to the regional and county staff develop-  
17 ment councils; and

18 (e) Advancing the coordination and quality of professional  
19 staff development programs in the public schools of West  
20 Virginia.

**ARTICLE 5. COUNTY BOARD OF EDUCATION.**

**§18-5-18b. School counselors in public schools.**

1 (a) A school counselor means a professional educator who  
2 holds a valid school counselor's certificate in accordance with  
3 article three of this chapter.

4 (b) Each county board shall provide counseling services for  
5 each pupil enrolled in the public schools of the county.

6 (c) The school counselor shall work with individual pupils  
7 and groups of pupils in providing developmental, preventive  
8 and remedial guidance and counseling programs to meet  
9 academic, social, emotional and physical needs; including  
10 programs to identify and address the problem of potential  
11 school dropouts. The school counselor also may provide  
12 consultant services for parents, teachers and administrators and  
13 may use outside referral services, when appropriate, if no  
14 additional cost is incurred by the county board.

15 (d) The state board may adopt rules consistent with the  
16 provisions of this section that define the role of a school  
17 counselor based on the “National Standards for School Coun-  
18 seling Programs” of the American school counselor association.  
19 A school counselor is authorized to perform such services as are  
20 not inconsistent with the provisions of the rule as adopted by  
21 the state board. To the extent that any funds are made available  
22 for this purpose, county boards shall provide training for  
23 counselors and administrators to implement the rule as adopted  
24 by the state board.

25 (e) Each county board shall develop a comprehensive drop-  
26 out prevention program utilizing the expertise of school  
27 counselors and any other appropriate resources available.

28 (f) School counselors shall be full-time professional  
29 personnel, shall spend at least seventy-five percent of work time  
30 in a direct counseling relationship with pupils, and shall devote  
31 no more than one fourth of the work day to administrative  
32 activities: *Provided*, That such activities are counselor related.

33 (g) Nothing in this section prohibits a county board from  
34 exceeding the provisions of this section, or requires any specific  
35 level of funding by the Legislature.

#### ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.

##### **§18-20-1d. Adoption of a state model for individualized education program.**

1 The state board shall adopt a basic model for individualized  
2 education programs to be used by all special education teachers  
3 throughout the public schools of the state when preparing  
4 individualized education programs for students with exceptional  
5 needs.

6       The model shall comply with, but may not exceed, all state  
7 laws and federal laws, policies, rules, and regulations relating  
8 to providing education services to students with exceptional  
9 needs and shall include instructions for adapting the model to  
10 specific exceptionalities.

11       No professional educator may be required to prepare or  
12 implement an individualized education program which exceeds  
13 the requirements of federal and state laws, policies, rules or  
14 regulations.

**CHAPTER 18A. SCHOOL PERSONNEL.**

**ARTICLE 2. SCHOOL PERSONNEL.**

**§18A-2-12. Performance evaluations of school personnel; profes-  
sional personnel evaluation process.**

1       (a) The state board of education shall adopt a written  
2 system for the evaluation of the employment performance of  
3 personnel, which system shall be applied uniformly by county  
4 boards of education in the evaluation of the employment  
5 performance of personnel employed by the board.

6       (b) The system adopted by the state board of education for  
7 evaluating the employment performance of professional  
8 personnel shall be in accordance with the provisions of this  
9 section.

10       (c) For purposes of this section, “professional personnel”  
11 “professional” or “professionals”, means professional personnel  
12 as defined in section one, article one of this chapter.

13       (d) In developing the professional personnel performance  
14 evaluation system, and amendments thereto, the state board  
15 shall consult with the professional development project of the  
16 center for professional development created in section three,

17 article three-a of this chapter. The center shall participate  
18 actively with the state board in developing written standards for  
19 evaluation which clearly specify satisfactory performance and  
20 the criteria to be used to determine whether the performance of  
21 each professional meets such standards.

22 (e) The performance evaluation system shall contain, but  
23 shall not be limited to, the following information:

24 (1) The professional personnel positions to be evaluated,  
25 whether they be teachers, substitute teachers, administrators,  
26 principals, or others;

27 (2) The frequency and duration of the evaluations, which  
28 shall be on a regular basis and of such frequency and duration  
29 as to insure the collection of a sufficient amount of data from  
30 which reliable conclusions and findings may be drawn: *Pro-*  
31 *vided*, That for school personnel with five or more years of  
32 experience, who have not received an unsatisfactory rating,  
33 evaluations shall be conducted no more than once every three  
34 years unless the principal determines an evaluation for a  
35 particular school employee is needed more frequently; *Pro-*  
36 *vided, however*, That a classroom teacher may exercise the  
37 option of being evaluated at more frequent intervals.

