

SB 657S

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2007

ENROLLED

Senate Bill No. 657

(BY SENATORS PLYMALE, EDGELL, UNGER,
STOLLINGS AND McCABE)

[Passed March 10, 2007; in effect July 1, 2007.]

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AN ACT to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29A-3B-9 and §29A-3B-10 of said code, all relating to public education generally; standards, assessment and accountability for student performance and progress; requiring 21st Century Skills Initiative incorporation into standards; renaming unified improvement plans as strategic improvement plans; revising uniform statewide student assessment program; providing annual performance measures for the No Child Left Behind Act of 2001; providing state annual performance measures; providing additional category of school accreditation and

renaming existing category; revising criteria for accreditation status; providing for appeal of on-site findings and report to oversight commission; removing obsolete provisions; and allowing electronic filing of state board rules with the Legislative Oversight Commission on Education Accountability.

Be it enacted by the Legislature of West Virginia:

That §18-2E-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §29A-3B-9 and §29A-3B-10 of said code be amended and reenacted, all to read as follows:

CHAPTER 18. EDUCATION.

ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.

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

1 (a) *Legislative findings, purpose and intent.* — The
2 Legislature makes the following findings with respect
3 to the process for improving education and its purpose
4 and intent in the enactment of this section:

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

7 (A) Standards which set forth the knowledge and
8 skills that students should know and be able to do as
9 the result of a thorough and efficient education that

10 prepares them for the twenty-first century, including
11 measurable criteria to evaluate student performance
12 and progress;

13 (B) Assessments of student performance and progress
14 toward meeting the standards;

15 (C) A system for holding schools and school systems
16 accountable for student performance and progress
17 toward obtaining the knowledge and skills intrinsic to
18 a high quality education in the twenty-first century
19 which is delivered in an efficient manner; and

20 (D) A method for building the capacity and improving
21 the efficiency of schools and school systems to improve
22 student performance and progress.

23 (2) As the constitutional body charged with the
24 general supervision of schools as provided by general
25 law, the state board has the authority and the
26 responsibility to establish the standards, assess the
27 performance and progress of students against the
28 standards, hold schools and school systems accountable
29 and assist schools and school systems to build capacity
30 and improve efficiency so that the standards are met,
31 including, when necessary, seeking additional resources
32 in consultation with the Legislature and the Governor.

33 (3) As the constitutional body charged with providing
34 for a thorough and efficient system of schools, the
35 Legislature has the authority and the responsibility to
36 establish and be engaged constructively in the
37 determination of the knowledge and skills that students
38 should know and be able to do as the result of a
39 thorough and efficient education. This determination is

40 made by using the process for improving education to
41 determine when school improvement is needed, by
42 evaluating the results and the efficiency of the system of
43 schools, by ensuring accountability and by providing for
44 the necessary capacity and its efficient use.

45 (4) In consideration of these findings, the purpose of
46 this section is to establish a process for improving
47 education that includes the four primary elements as set
48 forth in subdivision (1) of this subsection to provide
49 assurances that the high quality standards are, at a
50 minimum, being met and that a thorough and efficient
51 system of schools is being provided for all West Virginia
52 public school students on an equal education
53 opportunity basis.

54 (5) The intent of the Legislature in enacting this
55 section and section five-c of this article is to establish a
56 process through which the Legislature, the Governor
57 and the state board can work in the spirit of
58 cooperation and collaboration intended in the process
59 for improving education to consult and examine the
60 performance and progress of students, schools and
61 school systems and, when necessary, to consider
62 alternative measures to ensure that all students
63 continue to receive the thorough and efficient education
64 to which they are entitled. However, nothing in this
65 section requires any specific level of funding by the
66 Legislature.

67 (b) *Electronic county and school strategic*
68 *improvement plans.* — The state board shall promulgate
69 a rule consistent with the provisions of this section and
70 in accordance with article three-b, chapter twenty-
71 nine-a of this code establishing an electronic county

72 strategic improvement plan for each county board and
73 a electronic school strategic improvement plan for each
74 public school in this state. Each respective plan shall be
75 a five-year plan that includes the mission and goals of
76 the school or school system to improve student, school
77 or school system performance and progress, as
78 applicable. The strategic plan shall be revised annually
79 in each area in which the school or system is below the
80 standard on the annual performance measures. The
81 revised annual plan also shall identify any deficiency
82 which is reported on the check lists identified in
83 paragraph (G), subdivision (5), subsection (l) of this
84 section including any deficit more than a casual deficit
85 by the county board. The plan shall be revised when
86 required pursuant to this section to include each annual
87 performance measure upon which the school or school
88 system fails to meet the standard for performance and
89 progress, the action to be taken to meet each measure,
90 a separate time line and a date certain for meeting each
91 measure, a cost estimate and, when applicable, the
92 assistance to be provided by the department and other
93 education agencies to improve student, school or school
94 system performance and progress to meet the annual
95 performance measure.

96 The department shall make available to all public
97 schools through its website or the West Virginia
98 education information system an electronic school
99 strategic improvement plan boilerplate designed for use
100 by all schools to develop a electronic school strategic
101 improvement plan which incorporates all required
102 aspects and satisfies all improvement plan requirements
103 of the No Child Left Behind Act.

104 (c) *High quality education standards and efficiency*

105 *standards.* — In accordance with the provisions of
106 article three-b, chapter twenty-nine-a of this code, the
107 state board shall adopt and periodically review and
108 update high quality education standards for student,
109 school and school system performance and processes in
110 the following areas:

111 (1) Curriculum;

112 (2) Workplace readiness skills;

113 (3) Finance;

114 (4) Transportation;

115 (5) Special education;

116 (6) Facilities;

117 (7) Administrative practices;

118 (8) Training of county board members and
119 administrators;

120 (9) Personnel qualifications;

121 (10) Professional development and evaluation;

122 (11) Student performance and progress;

123 (12) School and school system performance and
124 progress;

125 (13) A code of conduct for students and employees;

126 (14) Indicators of efficiency; and

127 (15) Any other areas determined by the state board.

