

Senate Bill No. 568

(By Senators Plymale, Jenkins, Foster, Unger, Prezioso, Barnes,
Tucker and Stollings)

[Introduced February 10, 2012; referred to the Committee on
Education.]

A BILL to amend and reenact §18-2-23a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-2-39; and to amend and reenact §18-2E-5 of said code, all relating to college and career readiness; requiring the State Board of Education, the Higher Education Policy Commission and the Council for Community and Technical College Education to collaborate in formally adopting uniform and specific college and career readiness standards for English/language arts and math; setting forth methods for determining whether students have met the college and career readiness standards; requiring that an explicit focus be embedded in each course on the development of English/language arts and math skills; requiring a twelfth-grade transitional

1 course for both English/language arts and math for students
2 not on track to be college ready; requiring professional
3 development on teaching the college and career readiness
4 standards be included in the state board's goals for
5 professional staff development and ultimately in its Master
6 Plan for Professional Staff Development; requiring the state
7 board to require all teacher preparation programs in the state
8 to include appropriate training for teachers teaching in at
9 least grades eight through twelve on how to teach the adopted
10 standards; requiring the use of certain assessments or exams,
11 as applicable, to determine whether a student is to enroll in
12 a remedial course or be placed immediately in a college-level
13 introductory course; requiring accountability for increasing
14 the percentage of students who meet the standards and for
15 increasing the percentage of students who are making adequate
16 progress toward meeting the standards; and deleting
17 requirement that a school or school system that achieves
18 adequate yearly progress is eligible for no less than full
19 accreditation or approval status as applicable.

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

21 That §18-2-23a of the Code of West Virginia, 1931, as amended,
22 be amended and reenacted; that said code be amended by adding
23 thereto a new section, designated §18-2-39; and that §18-2E-5 of

1 said code be amended and reenacted, all to read as follows:

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

3 **§18-2-23a. Annual professional staff development goals established**
4 **by State Board; coordination of professional**
5 **development programs; program development, approval**
6 **and evaluation.**

7 (a) *Legislative intent.* -- The intent of this section is:

8 (1) To provide for the coordination of professional
9 development programs by the state board;

10 (2) To promote high-quality instructional delivery and
11 management practices for a thorough and efficient system of
12 schools; and

13 (3) To ensure that the expertise and experience of state
14 institutions of higher education with teacher preparation programs
15 are included in developing and implementing professional
16 development programs.

17 (b) *Goals.* -- The state board annually shall establish goals
18 for professional staff development in the public schools of the
19 state. As a first priority, the state board shall require adequate
20 and appropriate professional staff development to ensure high
21 quality teaching that will enable students to achieve the content
22 standards established for the required curriculum in the public

1 schools.

2 The state board shall submit the goals to the state Department
3 of Education, the Center for Professional Development, the regional
4 educational service agencies, the Higher Education Policy
5 Commission and the Legislative Oversight Commission on Education
6 Accountability on or before January 15, each year.

7 The goals shall include measures by which the effectiveness of
8 the professional staff development programs will be evaluated. The
9 professional staff development goals shall include separate goals
10 for teachers, principals and paraprofessional service personnel and
11 may include separate goals for classroom aides and others in the
12 public schools.

13 In establishing the goals, the state board shall review
14 reports that may indicate a need for professional staff development
15 including, but not limited to, the report of the Center for
16 Professional Development created in article three-a, chapter
17 eighteen-a of this code, student test scores on the statewide
18 student assessment program, the measures of student and school
19 performance for accreditation purposes, school and school district
20 report cards and its plans for the use of funds in the strategic
21 staff development fund pursuant to section thirty-two, article two,
22 chapter eighteen of this code.

23 (c) The Center for Professional Development shall design a

1 proposed professional staff development program plan to achieve the
2 goals of the state board and shall submit the proposed plan to the
3 state board for approval as soon as possible following receipt of
4 the state board goals each year. In developing and implementing
5 this plan, the Center first shall rely upon the available expertise
6 and experience of state institutions of higher education before
7 procuring advice, technical assistance or consulting services from
8 sources outside the state.