38 (3) The evaluation shall serve the following purposes:

39 (A) Serve as a basis for the improvement of the perfor-  
40 mance of the personnel in their assigned duties;

41 (B) Provide an indicator of satisfactory performance for  
42 individual professionals;

43 (C) Serve as documentation for a dismissal on the grounds  
44 of unsatisfactory performance; and

45 (D) Serve as a basis for programs to increase the profes-  
46 sional growth and development of professional personnel;

47 (4) The standards for satisfactory performance for profes-  
48 sional personnel and the criteria to be used to determine  
49 whether the performance of each professional meets such  
50 standards and other criteria for evaluation for each professional  
51 position evaluated. Effective the first day of July two thousand  
52 three and thereafter, professional personnel, as appropriate,  
53 shall demonstrate competency in the knowledge and implemen-  
54 tation of the technology standards adopted by the state board.  
55 If a professional fails to demonstrate competency, in the  
56 knowledge and implementation of these standards, he or she  
57 will be subject to an improvement plan to correct the deficien-  
58 cies; and

59 (5) Provisions for a written improvement plan, which shall  
60 be specific as to what improvements, if any, are needed in the  
61 performance of the professional and shall clearly set forth  
62 recommendations for improvements, including recommenda-  
63 tions for additional education and training during the profes-  
64 sional's recertification process.

65 (f) A professional whose performance is considered to be  
66 unsatisfactory shall be given notice of deficiencies. A  
67 remediation plan to correct deficiencies shall be developed by  
68 the employing county board of education and the professional.  
69 The professional shall be given a reasonable period of time for  
70 remediation of the deficiencies and shall receive a statement of  
71 the resources and assistance available for the purposes of  
72 correcting the deficiencies.

73 (g) No person may evaluate professional personnel for the  
74 purposes of this section unless the person has an administrative  
75 certificate issued by the state superintendent and has success-  
76 fully completed education and training in evaluation skills

77 through the center for professional development, or equivalent  
78 education training approved by the state board, which will  
79 enable the person to make fair, professional, and credible  
80 evaluations of the personnel whom the person is responsible for  
81 evaluating. After the first day of July, one thousand nine  
82 hundred ninety-four, no person may be issued an administrative  
83 certificate or have an administrative certificate renewed unless  
84 the state board determines that the person has successfully  
85 completed education and training in evaluation skills through  
86 the center for professional development, or equivalent educa-  
87 tion and training approved by the state board.

88 (h) Any professional whose performance evaluation  
89 includes a written improvement plan shall be given an opportu-  
90 nity to improve his or her performance through the implementa-  
91 tion of the plan. If the next performance evaluation shows that  
92 the professional is now performing satisfactorily, no further  
93 action may be taken concerning the original performance  
94 evaluation. If the evaluation shows that the professional is still  
95 not performing satisfactorily, the evaluator either shall make  
96 additional recommendations for improvement or may recom-  
97 mend the dismissal of the professional in accordance with the  
98 provisions of section eight of this article.

99 (i) Lesson plans are intended to serve as a daily guide for  
100 teachers and substitutes for the orderly presentation of the  
101 curriculum. Lesson plans may not be used as a substitute for  
102 observations by an administrator in the performance evaluation  
103 process. A classroom teacher, as defined in section one, article  
104 one of this chapter, may not be required to include in his or her  
105 lesson plans any of the following:

106 (1) Teach and reteach strategies;

107 (2) Write to learn activities;



108 (3) Cultural diversity;

109 (4) Color coding; or

110 (5) Any other similar items which are not required to serve  
111 as a guide to the teacher or substitute for daily instruction; and

112 (j) The Legislature finds that classroom teachers must be  
113 free of unnecessary paper work so that they can focus their time  
114 on instruction. Therefore, classroom teachers may not be  
115 required to keep records or logs of routine contacts with parents  
116 or guardians.

### ARTICLE 3. TRAINING, CERTIFICATION, LICENSING, PROFESSIONAL DEVELOPMENT.

#### **§18A-3-1. Teacher preparation programs; program approval and standards; authority to issue teaching certificates.**

1 (a) The education of professional educators in the state shall  
2 be under the general direction and control of the state board of  
3 education after consultation with the secretary of education and  
4 the arts and the chancellor of the higher education policy  
5 commission, who shall represent the interests of teacher  
6 preparation programs within the institutions of higher education  
7 in this state as those institutions are defined in section two,  
8 article one, chapter eighteen-b of this code.