128 The standards, as applicable, shall incorporate the
129 state's 21st Century Skills Initiative and shall assure
130 that graduates are prepared for continuing post-
131 secondary education, training and work and that
132 schools and school systems are making progress toward
133 achieving the education goals of the state.

134 (d) *Comprehensive statewide student assessment*
135 *program.* — The state board shall promulgate a rule in
136 accordance with the provisions of article three-b,
137 chapter twenty-nine-a of this code establishing a
138 comprehensive statewide student assessment program
139 to assess student performance and progress in grades
140 three through twelve. The state board may require that
141 student proficiencies be measured through the ACT
142 EXPLORE and the ACT PLAN assessments or other
143 comparable assessments, which are approved by the
144 state board and provided by future vendors. The state
145 board may require that student proficiencies be
146 measured through the West Virginia writing assessment
147 at any of the grade levels four, seven and ten
148 determined by the state board to be appropriate:
149 *Provided*, That, effective the first day of July, two
150 thousand eight, the state board may require that
151 student proficiencies be measured through the West
152 Virginia writing assessment at any of the grade levels
153 four, seven and eleven determined by the state board to
154 be appropriate. The state board may provide through
155 the statewide assessment program other testing or
156 assessment instruments applicable to grade levels
157 kindergarten through grade twelve which may be used

158 by each school upon approval by the school curriculum
159 team to promote student achievement. The use of
160 assessment results are subject to the following:

161 (1) The assessment results for grade levels three
162 through eight and eleven are the only assessment results
163 which may be used for determining whether any school
164 or school system has made adequate yearly progress
165 (AYP);

166 (2) Only the assessment results in the subject areas of
167 reading/language arts and mathematics may be used for
168 determining whether a school or school system has
169 made adequate yearly progress (AYP);

170 (3) The results of the West Virginia writing
171 assessment, the ACT EXPLORE assessments and the
172 ACT PLAN assessments may not be used for
173 determining whether a school or school system has
174 made adequate yearly progress (AYP);

175 (4) The results of testing or assessment instruments
176 provided by the state board for optional use by schools
177 and school systems to promote student achievement
178 may not be used for determining whether a school or
179 school system has made adequate yearly progress (AYP);
180 and

181 (5) All assessment provisions of the comprehensive
182 statewide student assessment program in effect for the
183 school year two thousand six—two thousand seven shall
184 remain in effect until replaced by the state board rule.

185 (e) *Annual performance measures for Public Law 107-*
186 *110, the Elementary and Secondary Education Act of*

187 *1965, as amended (No Child Left Behind Act of 2001).*
188 — The standards shall include annual measures of
189 student, school and school system performance and
190 progress for the grade levels and the content areas
191 defined by the act. The following annual measures of
192 student, school and school system performance and
193 progress shall be the only measures for determining
194 whether adequately yearly progress under the No Child
195 Left Behind Act has been achieved:

196 (1) The acquisition of student proficiencies as
197 indicated by student performance and progress on the
198 required accountability assessments at the grade levels
199 and content areas as required by the act subject to the
200 limitations set forth in subsection (d) of this section.

201 (2) The student participation rate in the uniform
202 statewide assessment must be at least ninety-five
203 percent or the average of the participation rate for the
204 current and the preceding two years is ninety-five
205 percent for the school, county and state;

206 (3) Only for schools that do not include grade twelve,
207 the school attendance rate which shall be no less than
208 ninety percent in attendance for the school, county and
209 state. The following absences shall be excluded:

210 (A) Student absences excused in accordance with the
211 state board rule promulgated pursuant to section four,
212 article eight of this chapter;

213 (B) Students not in attendance due to disciplinary
214 measures; and

215 (C) Absent students for whom the attendance director

216 has pursued judicial remedies compelling attendance to
217 the extent of his or her authority; and

218 (4) The high school graduation rate which shall be no
219 less than eighty percent for the school, county and state;
220 or if the high school graduation rate is less than eighty
221 percent, the high school graduation rate shall be higher
222 than the high school graduation rate of the preceding
223 year as determined from information on the West
224 Virginia education information system on the fifteenth
225 day of August.

226 (f) *State annual performance measures for school and*
227 *school system accreditation.* — The state board shall
228 establish a system to assess and weigh annual
229 performance measures for state accreditation of schools
230 and school systems in a manner that gives credit or
231 points such as an index to prevent any one measure
232 alone from causing a school to achieve less than full
233 accreditation status or a school system from achieving
234 less than full approval status: *Provided*, That a school
235 or school system that achieves adequate yearly progress
236 is eligible for no less than full accreditation or approval
237 status, as applicable, and the system established
238 pursuant to this subsection shall only apply to schools
239 and school systems that do not achieve adequate yearly
240 progress.

241 The following types of measures, as may be
242 appropriate at the various programmatic levels, may be
243 approved by the state board for the school and school
244 system accreditation:

245 (1) The acquisition of student proficiencies as
246 indicated by student performance and progress on the

247 uniform statewide assessment program at the grade
248 levels as provided in subsection (d) of this section. The
249 state board may approve providing bonus points or
250 credits for students scoring at or above mastery and
251 distinguished levels;

252 (2) Writing assessment results in grades tested;

253 (3) School attendance rates;

254 (4) Percentage of courses taught by highly qualified
255 teachers;

256 (5) Percentage of students scoring at benchmarks on
257 the currently tested ACT EXPLORE and ACT PLAN
258 assessments or other comparable assessments, which are
259 approved by the state board and provided by future
260 vendors;

261 (6) Graduation rates;

262 (7) Job placement rates for vocational programs;

263 (8) Percent of students passing end-of-course
264 career/technical tests;

265 (9) Percent of students not requiring college
266 remediation classes; and

267 (10) Bonus points or credits for sub-group
268 improvement, advanced placement percentages, dual
269 credit completers and international baccalaureate
270 completers.