9 The proposed plan shall include a strategy for evaluating the
10 effectiveness of the professional staff development programs
11 delivered under the plan and a cost estimate. The state board
12 shall review the proposed plan and return it to the Center for
13 Professional Development noting whether the proposed plan is
14 approved or is not approved, in whole or in part. If a proposed
15 plan is not approved in whole, the state board shall note its
16 objections to the proposed plan or to the parts of the proposed
17 plan not approved and may suggest improvements or specific
18 modifications, additions or deletions to address more fully the
19 goals or eliminate duplication. If the proposed plan is not wholly
20 approved, the Center for Professional Development shall revise the
21 plan to satisfy the objections of the state board. State board
22 approval is required prior to implementation of the professional
23 staff development plan.

1 (d) The state board approval of the proposed professional
2 staff development plan shall establish a Master Plan for
3 Professional Staff Development which shall be submitted by the
4 state board to the affected agencies and to the Legislative
5 Oversight Commission on Education Accountability. The Master Plan
6 shall include the state board-approved plans for professional staff
7 development by the State Department of Education, the Center for
8 Professional Development, the state institutions of higher
9 education and the regional educational service agencies to meet the
10 professional staff development goals of the state board. The
11 Master Plan also shall include a plan for evaluating the
12 effectiveness of the professional staff development delivered
13 through the programs and a cost estimate.

14 The Master Plan shall serve as a guide for the delivery of
15 coordinated professional staff development programs by the State
16 Department of Education, the Center for Professional Development,
17 the state institutions of higher education and the regional
18 educational service agencies beginning on June 1 in the year in
19 which the Master Plan was approved through May 30 in the following
20 year. This section does not prohibit changes in the Master Plan,
21 subject to state board approval, to address staff development needs
22 identified after the Master Plan was approved.

23 (e) Pursuant to section thirty-nine of this article, the state

1 board shall include in its goals for professional staff development
2 and in its Master Plan for Professional Staff Development:

3 (1) Professional development for teachers teaching the
4 transitional courses on how to teach the adopted college and career
5 readiness standards for English/language arts and math; and

6 (2) Appropriate professional development for other teachers in
7 at least grades eight through twelve on how to teach the adopted
8 college and career readiness standards in English/language arts and
9 math directly, as embedded in other subject areas or both, as
10 appropriate.

11 **§18-2-39. College and career readiness initiative.**

12 (a) The Legislature finds that:

13 (1) According to ACT, only twenty-five percent of ACT-tested
14 high school graduates in the nation met college readiness
15 benchmarks in English, reading, mathematics and science and only
16 seventeen percent in West Virginia met the benchmarks in all four
17 subjects;

18 (2) The postsecondary remediation rates of students entering
19 postsecondary institutions directly out of high school indicate
20 that a large percentage of students are not being adequately
21 prepared at the elementary and secondary levels;

22 (3) This high level of postsecondary remediation is causing
23 both students and the state to expend extra resources that would

1 not have to be expended if the students were adequately prepared at
2 the elementary and secondary levels;

3 (4) A strong foundation in English/language arts and math
4 provides a basis for learning in all other subject areas and for
5 on-the-job training;

6 (5) A comparison of the percentages of students considered
7 proficient in eighth grade reading and math by the state assessment
8 and the National Assessment of Educational Progress indicate that
9 the state assessment currently does not accurately reflect college
10 and career readiness; and

11 (6) In 2010, the Southern Regional Education Board and the
12 National Center for Public Policy and Higher Education issued a
13 policy brief entitled "Beyond the Rhetoric Improving College
14 Readiness Through Coherent State Policy" which set forth a model
15 statewide readiness agenda. This college and career readiness
16 initiative is based on that policy brief.