9 The education of professional educators in the state  
10 includes all programs leading to certification to teach or serve  
11 in the public schools including: (1) Those programs in all  
12 institutions of higher education, including student teaching in  
13 the public schools; (2) beginning teacher internship programs;  
14 (3) the granting of West Virginia certification to persons who  
15 received their preparation to teach outside the boundaries of this  
16 state; (4) any alternative preparation programs in this state  
17 leading to certification, including programs established pursu-

18 ant to the provisions of section one-a of this article and pro-  
19 grams which are in effect on the effective date of this section;  
20 and (5) any continuing professional education, professional  
21 development and in-service training programs for professional  
22 educators employed in the public schools in the state.

23 (b) The state board of education, after consultation with the  
24 secretary of education and the arts and the chancellor of the  
25 higher education policy commission, who shall represent the  
26 interests of teacher preparation programs within the institutions  
27 of higher education in this state as those institutions are defined  
28 in section two, article one, chapter eighteen-b of this code, shall  
29 adopt standards for the education of professional educators in  
30 the state and for the awarding of certificates valid in the public  
31 schools of this state subject to the following conditions:

32 (1) The standards approved by the board for teacher  
33 preparation shall include a provision for the study of multicult-  
34 tural education. As used in this section, multicultural education  
35 means the study of the pluralistic nature of American society  
36 including its values, institutions, organizations, groups, status  
37 positions and social roles.

38 (2) Effective the first day of January, one thousand nine  
39 hundred ninety-three, the standards approved by the board shall  
40 also include a provision for the study of classroom management  
41 techniques and shall include methods of effective management  
42 of disruptive behavior which shall include societal factors and  
43 their impact on student behavior.

44 (c) To give prospective teachers the teaching experience  
45 needed to demonstrate competence as a prerequisite to certifica-  
46 tion, the state board of education may enter into an agreement  
47 with county boards for the use of the public schools. Such  
48 agreement shall recognize student teaching as a joint responsi-  
49 bility of the teacher preparation institution and the cooperating

50 public schools and shall include: (1) The minimum qualifica-  
51 tions for the employment of public school teachers selected as  
52 supervising teachers; (2) the remuneration to be paid public  
53 school teachers by the state board, in addition to their contrac-  
54 tual salaries, for supervising student teachers; and (3) minimum  
55 standards to guarantee the adequacy of the facilities and  
56 program of the public school selected for student teaching. The  
57 student teacher, under the direction and supervision of the  
58 supervising teacher, shall exercise the authority of a substitute  
59 teacher.

60 (d) The state superintendent of schools may issue certifi-  
61 cates to graduates of teacher education programs and alternative  
62 teacher education programs approved by the state board of  
63 education and in accordance with rules adopted by the state  
64 board after consultation with the secretary of education and the  
65 arts and the chancellor of the higher education policy commis-  
66 sion. A certificate to teach shall not be granted to any person  
67 who is not a citizen of the United States, is not of good moral  
68 character and physically, mentally and emotionally qualified to  
69 perform the duties of a teacher and who has not attained the age  
70 of eighteen years on or before the first day of October of the  
71 year in which his or her certificate is issued; except that an  
72 exchange teacher from a foreign country, or an alien person  
73 who meets the requirements to teach, may be granted a permit  
74 to teach within the public schools of the state.

75 (e) In consultation with the secretary of education and the  
76 arts and the chancellor of the higher education policy commis-  
77 sion institutions of higher education approved for teacher  
78 preparation may cooperate with each other, with the center for  
79 professional development and with one or more county boards  
80 in the organization and operation of centers to provide selected  
81 phases of the teacher preparation program such as student  
82 teaching, beginning teacher internship programs, instruction in  
83 methodology and seminar programs for college students,

84 teachers with provisional certification, professional support  
85 team members and supervising teachers.

86 The institutions of higher education, the center for profes-  
87 sional development and county boards may by mutual agree-  
88 ment budget and expend funds for the operation of the centers  
89 through payments to the appropriate fiscal office of the partici-  
90 pating institutions, the center for professional development and  
91 the county boards.

92 (f) The provisions of this section shall not be construed to  
93 require the discontinuation of an existing student teacher  
94 training center or school which meets the standards of the state  
95 board of education.