271 (g) *Indicators of exemplary performance and progress.*

272 — The standards shall include indicators of exemplary
273 student, school and school system performance and
274 progress. The indicators of exemplary student, school
275 and school system performance and progress shall be
276 used only as indicators for determining whether
277 accredited and approved schools and school systems
278 should be granted exemplary status. These indicators
279 shall include, but are not limited to, the following:

280 (1) The percentage of graduates who declare their
281 intent to enroll in college and other post-secondary
282 education and training following high school
283 graduation;

284 (2) The percentage of graduates who receive
285 additional certification of their skills, competence and
286 readiness for college, other post-secondary education or
287 employment above the level required for graduation;
288 and

289 (3) The percentage of students who successfully
290 complete advanced placement, dual credit and honors
291 classes.

292 (h) *Indicators of efficiency.* — In accordance with the
293 provisions of article three-b, chapter twenty-nine-a of
294 this code, the state board shall adopt by rule and
295 periodically review and update indicators of efficiency
296 for use by the appropriate divisions within the
297 department to ensure efficient management and use of
298 resources in the public schools in the following areas:

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

301 (2) Transportation;

302 (3) Facilities;

303 (4) Administrative practices;

304 (5) Personnel;

305 (6) Use of regional educational service agency
306 programs and services, including programs and services
307 that may be established by their assigned regional
308 educational service agency or other regional services
309 that may be initiated between and among participating
310 county boards; and

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

313 (i) *Assessment and accountability of school and school*
314 *system performance and processes.* — In accordance
315 with the provisions of article three-b, chapter twenty-
316 nine-a of this code, the state board shall establish by
317 rule a system of education performance audits which
318 measures the quality of education and the preparation
319 of students based on the annual measures of student,
320 school and school system performance and progress.
321 The system of education performance audits shall
322 provide information to the state board, the Legislature
323 and the Governor, individually and collectively as the
324 Process for Improving Education Council, upon which
325 they may determine whether a thorough and efficient
326 system of schools is being provided. The system of
327 education performance audits shall include:

328 (1) The assessment of student, school and school

329 system performance and progress based on the annual
330 measures set forth in subsection (d) of this section;

331 (2) The evaluation of records, reports and other
332 information collected by the department upon which
333 the quality of education and compliance with statutes,
334 policies and standards may be determined;

335 (3) The review of school and school system electronic
336 strategic improvement plans; and

337 (4) The on-site review of the processes in place in
338 schools and school systems to enable school and school
339 system performance and progress and compliance with
340 the standards.

341 (j) *Uses of school and school system assessment*
342 *information.* — The state board and the Process for
343 Improving Education Council established pursuant to
344 section five-c of this article shall use information from
345 the system of education performance audits to assist
346 them in ensuring that a thorough and efficient system of
347 schools is being provided and to improve student, school
348 and school system performance and progress.
349 Information from the system of education performance
350 audits further shall be used by the state board for these
351 purposes, including, but not limited to, the following:

352 (1) Determining school accreditation and school
353 system approval status;

354 (2) Holding schools and school systems accountable
355 for the efficient use of existing resources to meet or
356 exceed the standards; and

357 (3) Targeting additional resources when necessary to
358 improve performance and progress.

359 The state board shall make accreditation information
360 available to the Legislature, the Governor, the general
361 public and to any individual who requests the
362 information, subject to the provisions of any act or rule
363 restricting the release of information.

364 (k) *Early detection and intervention programs.* —
365 Based on the assessment of student, school and school
366 system performance and progress, the state board shall
367 establish early detection and intervention programs
368 using the available resources of the Department of
369 Education, the regional educational service agencies,
370 the Center for Professional Development and the
371 Principals Academy, as appropriate, to assist
372 underachieving schools and school systems to improve
373 performance before conditions become so grave as to
374 warrant more substantive state intervention. Assistance
375 shall include, but is not limited to, providing additional
376 technical assistance and programmatic, professional
377 staff development, providing monetary, staffing and
378 other resources where appropriate, and, if necessary,
379 making appropriate recommendations to the Process for
380 Improving Education Council.

381 (l) *Office of Education Performance Audits.* —

382 (1) To assist the state board and the Process for
383 Improving Education Council in the operation of a
384 system of education performance audits, the state board
385 shall establish an Office of Education Performance
386 Audits consistent with the provisions of this section.
387 The Office of Education Performance Audits shall be

388 operated under the direction of the state board
389 independently of the functions and supervision of the
390 State Department of Education and state
391 superintendent. The Office of Education Performance
392 Audits shall report directly to and be responsible to the
393 state board and the Process for Improving Education
394 Council created in section five-c of this article in
395 carrying out its duties under the provisions of this
396 section.

397 (2) The office shall be headed by a director who shall
398 be appointed by the state board and who shall serve at
399 the will and pleasure of the state board. The annual
400 salary of the director shall be set by the state board and
401 may not exceed eighty percent of the salary cap of the
402 State Superintendent of Schools.

403 (3) The state board shall organize and sufficiently
404 staff the office to fulfill the duties assigned to it by law
405 and by the state board. Employees of the State
406 Department of Education who are transferred to the
407 Office of Education Performance Audits shall retain
408 their benefits and seniority status with the Department
409 of Education.

410 (4) Under the direction of the state board, the Office
411 of Education Performance Audits shall receive from the
412 West Virginia education information system staff
413 research and analysis data on the performance and
414 progress of students, schools and school systems, and
415 shall receive assistance, as determined by the state
416 board, from staff at the State Department of Education,
417 the regional education service agencies, the Center for
418 Professional Development, the Principals Academy and
419 the School Building Authority to carry out the duties

420 assigned to the office.