17 (b) Before the 2013-2014 school year, the state board, the
18 Higher Education Policy Commission and the Council for Community
19 and Technical College Education shall collaborate in formally
20 adopting uniform and specific college and career readiness
21 standards for English/language arts and math. The standards shall
22 be clearly linked to state content standards and based on skills
23 and competencies rather than high school course titles. The

1 standards shall allow for a determination of whether a student
2 needs to enroll in a postsecondary remedial course. Initially, the
3 standards for English/language arts and math may remain lower for
4 a high school diploma, but the standards for a high school diploma
5 shall increase gradually so that the standards for a high school
6 diploma and the college and career readiness standards are
7 eventually uniform. The state board shall develop a plan for
8 gradually bringing the standards for a high school diploma and
9 college and career readiness into uniformity, and report this plan
10 to the Legislative Oversight Commission on Education Accountability
11 before December 31, 2012. The state board, the Higher Education
12 Policy Commission and the Council for Community and Technical
13 College Education shall collaborate at least annually to validate
14 that the standards ensure college and career readiness by comparing
15 student performance on the standards to actual performance in
16 introductory English/language arts and math courses.

17 (c) Initially, the results on the comprehensive statewide
18 student assessment program in grade eleven in reading/language arts
19 and mathematics shall be used to determine whether a student has
20 met the college and career readiness standards adopted pursuant to
21 subsection (b) of this section. Beginning with the 2014-2015
22 school year, the state board shall have developed and implemented
23 end-of-course exams for Algebra II and English 11 which shall be

1 designed for determining and which shall be used to determine
2 whether a student has met the college and career readiness
3 standards. In order to allow for the enrollment in transitional
4 courses in the twelfth grade if necessary pursuant to subsection
5 (e) of this section, the courses, assessments and exams, as
6 applicable, shall be administered before the twelfth grade. A
7 minimum score for each assessment or exam, as applicable, shall be
8 set that is highly predictive of success in college-level
9 introductory courses. When the data becomes available, this score
10 shall be empirically-based on actual college performance correlated
11 with test scores.

12 (d) Starting at least as early as the eighth grade, the
13 curriculum shall be modified as necessary to ensure that there is
14 an explicit focus embedded in each course on the development of
15 English/language arts and math skills that enable learning at the
16 college level.

17 (e) The state board shall develop a twelfth grade transitional
18 course for both English/language arts and math for those students
19 who are not on track to be college ready based on the assessment or
20 exam, as applicable, required pursuant to subsection (c) of this
21 section. The transitional courses shall be aligned with the
22 standards adopted pursuant to subsection (b) of this section. The
23 state board shall develop end-of-course exams for each of the two

1 transitional courses and shall set a minimum score on each end-of-
2 course exam that is highly predictive of success in college-level
3 introductory courses. When the data becomes available, this score
4 shall be empirically-based on actual college performance correlated
5 with test scores. All high schools in the state shall offer these
6 transitional courses. All students who fail to attain college and
7 career readiness as indicated by the applicable assessment or exam,
8 required by subsection (c) of this section, shall enroll in the
9 applicable transitional course.

10 (f) The state board shall include in its goals for
11 professional staff development required by section twenty-three-a
12 of this article professional development for teachers teaching the
13 transitional courses required by subsection (e) of this section on
14 how to teach the adopted college and career readiness standards.
15 The state board also shall include in its goals appropriate
16 professional development for other teachers in at least grades
17 eight through twelve on how to teach the adopted college and career
18 readiness standards directly, as embedded in other subject areas or
19 both, as appropriate. This professional development ultimately
20 shall be included in the state board approved Master Plan for
21 Professional Staff Development.

22 (g) Under its authority granted in section one, article three,
23 chapter eighteen-a of this code, the state board shall require all

1 teacher preparation programs in the state to include appropriate
2 training for teachers seeking to teach in at least any of grades
3 eight through twelve on how to teach the adopted college and career
4 readiness standards. This training shall be on how to teach the
5 standards directly, through embedding the standards in other
6 courses or both, as appropriate.

7 (h) Beginning with the 2014-2015 school year, all state
8 institutions of higher education shall use no factor other than the
9 assessment or exam, as applicable, required pursuant to subsections
10 (c) and (e) of this section to determine whether a student is to
11 enroll in a remedial course or is to be placed immediately in a
12 college-level introductory course.