96 (g) All institutions of higher education approved for teacher  
97 preparation in the school year of one thousand nine hundred  
98 sixty-two—sixty-three shall continue to hold that distinction so  
99 long as they meet the minimum standards for teacher prepara-  
100 tion. Nothing contained herein shall infringe upon the rights  
101 granted to any institution by charter given according to law  
102 previous to the adoption of this code.

**§18A-3-2c. Training through the principals academy.**

1 (a) *Principal training and professional development*  
2 *required.* — After the effective date of this section and subject  
3 to the provisions of subsection (c) of this section, every  
4 principal shall complete training and professional development  
5 through the principals academy as provided in subsection (b) of  
6 this section.

7 (b) *Principal training and professional development*  
8 *through the academy.* — The academy and the persons required  
9 to complete training and professional development through the  
10 academy shall adhere to the following guidelines:

11 (1) All persons assigned as a principal for the first time in  
12 a West Virginia school after the first day of July, two thousand  
13 two, shall complete specialized training and professional  
14 development for newly appointed principals through the  
15 academy within the first twelve months following assignment;

16 (2) All principals of schools which have been designated as  
17 seriously impaired, in accordance with section five, article two-  
18 e, chapter eighteen of this code, shall complete specialized  
19 training and professional development through the academy  
20 specifically designed to assist the principal to improve school  
21 performance commencing as soon as practicable following  
22 receipt of the designation.

23 (3) All principals who are subject to an improvement plan,  
24 in accordance with section twelve, article two of this chapter,  
25 shall complete specialized training and professional develop-  
26 ment through the academy specifically designed for principals  
27 subject to an improvement plan. The specialized training and  
28 professional development shall be completed within twelve  
29 months from the date that the principal is first subject to the  
30 improvement plan;

31 (4) All principals who transfer to a school with a signifi-  
32 cantly different grade configuration shall complete specialized  
33 training and professional development for principals in schools  
34 with the grade configuration to which they transferred through  
35 the academy within the first twelve months following transfer;  
36 and

37 (5) All persons serving as school principals shall complete  
38 training and professional development through the academy  
39 designed to build the qualities, proficiencies and skills required  
40 of all principals as determined by the state board.

41 (c) *Academy and requirements to complete training and*  
42 *professional development subject to funding.* — The require-  
43 ment that principals complete training and professional devel-

44 opment through the academy shall be subject to the availability  
45 of funds for the principals academy from legislative appropria-  
46 tion and from other sources. If these funds are insufficient to  
47 provide for the total cost of the training and professional  
48 development required by subsection (b) of this section, then the  
49 academy shall provide training and professional development  
50 for the persons described in subdivisions (1) through (5), of  
51 subsection (b) according to the priority in which the subdivi-  
52 sions appear in that subsection. If such funds are insufficient to  
53 provide for the training and professional development of all the  
54 persons described in one or more of subdivisions (1) through  
55 (5), subsection (b) of this section, the academy is authorized to  
56 determine which persons described within the subdivision or  
57 subdivisions shall be admitted and which shall not be admitted:  
58 *Provided*, That the principals academy shall make every effort  
59 to ensure that all principals receive training and professional  
60 development through the academy at least once every six years  
61 effective the first day of July, two thousand two and thereafter:  
62 *Provided, however*, That nothing in this section shall be  
63 construed to require any specific level of funding by the  
64 Legislature.

65 (d) *Principals standards advisory council.* — To assist the  
66 state board in the performance of the duties described in  
67 subsection (e) of this section, there is hereby created a “Princi-  
68 pals Standards Advisory Council,” which shall consist of nine  
69 persons, as follows: The executive director of the center for  
70 professional development, who shall serve as the ex officio  
71 chair; three principals, one from an elementary school and one  
72 from a middle school or a junior high school selected by the  
73 West Virginia association of elementary and middle school  
74 principals, and one from a high school selected by the West  
75 Virginia association of secondary school principals; one county  
76 school superintendent selected by the West Virginia association  
77 of school administrators; and two representatives from higher

78 education who teach in principal preparation programs selected  
79 by the teacher education advisory council; and two citizen  
80 representatives who are knowledgeable on issues addressed in  
81 this section, appointed by the governor. Members of the  
82 principals standards advisory council who are public employees  
83 shall be granted release time from their employment for  
84 attending meetings of the council. Members may be reimbursed  
85 for reasonable and necessary expenses actually incurred in the  
86 performance of their official duties by the center for profes-  
87 sional development. The terms of all members appointed to the  
88 principals standards advisory council under the prior enactment  
89 of this section shall terminate on the thirty-first day of August,  
90 two thousand two. The principals standards advisory council as  
91 amended on the effective date of this section shall become  
92 effective on the first day of September, two thousand two.