421 (5) In addition to other duties which may be assigned
422 to it by the state board or by statute, the Office of
423 Education Performance Audits also shall:

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

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

430 (i) Processes for the accreditation of schools and the
431 approval of school systems; and

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

435 (C) Determine, in conjunction with the assessment and
436 accountability processes, what capacity may be needed
437 by schools and school systems to meet the standards
438 established by the state board and recommend to the
439 state board and the Process for Improving Education
440 Council plans to establish those needed capacities;

441 (D) Determine, in conjunction with the assessment
442 and accountability processes, whether statewide system
443 deficiencies exist in the capacity of schools and school
444 systems to meet the standards established by the state
445 board, including the identification of trends and the
446 need for continuing improvements in education, and
447 report those deficiencies and trends to the state board

448 and the Process for Improving Education Council;

449 (E) Determine, in conjunction with the assessment and
450 accountability processes, staff development needs of
451 schools and school systems to meet the standards
452 established by the state board and make
453 recommendations to the state board, the Process for
454 Improving Education Council, the Center for
455 Professional Development, the regional educational
456 service agencies, the Higher Education Policy
457 Commission and the county boards;

458 (F) Identify, in conjunction with the assessment and
459 accountability processes, exemplary schools and school
460 systems and best practices that improve student, school
461 and school system performance and make
462 recommendations to the state board and the Process for
463 Improving Education Council for recognizing and
464 rewarding exemplary schools and school systems and
465 promoting the use of best practices. The state board
466 shall provide information on best practices to county
467 school systems and shall use information identified
468 through the assessment and accountability processes to
469 select schools of excellence; and

470 (G) Develop reporting formats, such as check lists,
471 which shall be used by the appropriate administrative
472 personnel in schools and school systems to document
473 compliance with various of the applicable laws, policies
474 and process standards as considered appropriate and
475 approved by the state board, including, but not limited
476 to, the following:

477 (i) The use of a policy for the evaluation of all school
478 personnel that meets the requirements of sections

479 twelve and twelve-a, article two, chapter eighteen-a of
480 this code;

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

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

486 (iv) The school provides multicultural activities.

487 Information contained in the reporting formats is
488 subject to examination during an on-site review to
489 determine compliance with laws, policies and
490 standards. Intentional and grossly negligent reporting
491 of false information are grounds for dismissal.

492 (m) *On-site reviews.* —

493 (1) The system of education performance audits shall
494 include on-site reviews of schools and school systems
495 which shall be conducted only at the specific direction
496 of the state board upon its determination that the
497 performance and progress of the school or school system
498 are persistently below standard or that other
499 circumstances exist that warrant an on-site review.
500 Any discussion by the state board of schools to be
501 subject to an on-site review or dates for which on-site
502 reviews will be conducted may be held in executive
503 session and is not subject to the provisions of article
504 nine-a, chapter six of this code relating to open
505 governmental proceedings. An on-site review shall be
506 conducted by the Office of Education Performance
507 Audits of a school or school system for the purpose of

508 investigating the reasons for performance and progress
509 that are persistently below standard and making
510 recommendations to the school and school system, as
511 appropriate, and to the state board on such measures as
512 it considers necessary to improve performance and
513 progress to meet the standard. The investigation may
514 include, but is not limited to, the following:

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

517 (B) Examining compliance with the laws and policies
518 affecting student, school and school system performance
519 and progress;

520 (C) Evaluating the effectiveness and implementation
521 status of school and school system electronic strategic
522 improvement plans;

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

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

530 (F) Determining and reporting whether required
531 reviews and inspections have been conducted by the
532 appropriate agencies, including, but not limited to, the
533 State Fire Marshal, the Health Department, the School
534 Building Authority and the responsible divisions within
535 the Department of Education, and whether noted
536 deficiencies have been or are in the process of being

537 corrected. The Office of Education Performance Audits
538 may not conduct a duplicate review or inspection of any
539 compliance reviews or inspections conducted by the
540 department or its agents or other duly authorized
541 agencies of the state, nor may it mandate more stringent
542 compliance measures.

543 (2) The Director of the Office of Education
544 Performance Audits shall notify the county
545 superintendent of schools five school days prior to
546 commencing an on-site review of the county school
547 system and shall notify both the county superintendent
548 and the principal five school days prior to commencing
549 an on-site review of an individual school: *Provided,*
550 That the state board may direct the Office of Education
551 Performance Audits to conduct an unannounced on-site
552 review of a school or school system if the state board
553 believes circumstances warrant an unannounced on-site
554 review.

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

561 (4) An on-site review of a school or school system shall
562 include a person or persons from the Department of
563 Education or a public education agency in the state who
564 has expert knowledge and experience in the area or
565 areas to be reviewed and who has been trained and
566 designated by the state board to perform such functions.
567 If the size of the school or school system and issues
568 being reviewed necessitate the use of an on-site review

569 team or teams, the person or persons designated by the
570 state board shall advise and assist the director to
571 appoint the team or teams. The person or persons
572 designated by the state board shall be the team leaders.

573 The persons designated by the state board shall be
574 responsible for completing the report on the findings
575 and recommendations of the on-site review in their area
576 of expertise. It is the intent of the Legislature that the
577 persons designated by the state board participate in all
578 on-site reviews that involve their area of expertise, to
579 the extent practicable, so that the on-site review process
580 will evaluate compliance with the standards in a
581 uniform, consistent and expert manner.

582 (5) The Office of Education Performance Audits shall
583 reimburse a county board for the costs of substitutes
584 required to replace county board employees while they
585 are serving on a review team.

586 (6) At the conclusion of an on-site review of a school
587 system, the director and team leaders shall hold an exit
588 conference with the superintendent and shall provide an
589 opportunity for principals to be present for at least the
590 portion of the conference pertaining to their respective
591 schools. In the case of an on-site review of a school, the
592 exit conference shall be held with the principal and
593 curriculum team of the school and the superintendent
594 shall be provided the opportunity to be present. The
595 purpose of the exit conference is to review the initial
596 findings of the on-site review, clarify and correct any
597 inaccuracies and allow the opportunity for dialogue
598 between the reviewers and the school or school system
599 to promote a better understanding of the findings.