13 (i) The state board shall:

14 (1) Hold high schools and districts accountable for increasing
15 the percentages of students who meet the college and career
16 readiness standards as indicated by the assessments or exams, as
17 applicable, required pursuant to subsections (c) and (e) of this
18 section. This accountability shall be achieved through the school
19 and school system accreditation provisions set forth in section
20 five, article two-e of this chapter;

21 (2) Align the comprehensive statewide student assessment for
22 all grade levels in which the test is given with the college and
23 career readiness standards adopted pursuant to subsection (b) of

1 this section or develop other aligned tests at each grade level so
 2 that progress toward college and career readiness in
 3 English/language arts and math can be measured; and

4 (3) Hold all schools and districts accountable for helping
 5 students in earlier grade levels achieve scores on math and
 6 English/language arts tests that predict success in subsequent
 7 levels of related coursework. This accountability shall be
 8 achieved through the school and school system accreditation
 9 provisions set forth in section five, article two-e of this
 10 chapter;

11 (j) Except as otherwise specified, all provisions of this
 12 section become effective with the 2013-2014 school year.

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

14 **§18-2E-5. Process for improving education; education standards;**
 15 **statewide assessment program; accountability**
 16 **measures; Office of Education Performance Audits;**
 17 **school accreditation and school system approval;**
 18 **intervention to correct low performance.**

19 (a) *Legislative findings, purpose and intent.* -- The
 20 Legislature makes the following findings with respect to the
 21 process for improving education and its purpose and intent in the
 22 enactment of this section:

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

3 (A) Standards which set forth the knowledge and skills that
4 students should know and be able to do as the result of a thorough
5 and efficient education that prepares them for the twenty-first
6 century, including measurable criteria to evaluate student
7 performance and progress;

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

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

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

21 (2) As the Constitutional body charged with the general
22 supervision of schools as provided by general law, the state board
23 has the authority and the responsibility to establish the

1 standards, assess the performance and progress of students against
2 the standards, hold schools and school systems accountable and
3 assist schools and school systems to build capacity and improve
4 efficiency so that the standards are met, including, when
5 necessary, seeking additional resources in consultation with the
6 Legislature and the Governor.

7 (3) As the Constitutional body charged with providing for a
8 thorough and efficient system of schools, the Legislature has the
9 authority and the responsibility to establish and be engaged
10 constructively in the determination of the knowledge and skills
11 that students should know and be able to do as the result of a
12 thorough and efficient education. This determination is made by
13 using the process for improving education to determine when school
14 improvement is needed, by evaluating the results and the efficiency
15 of the system of schools, by ensuring accountability and by
16 providing for the necessary capacity and its efficient use.

17 (4) In consideration of these findings, the purpose of this
18 section is to establish a process for improving education that
19 includes the four primary elements as set forth in subdivision (1)
20 of this subsection to provide assurances that the high quality
21 standards are, at a minimum, being met and that a thorough and
22 efficient system of schools is being provided for all West Virginia
23 public school students on an equal education opportunity basis.

1 (5) The intent of the Legislature in enacting this section and
2 section five-c of this article is to establish a process through
3 which the Legislature, the Governor and the state board can work in
4 the spirit of cooperation and collaboration intended in the process
5 for improving education to consult and examine the performance and
6 progress of students, schools and school systems and, when
7 necessary, to consider alternative measures to ensure that all
8 students continue to receive the thorough and efficient education
9 to which they are entitled. However, nothing in this section
10 requires any specific level of funding by the Legislature.