93 (e) *Establishment of standards.* — On or before the first  
94 day of October, one thousand nine hundred ninety-six, the state  
95 board shall approve and promulgate rules regarding the  
96 minimum qualities, proficiencies and skills that will be required  
97 of principals after the first day of January, one thousand nine  
98 hundred ninety-seven. The state board shall promulgate and  
99 may from time to time amend such rules after consultation with  
100 the principals standards advisory council created in subsection  
101 (d) of this section. The rules promulgated by the state board  
102 shall address at least the following:

103 (1) Staff relations, including, but not limited to, the  
104 development and use of skills necessary to make a positive use  
105 of faculty senates, manage faculty and staff with courtesy and  
106 mutual respect, coach and motivate employees, and build  
107 consensus as a means of management;

108 (2) School community leadership qualities, including, but  
109 not limited to, the ability to organize and leverage community  
110 initiative, communicate effectively, work effectively with local

111 school improvement councils, manage change, resolve conflict  
112 and reflect the highest personal values;

113 (3) Educational proficiencies, including, but not limited to,  
114 knowledge of curriculum, instructional techniques, student  
115 learning styles, student assessment criteria, school personnel  
116 performance, evaluation skills and family issues; and

117 (4) Administrative skills, including, but not limited to,  
118 organizational, fiscal, public policy and total quality manage-  
119 ment skills and techniques.

120 (f) *Waivers*. — Any person desiring to be relieved of the  
121 requirements of all or any part of this section may apply in  
122 writing to the state board for a waiver. Upon a showing of  
123 reasonable cause why relief should be granted, the state board  
124 may grant a waiver, upon such terms and conditions as the state  
125 board shall determine proper, as to all or any part of this  
126 section.

127 (g) *Failure to comply*. — Any person who fails or refuses  
128 to complete training and professional development through the  
129 academy, as required by the provisions of this section, and who  
130 fails to obtain a waiver, as described in subsection (f) of this  
131 section, shall be ineligible to be employed as, or serve in the  
132 capacity of, a principal.

133 (h) *Tracking of requirement*. — On or before the first day  
134 of January, one thousand nine hundred ninety-seven, the state  
135 board shall establish a system to track the progress of each  
136 person required to complete training through the academy and  
137 shall regularly advise such persons of their progress.

138 (i) *Payment of reasonable and necessary expenses and*  
139 *stipends*. — The center for professional development shall  
140 reimburse persons attending the academy for reasonable and  
141 necessary expenses. A person may not be required to complete



142 training and professional development through the principals  
143 academy before the fifteenth day of September and after the  
144 first day of June of the school year. The center for professional  
145 development shall utilize alternative methods of instructional  
146 delivery and scheduling, including electronic delivery, as  
147 considered appropriate to minimize the amount of time princi-  
148 pals completing training and professional development through  
149 the academy are required to be away from their school duties.  
150 Nothing in this section shall be construed to require any specific  
151 level of funding by the Legislature.

**ARTICLE 3A. CENTER FOR PROFESSIONAL DEVELOPMENT.**

**§18A-3A-1. Center for professional development established;  
intent and mission; principals academy curricu-  
lum and expenses; authorization to charge fees.**

1 (a) Teaching is a profession that directly correlates to the  
2 social and economic well-being of a society and its citizens.  
3 Superior teaching is essential to a well educated and productive  
4 populace. Strong academic leadership provided by principals  
5 and administrators skilled in modern management principles is  
6 also essential. The intent of this article is to recognize the value  
7 of professional involvement by experienced educators, princi-  
8 pals and administrators in building and maintaining a superior  
9 force of professional educators and to establish avenues for  
10 applying such involvement.

11 (b) The general mission of the center is to advance the  
12 quality of teaching and management in the schools of West  
13 Virginia through (1) the implementation primarily of statewide  
14 training, professional staff development and technical assis-  
15 tance programs and practices as recommended by the state  
16 board to assure the highest quality of teaching and manage-  
17 ment; and (2) the provision of technical and other assistance  
18 and support to regional and local education agencies in identify-  
19 ing and providing high quality professional staff development

20 and training programs and implementing best practices to meet  
21 their locally identified needs. The center also may implement  
22 local programs if the state board, in its master plan for profes-  
23 sional staff development established pursuant to section twenty-  
24 three-a, article two, chapter eighteen of this code, determines  
25 that there is a specific local need for the programs. Addition-  
26 ally, the center shall perform such duties as are assigned to it by  
27 law.