600 (7) The Office of Education Performance Audits shall
601 report the findings of an on-site review to the county
602 superintendent and the principals whose schools were
603 reviewed within thirty days following the conclusion of
604 the on-site review. The Office of Education
605 Performance Audits shall report the findings of the
606 on-site review to the state board within forty-five days
607 after the conclusion of the on-site review. A copy of the
608 report shall be provided to the Process for Improving
609 Education Council at its request. A school or county
610 that believes one or more findings of a review are
611 clearly inaccurate, incomplete or misleading,
612 misrepresent or fail to reflect the true quality of
613 education in the school or county, or address issues
614 unrelated to the health, safety and welfare of students
615 and the quality of education, may appeal to the state
616 board for removal of the findings. The state board shall
617 establish a process for it to receive, review and act upon
618 the appeals. The state board shall report to the
619 Legislative Oversight Commission on Education
620 Accountability during its July interim meetings, or as
621 soon thereafter as practical, on each appeal during the
622 preceding school year.

623 (8) The Legislature finds that the accountability and
624 oversight of the following activities and programmatic
625 areas in the public schools is controlled through other
626 mechanisms and that additional accountability and
627 oversight are not only unnecessary but
628 counterproductive in distracting necessary resources
629 from teaching and learning. Therefore, notwithstanding
630 any other provision of this section to the contrary, the
631 following activities and programmatic areas are not
632 subject to review by the Office of Education
633 Performance Audits:

- 634 (A) Work-based learning;
- 635 (B) Use of advisory councils;
- 636 (C) Program accreditation and student credentials;
- 637 (D) Student transition plans;
- 638 (E) Graduate assessment form;
- 639 (F) Casual deficit;
- 640 (G) Accounting practices;
- 641 (H) Transportation services;
- 642 (I) Special education services;
- 643 (J) Safe, healthy and accessible facilities;
- 644 (K) Health services;
- 645 (L) Attendance director;
- 646 (M) Business/community partnerships;
- 647 (N) Pupil-teacher ratio/split grade classes;
- 648 (O) Local school improvement council, faculty senate,
649 student assistance team and curriculum team;
- 650 (P) Planning and lunch periods;
- 651 (Q) Skill improvement program;

652 (R) Certificate of proficiency;

653 (S) Training of county board members;

654 (T) Excellence in job performance;

655 (U) Staff development; and

656 (V) Preventive discipline, character education and
657 student and parental involvement.

658 (n) *School accreditation.* — The state board annually
659 shall review the information from the system of
660 education performance audits submitted for each school
661 and shall issue to every school one of the following
662 approval levels: Exemplary accreditation status,
663 distinction accreditation status, full accreditation
664 status, temporary accreditation status, conditional
665 accreditation status, or low performing accreditation
666 status.

667 (1) Full accreditation status shall be given to a school
668 when the school's performance and progress meet or
669 exceed the standards adopted by the state board
670 pursuant to subsection (e) or (f), as applicable, of this
671 section and it does not have any deficiencies which
672 would endanger student health or safety or other
673 extraordinary circumstances as defined by the state
674 board. A school that meets or exceeds the performance
675 and progress standards but has the other deficiencies
676 shall remain on full accreditation status for the
677 remainder of the accreditation period and shall have an
678 opportunity to correct those deficiencies,
679 notwithstanding other provisions of this subsection.

680 (2) Temporary accreditation status shall be given to a
681 school when the school's performance and progress are
682 below the level required for full accreditation status.
683 Whenever a school is given temporary accreditation
684 status, the county board shall ensure that the school's
685 electronic strategic improvement plan is revised in
686 accordance with subsection (b) of this section to
687 increase the performance and progress of the school to
688 a full accreditation status level. The revised plan shall
689 be submitted to the state board for approval.

690 (3) Conditional accreditation status shall be given to
691 a school when the school's performance and progress
692 are below the level required for full accreditation, but
693 the school's electronic strategic improvement plan
694 meets the following criteria:

695 (A) The plan has been revised to improve performance
696 and progress on the standard or standards by a date or
697 dates certain;

698 (B) The plan has been approved by the state board;
699 and

700 (C) The school is meeting the objectives and time line
701 specified in the revised plan.

702 (4) Exemplary accreditation status shall be given to a
703 school when the school's performance and progress
704 substantially exceed the standards adopted by the state
705 board pursuant to subsections (f) and (g) of this section.
706 The state board shall promulgate legislative rules in
707 accordance with the provisions of article three-b,
708 chapter twenty-nine-a of this code designated to
709 establish standards of performance and progress to

710 identify exemplary schools.

711 (5) Distinction accreditation status shall be given to a
712 school when the school's performance and progress
713 exceed the standards adopted by the state board. The
714 state board shall promulgate legislative rules in
715 accordance with the provisions of article three-b,
716 chapter twenty-nine-a of this code establishing
717 standards of performance and progress to identify
718 schools of distinction.

719 (6) Low-performing accreditation status shall be given
720 to a school whenever extraordinary circumstances exist
721 as defined by the state board.

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

724 (i) The failure of a school on temporary accreditation
725 status to obtain approval of its revised electronic school
726 strategic improvement plan within a reasonable time
727 period as defined by the state board;

728 (ii) The failure of a school on conditional accreditation
729 status to meet the objectives and time line of its revised
730 electronic school strategic improvement plan; or

731 (iii) The failure of a school to meet a standard by the
732 date specified in the revised plan.

733 (B) Whenever the state board determines that the
734 quality of education in a school is low performing, the
735 state board shall appoint a team of improvement
736 consultants to make recommendations within sixty days
737 of appointment for correction of the low performance.

738 When the state board approves the recommendations,
739 they shall be communicated to the county board. If
740 progress in correcting the low performance as
741 determined by the state board is not made within six
742 months from the time the county board receives the
743 recommendations, the state board shall place the county
744 board on temporary approval status and provide
745 consultation and assistance to the county board to assist
746 it in the following areas:

747 (i) Improving personnel management;

748 (ii) Establishing more efficient financial management
749 practices;

750 (iii) Improving instructional programs and rules; or

751 (iv) Making any other improvements that are
752 necessary to correct the low performance.