11 (b) *Electronic county and school strategic improvement plans.*
12 -- The state board shall promulgate a rule consistent with the
13 provisions of this section and in accordance with article three-b,
14 chapter twenty-nine-a of this code establishing an electronic
15 county strategic improvement plan for each county board and an
16 electronic school strategic improvement plan for each public school
17 in this state. Each respective plan shall be a five-year plan that
18 includes the mission and goals of the school or school system to
19 improve student, school or school system performance and progress,
20 as applicable. The strategic plan shall be revised annually in
21 each area in which the school or system is below the standard on
22 the annual performance measures. The revised annual plan also
23 shall identify any deficiency which is reported on the check lists

1 identified in paragraph (G), subdivision (5), subsection ~~(l)~~ (m) of
2 this section including any deficit more than a casual deficit by
3 the county board. The plan shall be revised when required pursuant
4 to this section to include each annual performance measure upon
5 which the school or school system fails to meet the standard for
6 performance and progress, the action to be taken to meet each
7 measure, a separate time line and a date certain for meeting each
8 measure, a cost estimate and, when applicable, the assistance to be
9 provided by the department and other education agencies to improve
10 student, school or school system performance and progress to meet
11 the annual performance measure.

12 The department shall make available to all public schools
13 through its website or the West Virginia Education Information
14 System an electronic school strategic improvement plan boilerplate
15 designed for use by all schools to develop an electronic school
16 strategic improvement plan which incorporates all required aspects
17 and satisfies all improvement plan requirements of the No Child
18 Left Behind Act.

19 (c) *High quality education standards and efficiency standards.*
20 -- In accordance with the provisions of article three-b, chapter
21 twenty-nine-a of this code, the state board shall adopt and
22 periodically review and update high quality education standards for
23 student, school and school system performance and processes in the

1 following areas:

2 (1) Curriculum;

3 (2) Workplace readiness skills;

4 (3) Finance;

5 (4) Transportation;

6 (5) Special education;

7 (6) Facilities;

8 (7) Administrative practices;

9 (8) Training of county board members and administrators;

10 (9) Personnel qualifications;

11 (10) Professional development and evaluation;

12 (11) Student performance and progress;

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

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

15 (14) Indicators of efficiency; and

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

17 The standards, as applicable, shall incorporate the state's
18 21st Century Skills Initiative and shall assure that graduates are
19 prepared for continuing post-secondary education, training and work
20 and that schools and school systems are making progress toward
21 achieving the education goals of the state.

22 (d) *Comprehensive statewide student assessment program.* -- The
23 state board shall promulgate a rule in accordance with the

1 provisions of article three-b, chapter twenty-nine-a of this code
2 establishing a comprehensive statewide student assessment program
3 to assess student performance and progress in grades three through
4 twelve. Prior to the 2013-2014 school year, the state board shall
5 align the comprehensive statewide student assessment for all grade
6 levels in which the test is given with the college readiness
7 standards adopted pursuant to section thirty-nine, article two of
8 this chapter or develop other aligned tests to be required at each
9 grade level so that progress toward college readiness in
10 English/language arts and math can be measured. The state board
11 may require that student proficiencies be measured through the ACT
12 EXPLORE and the ACT PLAN assessments or other comparable
13 assessments, which are approved by the state board and provided by
14 future vendors. ~~The state board may require that student~~
15 ~~proficiencies be measured through the West Virginia writing~~
16 ~~assessment at any of the grade levels four, seven and ten~~
17 ~~determined by the state board to be appropriate: *Provided, That,*~~
18 ~~effective July 1, 2008,~~ The state board may require that student
19 proficiencies be measured through the West Virginia writing
20 assessment at any of the grade levels four, seven and eleven
21 determined by the state board to be appropriate. The state board
22 may provide through the statewide assessment program other optional
23 testing or assessment instruments applicable to grade levels

1 kindergarten through grade twelve which may be used by each school
2 to promote student achievement upon approval by the school
3 curriculum team or the process for teacher collaboration to improve
4 instruction and learning established by the faculty senate as
5 provided in section six, article five-a of this chapter. The state
6 board annually shall ~~annually~~ publish and make available,
7 electronically or otherwise, to school curriculum teams and teacher
8 collaborative processes the optional testing and assessment
9 instruments. The failure of a school to use any optional testing
10 and assessment may not be cited as a deficiency in any
11 accreditation review of the school; nor may the exercise of its
12 discretion, as provided in section six, article five-a of this
13 chapter, in using the assessments and implementing the
14 instructional strategies and programs that it determines best to
15 promote student achievement at the school be cited as a deficiency
16 in any accreditation review of the school or in the personnel
17 evaluation of the principal. The use of assessment results are
18 subject to the following:

19 (1) The assessment results for grade levels three through
20 eight and eleven are the only assessment results which may be used
21 for determining whether any school or school system has made
22 adequate yearly progress (AYP);

23 (2) Only the assessment results in the subject areas of

1 reading/language arts and mathematics may be used for determining
2 whether a school or school system has made adequate yearly progress
3 (AYP);

4 (3) The results of the West Virginia writing assessment, the
5 ACT EXPLORE assessments and the ACT PLAN assessments may not be
6 used for determining whether a school or school system has made
7 adequate yearly progress (AYP);

8 (4) The results of testing or assessment instruments provided
9 by the state board for optional use by schools and school systems
10 to promote student achievement may not be used for determining
11 whether a school or school system has made adequate yearly progress
12 (AYP); and

13 (5) All assessment provisions of the comprehensive statewide
14 student assessment program in effect for the school year 2006-2007
15 shall remain in effect until replaced by the state board rule.

16 (e) *Annual performance measures for Public Law 107-110, the*
17 *Elementary and Secondary Education Act of 1965, as amended (No*
18 *Child Left Behind Act of 2001).* -- The standards shall include
19 annual measures of student, school and school system performance
20 and progress for the grade levels and the content areas defined by
21 the act. The following annual measures of student, school and
22 school system performance and progress shall be the only measures
23 for determining whether adequately yearly progress under the No

1 Child Left Behind Act has been achieved:

2 (1) The acquisition of student proficiencies as indicated by
3 student performance and progress on the required accountability
4 assessments at the grade levels and content areas as required by
5 the act subject to the limitations set forth in subsection (d) of
6 this section.

7 (2) The student participation rate in the uniform statewide
8 assessment ~~must~~ shall be at least ninety-five percent or the
9 average of the participation rate for the current and the preceding
10 two years is ninety-five percent for the school, county and state;

11 (3) Only for schools that do not include grade twelve, the
12 school attendance rate which shall be no less than ninety percent
13 in attendance for the school, county and state. The following
14 absences are excluded:

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

18 (B) Students not in attendance due to disciplinary measures;
19 and

20 (C) Absent students for whom the attendance director has
21 pursued judicial remedies compelling attendance to the extent of
22 his or her authority; and

23 (4) The high school graduation rate which shall be no less

1 than eighty percent for the school, county and state; or if the
2 high school graduation rate is less than eighty percent, the high
3 school graduation rate shall be higher than the high school
4 graduation rate of the preceding year as determined from
5 information on the West Virginia Education Information System on
6 August 15.

7 (f) *State annual performance measures for school and school*
8 *system accreditation.* -- The state board shall establish a system
9 to assess and weigh annual performance measures for state
10 accreditation of schools and school systems in a manner that gives
11 credit or points such as an index to prevent any one measure alone
12 from causing a school to achieve less than full accreditation
13 status or a school system from achieving less than full approval
14 status. ~~Provided, That a school or school system that achieves~~
15 ~~adequate yearly progress is eligible for no less than full~~
16 ~~accreditation or approval status, as applicable, and the system~~
17 ~~established pursuant to this subsection applies only to schools and~~
18 ~~school systems that do not achieve adequate yearly progress.~~

19 The following types of measures, as may be appropriate at the
20 various programmatic levels, may be approved by the state board for
21 the school and school system accreditation:

22 (1) The acquisition of student proficiencies as indicated by
23 student performance and progress on the uniform statewide

1 assessment program at the grade levels as provided in subsection
2 (d) of this section. The state board may approve providing bonus
3 points or credits for students scoring at or above mastery and
4 distinguished levels;

5 (2) Writing assessment results in grades tested;

6 (3) School attendance rates;

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

8 (5) Percentage of students scoring at benchmarks on the
9 currently tested ACT EXPLORE and ACT PLAN assessments or other
10 comparable assessments, which are approved by the state board and
11 provided by future vendors;

12 (6) Graduation rates;

13 (7) Job placement rates for vocational programs;

14 (8) Percent of students passing end-of-course career/technical
15 tests; and

16 ~~(9) Percent of students not requiring college remediation~~
17 ~~classes; and~~

18 ~~(10)~~ (9) Bonus points or credits for subgroup improvement,
19 advanced placement percentages, dual credit completers and
20 international baccalaureate completers.