28 Nothing in this article shall be construed to require any  
29 specific level of funding by the Legislature.

30 (c) The center board shall consist of eleven persons as  
31 follows: The secretary of education and the arts, ex officio, and  
32 the state superintendent of schools, ex officio, both of whom  
33 shall be entitled to vote; three members of the state board,  
34 elected by the state board; three experienced educators, of  
35 whom two shall be working classroom teachers, and one of  
36 whom shall be a school or county administrator appointed by  
37 the governor by and with the advice and consent of the Senate,  
38 all of whom shall be experienced educators who have achieved  
39 recognition for their superior knowledge, ability and perfor-  
40 mance in teaching or management, as applicable; and three  
41 citizens of the state, one of whom shall be a representative of  
42 public higher education, and all of who shall be knowledgeable  
43 in matters relevant to the issues addressed by the center,  
44 including, but not limited to, professional development and  
45 management principles, appointed by the governor by and with  
46 the advice and consent of the Senate Not more than two  
47 appointees shall be residents within the same congressional  
48 district. The center board shall be cochaired by the secretary of  
49 education and the arts and the state superintendent.

50 All successive elections shall be for two-year terms.  
51 Members elected from the state board may serve no more than  
52 two consecutive two-year terms. The state board shall elect

53 another member to fill the unexpired term of any person so  
54 elected who subsequently vacates state board membership. Of  
55 the initial appointed members, three shall be appointed for one-  
56 year terms and three shall be appointed for two-year terms. All  
57 successive appointments shall be for two-year terms. An  
58 experienced educator may serve no more than two consecutive  
59 two-year terms. The governor shall appoint a new member to  
60 fill the unexpired term of any vacancy in the appointed mem-  
61 bership.

62 (d) The center for professional development board shall  
63 meet at least quarterly and the appointed members shall be  
64 reimbursed for reasonable and necessary expenses actually  
65 incurred in the performance of their official duties from funds  
66 appropriated or otherwise made available for such purposes  
67 upon submission of an itemized statement therefor.

68 (e) From appropriations to the center for professional  
69 development, the center board shall employ and fix the com-  
70 pensation of an executive director with knowledge and experi-  
71 ence in professional development and management principles  
72 and such other staff as may be necessary to carry out the  
73 mission and duties of the center. The executive director shall  
74 serve at the will and pleasure of the center board. The executive  
75 director of the center also shall serve as the chair of the princi-  
76 pals standards advisory council created in section two-c, article  
77 three of this chapter, and shall convene regular meetings of this  
78 council to effectuate the purposes of this council.

79 When practicable, personnel employed by state higher  
80 education agencies and state, regional and county public  
81 education agencies shall be made available to the center to  
82 assist in the operation of projects of limited duration.

83 (f) The center shall assist in the delivery of programs and  
84 activities pursuant to this article to meet statewide, and if

85 needed as determined by the goals and master plan for profes-  
86 sional staff development established by the state board pursuant  
87 to section twenty-three-a, article two, chapter eighteen of this  
88 code, the local professional development needs of teachers,  
89 principals and administrators and may contract with existing  
90 agencies or agencies created after the effective date of this  
91 section or others to provide training programs in the most  
92 efficient manner. Existing programs currently based in agencies  
93 of the state shall be continued in the agency of their origin  
94 unless the center establishes a compelling need to transfer or  
95 cancel the existing program. The center shall recommend to the  
96 governor the transfer of funds to the providing agency, if  
97 needed, to provide programs approved by the center.

98 (g) The center for professional development shall imple-  
99 ment training and professional development programs for the  
100 principals academy based upon the minimum qualities,  
101 proficiencies and skills necessary for principals in accordance  
102 with the standards established by the state board pursuant to the  
103 terms of section two-c, article three of this chapter.

104 (h) In accordance with section two-c, article three of this  
105 chapter, the center shall be responsible for paying reasonable  
106 and necessary expenses for persons attending the principals  
107 academy: *Provided*, That nothing in this section shall be  
108 construed to require any specific level of funding by the  
109 Legislature.