753 (C) If the low performance is not corrected by a date
754 certain as set by the state board:

755 (i) The state board shall appoint a monitor who shall
756 be paid at county expense to cause improvements to be
757 made at the school to bring it to full accreditation status
758 within a reasonable time period as determined by the
759 state board. The monitor's work location shall be at the
760 school and the monitor shall work collaboratively with
761 the principal. The monitor shall, at a minimum, report
762 monthly to the state board on the measures being taken
763 to improve the school's performance and the progress
764 being made. The reports may include requests for
765 additional assistance and recommendations required in
766 the judgment of the monitor to improve the school's

767 performance, including, but not limited to, the need for
768 targeting resources strategically to eliminate
769 deficiencies;

770 (ii) The state board may make a determination, in its
771 sole judgment, that the improvements necessary to
772 provide a thorough and efficient education to the
773 students at the school cannot be made without
774 additional targeted resources, in which case it shall
775 establish a plan in consultation with the county board
776 that includes targeted resources from sources under the
777 control of the state board and the county board to
778 accomplish the needed improvements. Nothing in this
779 subsection shall be construed to allow a change in
780 personnel at the school to improve school performance
781 and progress, except as provided by law;

782 (iii) If the low performance is not corrected within one
783 year after the appointment of a monitor, the state board
784 may make a determination, in its sole judgment, that
785 continuing a monitor arrangement is not sufficient to
786 correct the low performance and may intervene in the
787 operation of the school to cause improvements to be
788 made that will provide assurances that a thorough and
789 efficient system of schools will be provided. This
790 intervention may include, but is not limited to,
791 establishing instructional programs, taking such direct
792 action as may be necessary to correct the low
793 performance, declaring the position of principal is
794 vacant and assigning a principal for the school who
795 shall serve at the will and pleasure of and, under the
796 sole supervision of, the state board: *Provided*, That
797 prior to declaring that the position of the principal is
798 vacant, the state board must make a determination that
799 all other resources needed to correct the low

800 performance are present at the school. If the principal
801 who was removed elects not to remain an employee of
802 the county board, then the principal assigned by the
803 state board shall be paid by the county board. If the
804 principal who was removed elects to remain an
805 employee of the county board, then the following
806 procedure applies:

807 (I) The principal assigned by the state board shall be
808 paid by the state board until the next school term, at
809 which time the principal assigned by the state board
810 shall be paid by the county board;

811 (II) The principal who was removed shall be eligible
812 for all positions in the county, including teaching
813 positions, for which the principal is certified, by either
814 being placed on the transfer list in accordance with
815 section seven, article two, chapter eighteen-a of this
816 code, or by being placed on the preferred recall list in
817 accordance with section seven-a, article four, chapter
818 eighteen-a of this code; and

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

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

826 (7) The state board may appoint a monitor pursuant to
827 the provisions of this subsection to assist the school
828 principal after intervention in the operation of a school
829 is completed.

830 (o) *Transfers from low-performing schools.* —
831 Whenever a school is determined to be low performing
832 and fails to improve its status within one year, following
833 state intervention in the operation of the school to
834 correct the low performance, any student attending the
835 school may transfer once to the nearest fully accredited
836 school in the county, subject to approval of the fully
837 accredited school and at the expense of the school from
838 which the student transferred.

839 (p) *School system approval.* — The state board
840 annually shall review the information submitted for
841 each school system from the system of education
842 performance audits and issue one of the following
843 approval levels to each county board: Full approval,
844 temporary approval, conditional approval or
845 nonapproval.

846 (1) Full approval shall be given to a county board
847 whose schools have all been given full, temporary or
848 conditional accreditation status and which does not
849 have any deficiencies which would endanger student
850 health or safety or other extraordinary circumstances as
851 defined by the state board. A fully approved school
852 system in which other deficiencies are discovered shall
853 remain on full accreditation status for the remainder of
854 the approval period and shall have an opportunity to
855 correct those deficiencies, notwithstanding other
856 provisions of this subsection.

857 (2) Temporary approval shall be given to a county
858 board whose education system is below the level
859 required for full approval. Whenever a county board is
860 given temporary approval status, the county board shall
861 revise its electronic county strategic improvement plan

862 in accordance with subsection (b) of this section to
863 increase the performance and progress of the school
864 system to a full approval status level. The revised plan
865 shall be submitted to the state board for approval.

866 (3) Conditional approval shall be given to a county
867 board whose education system is below the level
868 required for full approval, but whose electronic county
869 strategic improvement plan meets the following criteria:

870 (i) The plan has been revised in accordance with
871 subsection (b) of this section;

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

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

876 (4) Nonapproval status shall be given to a county
877 board which fails to submit and gain approval for its
878 electronic county strategic improvement plan or revised
879 electronic county strategic improvement plan within a
880 reasonable time period as defined by the state board or
881 which fails to meet the objectives and time line of its
882 revised electronic county strategic improvement plan or
883 fails to achieve full approval by the date specified in the
884 revised plan.

885 (A) The state board shall establish and adopt
886 additional standards to identify school systems in which
887 the program may be nonapproved and the state board
888 may issue nonapproval status whenever extraordinary
889 circumstances exist as defined by the state board.

890 (B) Whenever a county board has more than a casual
891 deficit, as defined in section one, article one of this
892 chapter, the county board shall submit a plan to the
893 state board specifying the county board's strategy for
894 eliminating the casual deficit. The state board either
895 shall approve or reject the plan. If the plan is rejected,
896 the state board shall communicate to the county board
897 the reason or reasons for the rejection of the plan. The
898 county board may resubmit the plan any number of
899 times. However, any county board that fails to submit
900 a plan and gain approval for the plan from the state
901 board before the end of the fiscal year after a deficit
902 greater than a casual deficit occurred or any county
903 board which, in the opinion of the state board, fails to
904 comply with an approved plan may be designated as
905 having nonapproval status.