21 (g) In addition to the types of measures which may be approved
22 by the state board for state school and school system accreditation
23 pursuant to subsection (f) of this section, the state board shall

1 use the following measures for state school and school system
2 accreditation:

3 (1) Increases in the percent of students who meet the college
4 and career readiness standards as indicated by the assessments or
5 exams, as applicable, required by section thirty-nine, article two
6 of this chapter; and

7 (2) Increases in the percent of students in earlier grade
8 levels making adequate progress toward college readiness in
9 English/language arts and math as indicated by the comprehensive
10 statewide student assessment or other aligned tests required
11 pursuant to subsection (d) of this section.

12 ~~(g)~~ (h) Indicators of exemplary performance and progress. --
13 The standards shall include indicators of exemplary student, school
14 and school system performance and progress. The indicators of
15 exemplary student, school and school system performance and
16 progress shall be used only as indicators for determining whether
17 accredited and approved schools and school systems should be
18 granted exemplary status. These indicators shall include, but are
19 not limited to, the following:

20 (1) The percentage of graduates who declare their intent to
21 enroll in college and other post-secondary education and training
22 following high school graduation;

23 (2) The percentage of graduates who receive additional

1 certification of their skills, competence and readiness for
2 college, other post-secondary education or employment above the
3 level required for graduation; and

4 (3) The percentage of students who successfully complete
5 advanced placement, dual credit and honors classes.

6 ~~(h)~~ (i) *Indicators of efficiency.* -- In accordance with the
7 provisions of article three-b, chapter twenty-nine-a of this code,
8 the state board shall adopt by rule and periodically review and
9 update indicators of efficiency for use by the appropriate
10 divisions within the department to ensure efficient management and
11 use of resources in the public schools in the following areas:

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

14 (2) Transportation;

15 (3) Facilities;

16 (4) Administrative practices;

17 (5) Personnel;

18 (6) Use of regional educational service agency programs and
19 services, including programs and services that may be established
20 by their assigned regional educational service agency or other
21 regional services that may be initiated between and among
22 participating county boards; and

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

1 ~~(i)~~ (j) *Assessment and accountability of school and school*
2 *system performance and processes.* -- In accordance with the
3 provisions of article three-b, chapter twenty-nine-a of this code,
4 the state board shall establish by rule a system of education
5 performance audits which measures the quality of education and the
6 preparation of students based on the annual measures of student,
7 school and school system performance and progress. The system of
8 education performance audits shall provide information to the state
9 board, the Legislature and the Governor, individually and
10 collectively as the Process for Improving Education Council, upon
11 which they may determine whether a thorough and efficient system of
12 schools is being provided. The system of education performance
13 audits shall include:

14 (1) The assessment of student, school and school system
15 performance and progress based on the annual measures set forth in
16 subsection (d) of this section;

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

20 (3) The review of school and school system electronic
21 strategic improvement plans; and

22 (4) The on-site review of the processes in place in schools
23 and school systems to enable school and school system performance

1 and progress and compliance with the standards.

2 ~~(j)~~ (k) *Uses of school and school system assessment*
3 *information.* -- The state board and the Process for Improving
4 Education Council established pursuant to section five-c of this
5 article shall use information from the system of education
6 performance audits to assist them in ensuring that a thorough and
7 efficient system of schools is being provided and to improve
8 student, school and school system performance and progress.
9 Information from the system of education performance audits further
10 shall be used by the state board for these purposes, including, but
11 not limited to, the following:

12 (1) Determining school accreditation and school system
13 approval status;

14 (2) Holding schools and school systems accountable for the
15 efficient use of existing resources to meet or exceed the
16 standards; and

17 (3) Targeting additional resources when necessary to improve
18 performance and progress.

