

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2004



ENROLLED

House Bill No. 4669

(By Delegate Tabb, Williams, Paxton, Beach,
Crosier, Swartzmiller and Long)



Passed March 13, 2004

In Effect from Passage

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H. B. 4669

(BY DELEGATE TABB, WILLIAMS, PAXTON, BEACH,
CROSIER, SWARTZMILLER AND LONG)

[Passed March 13, 2004; in effect from passage.]

AN ACT to amend the code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2E-3f, related to requiring establishment of special five-year demonstration professional development school project; making certain findings; providing certain powers and duties of state superintendent with respect to project; requiring reports; and excluding requirement of specific appropriations.

Be it enacted by the Legislature of West Virginia:

That the code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §18-2E-3f, to read as follows:

ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.

§18-2E-3f. Special demonstration professional development school project for improving academic achievement.

1 (a) The Legislature makes the following findings:

2 (1) Well-educated children and families are essential for
3 maintaining safe and economically sound communities;

4 (2) Low student achievement is associated with increased
5 delinquent behavior, higher drug use and pregnancy rates, and
6 higher unemployment and adult incarceration rates;

7 (3) Each year, more students enter school with circum-
8 stances in their lives that schools are ill-prepared to accommo-
9 date;

10 (4) Ensuring access for all students to the rigorous curricu-
11 lum they deserve requires effective teaching strategies that
12 include, but are not limited to, using a variety of instructional
13 approaches, using varied curriculum materials, engaging parent
14 and community involvement and support in the educational
15 process, and providing the professional development, support
16 and leadership necessary for an effective school; and

17 (5) The achievement of all students can be dramatically
18 improved when schools focus on factors within their control,
19 such as the instructional day, curriculum and teaching practices.

20 (b) The purpose of this section is to provide for the estab-
21 lishment of a special five-year demonstration professional
22 development school project to improve the academic achieve-
23 ment of all children. The program shall be under the direction
24 of the state superintendent and shall be for a period of five years
25 beginning with the two thousand four – two thousand five
26 school year. The intent of this section is to provide a special
27 demonstration environment wherein the public schools included
28 in the demonstration project may work in collaboration with
29 higher education, community organizations and the state board
30 to develop and implement strategies that may be replicated in
31 other public schools with significant enrollments of disadvan-
32 taged, minority and under-achieving students to improve

33 academic achievement. For this purpose, the state superinten-
34 dent has the following powers and duties with respect to the
35 demonstration project:

36 (1) To select for participation in the demonstration project
37 three public elementary or middle schools with significant
38 enrollments of disadvantaged, minority and under-achieving
39 students in each county in which the number of the African
40 American students is five percent or more of the total second
41 month enrollment;

42 (2) To require cooperation from the county board of the
43 county wherein a demonstration project school is located to
44 facilitate program implementation and avoid any reallocation
45 of resources for the schools that are disproportionate with those
46 for other schools of the county of similar classification,
47 accreditation status and federal Title I identification;

48 (3) To require specialized training and knowledge of the
49 needs, learning styles and strategies that will most effectively
50 improve the performance of disadvantaged, minority and under-
51 achieving students in demonstration project schools. These
52 powers include, but not limited to, the authority to craft job
53 descriptions with requirements regarding training and experi-
54 ence and the right to specify job duties which are related to job
55 performance that reflect the mission of the demonstration
56 project school;

57 (4) To provide specifications and direct the county board to
58 post the positions for school personnel employed at the demon-
59 stration project school that encompass the special qualifications
60 and any additional duties that will be required of the personnel
61 as established in the job descriptions authorized pursuant to
62 subdivision (3) of this section. The assertion that the job
63 descriptions and postings are narrowly defined may not be used

64 as the basis for the grievance of an employment decision for
65 positions at a demonstration project school;

66 (5) To direct the department of education, the center for
67 professional development and the regional educational service
68 agency to provide any technical assistance and professional
69 development necessary for successful implementation of the
70 demonstration school programs, including, but not limited to,
71 any early intervention or other programs of the department to
72 assist low performing schools;

73 (6) To collaborate and enter into agreements with colleges
74 and universities willing to assist with efforts at a demonstration
75 school to improve student achievement, including, but not
76 limited to, the operation of a professional development school
77 program model: *Provided*, That the expenditure of any funds
78 appropriated for the state board or department for this purpose
79 shall be subject to approval of the state board;

80 (7) To require collaboration with local community organi-
81 zations to improve student achievement and increase the
82 involvement of parents and guardians in improving student
83 achievement;

84 (8) To provide for an independent evaluation of the
85 demonstration school project, its various programs and their
86 effectiveness on improving student academic achievement; and

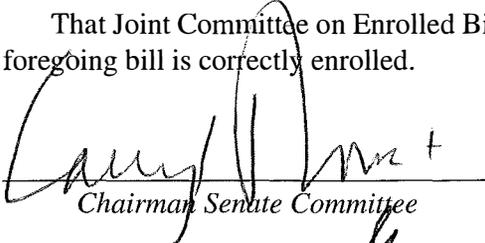
87 (9) To recommend to the state board and the county board
88 the waiver of any of their respective policies that impede the
89 implementation of demonstration school programs.

90 (c) The state superintendent shall make status reports to the
91 legislative oversight commission on education accountability
92 and to the state board annually and may include in those reports
93 any recommendations based on the progress of the demonstra-
94 tion project that he or she considers either necessary for

95 improving the operations of the demonstration project or
96 prudent for improving student achievement in other public
97 schools through replication of successful demonstration school
98 programs. The state superintendent shall make a recommenda-
99 tion to the Legislature not later than its regular session, two
100 thousand ten, for continuation or termination of the program,
101 which recommendation shall be accompanied by the findings
102 and recommendations of the independent evaluation and these
103 findings and recommendations shall be a major factor consid-
104 ered by the superintendent in making his or her recommenda-
105 tion.

106 (d) Nothing in this section shall require any specific level
107 of appropriation by the Legislature.

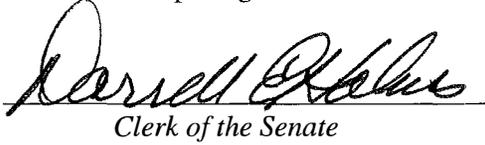
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee


Chairman House Committee

Originating in the House.

In effect from passage.

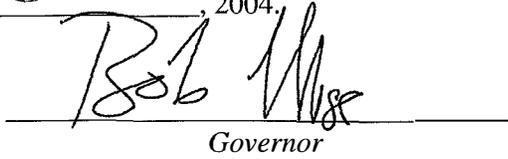

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is approved this the 31st
day of March, 2004.


Governor

PRESENTED TO THE

GOVERNOR

DATE 3.31.04

TIME 10:30 AM