906 (C) Whenever nonapproval status is given to a school
907 system, the state board shall declare a state of
908 emergency in the school system and shall appoint a
909 team of improvement consultants to make
910 recommendations within sixty days of appointment for
911 correcting the emergency. When the state board
912 approves the recommendations, they shall be
913 communicated to the county board. If progress in
914 correcting the emergency, as determined by the state
915 board, is not made within six months from the time the
916 county board receives the recommendations, the state
917 board shall intervene in the operation of the school
918 system to cause improvements to be made that will
919 provide assurances that a thorough and efficient system
920 of schools will be provided. This intervention may
921 include, but is not limited to, the following:

922 (i) Limiting the authority of the county superintendent

923 and county board as to the expenditure of funds, the
924 employment and dismissal of personnel, the
925 establishment and operation of the school calendar, the
926 establishment of instructional programs and rules and
927 any other areas designated by the state board by rule,
928 which may include delegating decision-making
929 authority regarding these matters to the state
930 superintendent;

931 (ii) Declaring that the office of the county
932 superintendent is vacant;

933 (iii) Delegating to the state superintendent both the
934 authority to conduct hearings on personnel matters and
935 school closure or consolidation matters and,
936 subsequently, to render the resulting decisions and the
937 authority to appoint a designee for the limited purpose
938 of conducting hearings while reserving to the state
939 superintendent the authority to render the resulting
940 decisions;

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

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

946 (I) Delegating to the state superintendent the
947 authority to replace administrators and principals in
948 low performing schools and to transfer them into
949 alternate professional positions within the county at his
950 or her discretion; and

951 (II) Delegating to the state superintendent the

952 authority to fill positions of administrators and
953 principals with individuals determined by the state
954 superintendent to be the most qualified for the
955 positions. Any authority related to intervention in the
956 operation of a county board granted under this
957 paragraph is not subject to the provisions of article
958 four, chapter eighteen-a of this code;

959 (q) Notwithstanding any other provision of this
960 section, the state board may intervene immediately in
961 the operation of the county school system with all the
962 powers, duties and responsibilities contained in
963 subsection (p) of this section, if the state board finds the
964 following:

965 (1) That the conditions precedent to intervention exist
966 as provided in this section; and that delaying
967 intervention for any period of time would not be in the
968 best interests of the students of the county school
969 system; or

970 (2) That the conditions precedent to intervention exist
971 as provided in this section and that the state board had
972 previously intervened in the operation of the same
973 school system and had concluded that intervention
974 within the preceding five years.

975 (r) *Capacity*. — The process for improving education
976 includes a process for targeting resources strategically
977 to improve the teaching and learning process.
978 Development of electronic school and school system
979 strategic improvement plans, pursuant to subsection (b)
980 of this section, is intended, in part, to provide
981 mechanisms to target resources strategically to the
982 teaching and learning process to improve student,

983 school and school system performance. When
984 deficiencies are detected through the assessment and
985 accountability processes, the revision and approval of
986 school and school system electronic strategic
987 improvement plans shall ensure that schools and school
988 systems are efficiently using existing resources to
989 correct the deficiencies. When the state board
990 determines that schools and school systems do not have
991 the capacity to correct deficiencies, the state board shall
992 work with the county board to develop or secure the
993 resources necessary to increase the capacity of schools
994 and school systems to meet the standards and, when
995 necessary, seek additional resources in consultation
996 with the Legislature and the Governor.

997 The state board shall recommend to the appropriate
998 body including, but not limited to, the Process for
999 Improving Education Council, the Legislature, county
1000 boards, schools and communities methods for targeting
1001 resources strategically to eliminate deficiencies
1002 identified in the assessment and accountability
1003 processes. When making determinations on
1004 recommendations, the state board shall include, but is
1005 not limited to, the following methods:

1006 (1) Examining reports and electronic strategic
1007 improvement plans regarding the performance and
1008 progress of students, schools and school systems relative
1009 to the standards and identifying the areas in which
1010 improvement is needed;

1011 (2) Determining the areas of weakness and of
1012 ineffectiveness that appear to have contributed to the
1013 substandard performance and progress of students or
1014 the deficiencies of the school or school system;

1015 (3) Determining the areas of strength that appear to
1016 have contributed to exceptional student, school and
1017 school system performance and progress and promoting
1018 their emulation throughout the system;

1019 (4) Requesting technical assistance from the School
1020 Building Authority in assessing or designing
1021 comprehensive educational facilities plans;

1022 (5) Recommending priority funding from the School
1023 Building Authority based on identified needs;

1024 (6) Requesting special staff development programs
1025 from the Center for Professional Development, the
1026 Principals Academy, higher education, regional
1027 educational service agencies and county boards based
1028 on identified needs;

1029 (7) Submitting requests to the Legislature for
1030 appropriations to meet the identified needs for
1031 improving education;

1032 (8) Directing county boards to target their funds
1033 strategically toward alleviating deficiencies;

1034 (9) Ensuring that the need for facilities in counties
1035 with increased enrollment are appropriately reflected
1036 and recommended for funding;

1037 (10) Ensuring that the appropriate person or entity is
1038 held accountable for eliminating deficiencies; and

1039 (11) Ensuring that the needed capacity is available
1040 from the state and local level to assist the school or
1041 school system in achieving the standards and alleviating
1042 the deficiencies.

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

ARTICLE 3B. STATE BOARD OF EDUCATION RULEMAKING.

**§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
2 board shall submit the following to the Legislative
3 Oversight Commission on Education Accountability: (1)
4 The full text of the legislative rule as proposed by the
5 board and filed with the office of the Secretary of State,
6 with new language underlined and with language to be
7 deleted from any existing rule stricken through but
8 clearly legible; (2) a brief summary of the content of the
9 legislative rule and a description and a copy of any
10 existing rule which the agency proposes to amend or
11 repeal; (3) a statement of the circumstances which
12 require the rule; (4) a fiscal note containing all
13 information included in a fiscal note for either house of
14 the Legislature and a statement of the economic impact
15 of the rule on the state or its residents; and (5) any other
16 information which the commission may request or
17 which may be required by law.

18 (b) At its discretion, the board may meet the filing
19 requirement of subsection (a) of this section using either
20 of the following methods:

21 (1) By submitting twenty copies of the proposed rule
22 to the Legislative Oversight Commission on Education
23 Accountability at its offices or at a regular meeting of
24 the commission; or

25 (2) By submitting the proposed rule electronically to
26 the Legislative Oversight Commission on Education
27 Accountability. Proposed rules submitted electronically
28 shall be transmitted in a timely manner, shall contain
29 all required information and shall be compatible with
30 computer applications in use by the Legislative
31 Oversight Commission on Education Accountability.