110 (i) Persons attending the professional development offer-  
111 ings of the center and such other courses and services as shall  
112 be offered by the center for professional development, except  
113 the principals academy shall be assessed fees which shall be  
114 less than the full cost of attendance. There is hereby created in  
115 the state treasury a special revenue account known as the  
116 "center for professional development fund". All moneys  
117 collected by the center shall be deposited in the fund for

118 expenditure by the center board for the purposes specified in  
119 this section. Moneys remaining in the fund at the end of the  
120 fiscal year are subject to reappropriation by the Legislature.

**§18A-3A-2. Professional development project.**

1 Subject to the provisions of section twenty-three-a, article  
2 two, chapter eighteen of this code, through this project the  
3 center shall:

4 (1) Identify, coordinate, arrange and otherwise assist in the  
5 delivery of professional development programs and activities  
6 that help professional educators acquire the knowledge, skills,  
7 attitudes, practices and other such pertinent complements  
8 deemed essential for an individual to demonstrate appropriate  
9 performance as a professional personnel in the public schools  
10 of West Virginia. The basis for such performance shall be the  
11 laws, policies and regulations adopted for the public schools of  
12 West Virginia, and amendments thereto. The center also may  
13 permit and encourage school personnel such as classroom aides,  
14 higher education teacher education faculty and higher education  
15 faculty in programs such as articulated tech prep associate  
16 degree and other programs to participate in appropriate profes-  
17 sional development programs and activities with public school  
18 professional educators;

19 (2) Identify, coordinate, arrange and otherwise assist in the  
20 delivery of professional development programs and activities  
21 that help principals and administrators acquire knowledge,  
22 skills, attitudes and practices in academic leadership and  
23 management principles for principals and administrators and  
24 such other pertinent complements deemed essential for princi-  
25 pals and administrators to demonstrate appropriate performance  
26 in the public schools of West Virginia. The basis for such  
27 performance shall be the laws, policies and regulations adopted

28 for the public schools of West Virginia, and amendments  
29 thereto;

30 (3) Serve in a coordinating capacity to assure that the  
31 knowledge, skills, attitude and other pertinent complements of  
32 appropriate professional performance which evolve over time  
33 in the public school environment are appropriately reflected in  
34 the programs approved for the education of professional  
35 personnel, including, but not limited to, advising the teacher  
36 education programs of major statutory and policy changes in  
37 the public schools which affect the job performance require-  
38 ments of professional educators, including principals and  
39 administrators;

40 (4) Provide for the routine updating of professional skills of  
41 professional educators, including principals and administrators,  
42 through in-service and other programs. Such routine updating  
43 may be provided by the center through statewide or regional  
44 institutes which may require a registration fee;

45 (5) Provide consultation and assistance to county staff  
46 development councils established under the provisions of  
47 section eight, article three of this chapter in planning, design-  
48 ing, coordinating, arranging for and delivering professional  
49 development programs to meet the needs of the professional  
50 educators of their district. From legislative appropriations to the  
51 center for professional development, exclusive of such amounts  
52 required for the expenses of the principals academy, the center  
53 shall, unless otherwise directed by the Legislature, provide  
54 assistance in the delivery of programs and activities to meet the  
55 expressed needs of the school districts for professional develop-  
56 ment to help teachers, principals and administrators demon-  
57 strate appropriate performance based on the laws, policies and  
58 regulations adopted for the public schools of West Virginia; and

59 (6) Cooperate and coordinate with the institutions of higher  
60 education to provide professional staff development programs  
61 that satisfy some or all of the criteria necessary for currently  
62 certified professional educators to meet the requirements for an  
63 additional endorsement in an area of certification and for  
64 certification to teach in the middle school grades.

65 If the center is not able to reach agreement with the  
66 representatives of the institutions providing teacher education  
67 programs on which courses will be approved for credit toward  
68 additional endorsements, the state board may certify certain  
69 professional staff development courses to meet criteria required  
70 by the state board. This certification shall be done on a course  
71 by course basis.

**§18A-3A-2b. The principals academy.**

1 There is hereby established within the center for profes-  
2 sional development the "Principals Academy". Training  
3 through the principals academy shall include at least the  
4 following:

5 (a) Training designed to build within principals the mini-  
6 mum qualities, proficiencies and skills that will be required of  
7 all principals pursuant to the rules of the state board;

8 (b) Specialized training and professional development  
9 programs for all principals ; and

10 (c) Specialized training and professional development  
11 programs for the following principals:

12 (1) Newly appointed principals;

13 (2) Principals whose schools have been designated as  
14 seriously impaired, which programs shall commence as soon as  
15 practicable following the designation;

16 (3) Principals subject to improvement plans; and

17 (4) Principals of schools with significantly different grade  
18 level configurations.