32 (c) The commission shall review each proposed
33 legislative rule and, in its discretion, may hold public
34 hearings thereon. Such review shall include, but not be
35 limited to, a determination of:

36 (1) Whether the board has exceeded the scope of its
37 statutory authority in approving the proposed
38 legislative rule;

39 (2) Whether the proposed legislative rule is in
40 conformity with the legislative intent of the statute
41 which the rule is intended to implement, extend, apply,
42 interpret or make specific;

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

46 (4) Whether the proposed legislative rule is necessary
47 to fully accomplish the objectives of the statute under
48 which the proposed rule was promulgated;

49 (5) Whether the proposed legislative rule is
50 reasonable, especially as it affects the convenience of
51 the general public or of persons particularly affected by
52 it;

53 (6) Whether the proposed legislative rule could be

54 made less complex or more readily understandable by
55 the general public; and

56 (7) Whether the proposed legislative rule was
57 promulgated in compliance with the requirements of
58 this article and with any requirements imposed by any
59 other provision of this code.

60 (d) After reviewing the legislative rule, the commission
61 may recommend to the board any changes needed to
62 comply with the legislative intent of the statute upon
63 which the rule is based or otherwise to modify the
64 activity subject to the rule, or may make any other
65 recommendations to the board as it considers
66 appropriate.

67 (e) When the board finally adopts a legislative rule,
68 the board shall submit to the Legislative Oversight
69 Commission on Education Accountability at its offices
70 or at a regular meeting of the commission six copies of
71 the rule as adopted by the board. The board, at its
72 discretion, may meet the filing requirement contained
73 in this subsection by submitting the legislative rule in
74 electronic format to the Legislative Oversight
75 Commission on Education Accountability. Rules
76 submitted electronically shall be transmitted in a timely
77 manner and shall be compatible with computer
78 applications in use by the Legislative Oversight
79 Commission on Education Accountability.

80 (f) After reviewing the legislative rule, the commission
81 may recommend to the Legislature any statutory
82 changes needed to clarify the legislative intent of the
83 statute upon which the rule is based or may make any
84 other recommendations to the Legislature as it
85 considers appropriate.

§29A-3B-10. Emergency legislative rules; procedure for promulgation; definition.

1 (a) The board may, without hearing, find that an
2 emergency exists requiring that emergency rules be
3 promulgated and promulgate the same in accordance
4 with this section. Such emergency rules, together with
5 a statement of the facts and circumstances constituting
6 the emergency, shall be filed in the State Register and
7 shall become effective immediately upon such filing.
8 Such emergency rules may adopt, amend or repeal any
9 legislative rule, but the circumstances constituting the
10 emergency requiring such adoption, amendment or
11 repeal shall be stated with particularity and be subject
12 to de novo review by any court having original
13 jurisdiction of an action challenging their validity.

14 (b) The board shall file ten copies of the rules and of
15 the required statement with the Legislative Oversight
16 Commission on Education Accountability. At its
17 discretion, the board may meet the filing requirement
18 contained in this subsection by submitting the
19 emergency rule electronically to the Legislative
20 Oversight Commission on Education Accountability.
21 Proposed rules submitted electronically shall be
22 transmitted in a timely manner, shall contain all
23 required information and shall be compatible with
24 computer applications in use by the Legislative
25 Oversight Commission on Education Accountability.

26 (c) An emergency rule shall be effective for not more
27 than fifteen months and shall expire earlier if any of the
28 following occurs:

29 (1) The board has not previously filed and fails to file
30 a notice of public hearing on the proposed rule within

31 sixty days of the date the proposed rule was filed as an
32 emergency rule; in which case the emergency rule
33 expires on the sixty-first day.

34 (2) The board has not previously filed and fails to file
35 the proposed rule with the Legislative Oversight
36 Commission on Education Accountability within one
37 hundred eighty days of the date the proposed rule was
38 filed as an emergency rule; in which case the emergency
39 rule expires on the one hundred eighty-first day.

40 (3) The board adopts a legislative rule dealing with
41 substantially the same subject matter since such
42 emergency rule was first promulgated and in which case
43 the emergency rule expires on the date the authorized
44 rule is made effective.

45 (d) Any amendment to an emergency rule made by the
46 board shall be filed in the State Register and does not
47 constitute a new emergency rule for the purpose of
48 acquiring additional time or avoiding the expiration
49 dates in subdivision (1), (2) or (3), subsection (c) of this
50 section.

51 (e) Once an emergency rule expires due to the
52 conclusion of fifteen months or due to the effect of
53 subdivision (1), (2) or (3), subsection (c) of this section,
54 the board may not refile the same or similar rule as an
55 emergency rule.

56 (f) Emergency legislative rules currently in effect
57 under the prior provisions of this section may be refiled
58 under the provisions of this section.

59 (g) The provision of this section shall not be used to
60 avoid or evade any provision of this article or any other

61 provisions of this code, including any provisions for
62 legislative review of proposed rules. Any emergency
63 rule promulgated for any such purpose may be
64 contested in a judicial proceeding before a court of
65 competent jurisdiction.

66 (h) The Legislative Oversight Commission on
67 Education Accountability may review any emergency
68 rule to determine: (1) Whether the board has exceeded
69 the scope of its statutory authority in promulgating the
70 emergency rule; (2) whether there exists an emergency
71 justifying the promulgation of such rule; and (3)
72 whether the rule was promulgated in compliance with
73 the requirements and prohibitions contained in this
74 section. The commission may recommend to the board,
75 the Legislature or the Secretary of State such action as
76 it may deem proper.

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

.....
Chairman Senate Committee

.....
Chairman House Committee

Originated in the Senate.

In effect July 1, 2007.

.....
Clerk of the Senate

.....
Clerk of the House of Delegates

.....
President of the Senate

.....
Speaker House of Delegates

The within is approved this
the 4th Day of April 2007.

.....
Governor

PRESENTED TO THE
GOVERNOR

APR 02 2007

Time 3:40 pm