## **CHAPTER 29A. STATE ADMINISTRATIVE PROCEDURES ACT.**

### **ARTICLE 3B. STATE BOARD OF EDUCATION RULE MAKING.**

#### **§29A-3B-9. Submission of legislative rules to the legislative oversight commission on education accountability.**

1 (a) When the board proposes a legislative rule, the board  
2 shall submit to the legislative oversight commission on educa-  
3 tion accountability at its offices or at a regular meeting of the  
4 commission twenty copies of (1) the full text of the legislative  
5 rule as proposed by the board and filed with the office of the  
6 secretary of state, with new language underlined and with  
7 language to be deleted from any existing rule stricken through  
8 but clearly legible; (2) a brief summary of the content of the  
9 legislative rule and a description and a copy of any existing rule  
10 which the agency proposes to amend or repeal; (3) a statement  
11 of the circumstances which require the rule; (4) a fiscal note  
12 containing all information included in a fiscal note for either  
13 house of the Legislature and a statement of the economic  
14 impact of the rule on the state or its residents; and (5) any other  
15 information which the commission may request or which may  
16 be required by law.

17 (b) The commission shall review each proposed legislative  
18 rule and, in its discretion, may hold public hearings thereon.  
19 Such review shall include, but not be limited to, a determination  
20 of:

21 (1) Whether the board has exceeded the scope of its  
22 statutory authority in approving the proposed legislative rule;



23       (2) Whether the proposed legislative rule is in conformity  
24 with the legislative intent of the statute which the rule is  
25 intended to implement, extend, apply, interpret or make  
26 specific;

27       (3) Whether the proposed legislative rule conflicts with any  
28 other provision of this code or with any other rule adopted by  
29 the same or a different agency;

30       (4) Whether the proposed legislative rule is necessary to  
31 fully accomplish the objectives of the statute under which the  
32 proposed rule was promulgated;

33       (5) Whether the proposed legislative rule is reasonable,  
34 especially as it affects the convenience of the general public or  
35 of persons particularly affected by it;

36       (6) Whether the proposed legislative rule could be made  
37 less complex or more readily understandable by the general  
38 public; and

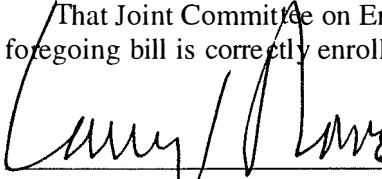
39       (7) Whether the proposed legislative rule was promulgated  
40 in compliance with the requirements of this article and with any  
41 requirements imposed by any other provision of this code.

42       (c) After reviewing the legislative rule, the commission  
43 may recommend to the board any changes needed to comply  
44 with the legislative intent of the statute upon which the rule is  
45 based or otherwise to modify the activity subject to the rule, or  
46 may make any other recommendations to the board as it  
47 considers appropriate.

48       (d) When the board finally adopts a legislative rule, the  
49 board shall submit to the legislative oversight commission on  
50 education accountability at its offices or at a regular meeting of  
51 the commission six copies of the rule as adopted by the board.  
52 After reviewing the legislative rule, the commission may

53 recommend to the Legislature any statutory changes needed to  
54 clarify the legislative intent of the statute upon which the rule  
55 is based or may make any other recommendations to the  
56 Legislature as it considers appropriate.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

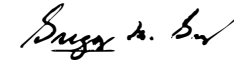
  
\_\_\_\_\_  
Chairman Senate Committee

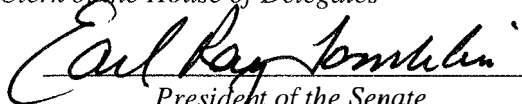
  
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Chairman House Committee

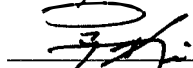
Originating in the House.

In effect July 1, 2002.

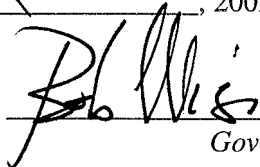
  
\_\_\_\_\_  
Clerk of the Senate

  
\_\_\_\_\_  
Clerk of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House of Delegates

The within is approved this the 15<sup>th</sup>  
day of March, 2002.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE

GOVERNOR

Date

3/11/02

Time

4:05 pm