19 The state board shall make accreditation information available
20 to the Legislature, the Governor, the general public and to any
21 individual who requests the information, subject to the provisions
22 of any act or rule restricting the release of information.

23 ~~(k)~~ (l) *Early detection and intervention programs.* -- Based on

1 the assessment of student, school and school system performance and
2 progress, the state board shall establish early detection and
3 intervention programs using the available resources of the
4 Department of Education, the regional educational service agencies,
5 the Center for Professional Development and the Principals Academy,
6 as appropriate, to assist underachieving schools and school systems
7 to improve performance before conditions become so grave as to
8 warrant more substantive state intervention. Assistance shall
9 include, but is not limited to, providing additional technical
10 assistance and programmatic, professional staff development,
11 providing monetary, staffing and other resources where appropriate,
12 and, if necessary, making appropriate recommendations to the
13 Process for Improving Education Council.

14 ~~(l)~~ (m) *Office of Education Performance Audits.* --

15 (1) To assist the state board and the Process for Improving
16 Education Council in the operation of a system of education
17 performance audits, the state board shall establish an Office of
18 Education Performance Audits consistent with the provisions of this
19 section. The Office of Education Performance Audits shall be
20 operated under the direction of the state board independently of
21 the functions and supervision of the State Department of Education
22 and state superintendent. The Office of Education Performance
23 Audits shall report directly to and be responsible to the state

1 board and the Process for Improving Education Council created in
2 section five-c of this article in carrying out its duties under the
3 provisions of this section.

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

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

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

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

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

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

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

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

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

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

1 in education, and report those deficiencies and trends to the state
2 board and the Process for Improving Education Council;

3 (E) Determine, in conjunction with the assessment and
4 accountability processes, staff development needs of schools and
5 school systems to meet the standards established by the state board
6 and make recommendations to the state board, the Process for
7 Improving Education Council, the Center for Professional
8 Development, the regional educational service agencies, the Higher
9 Education Policy Commission and the county boards;

10 (F) Identify, in conjunction with the assessment and
11 accountability processes, exemplary schools and school systems and
12 best practices that improve student, school and school system
13 performance and make recommendations to the state board and the
14 Process for Improving Education Council for recognizing and
15 rewarding exemplary schools and school systems and promoting the
16 use of best practices. The state board shall provide information
17 on best practices to county school systems and shall use
18 information identified through the assessment and accountability
19 processes to select schools of excellence; and

20 (G) Develop reporting formats, such as check lists, which
21 shall be used by the appropriate administrative personnel in
22 schools and school systems to document compliance with various of
23 the applicable laws, policies and process standards as considered

1 appropriate and approved by the state board, including, but not
2 limited to, the following:

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

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

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

10 (iv) The school provides multicultural activities.

11 Information contained in the reporting formats is subject to
12 examination during an on-site review to determine compliance with
13 laws, policies and standards. Intentional and grossly negligent
14 reporting of false information are grounds for dismissal.

15 ~~(m)~~ (n) *On-site reviews.* --

16 (1) The system of education performance audits shall include
17 on-site reviews of schools and school systems which shall be
18 conducted only at the specific direction of the state board upon
19 its determination that the performance and progress of the school
20 or school system are persistently below standard or that other
21 circumstances exist that warrant an on-site review. Any discussion
22 by the state board of schools to be subject to an on-site review or
23 dates for which on-site reviews will be conducted may be held in

1 executive session and is not subject to the provisions of article
2 nine-a, chapter six of this code relating to open governmental
3 proceedings. An on-site review shall be conducted by the Office of
4 Education Performance Audits of a school or school system for the
5 purpose of investigating the reasons for performance and progress
6 that are persistently below standard and making recommendations to
7 the school and school system, as appropriate, and to the state
8 board on such measures as it considers necessary to improve
9 performance and progress to meet the standard. The investigation
10 may include, but is not limited to, the following:

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

12 (B) Examining compliance with the laws and policies affecting
13 student, school and school system performance and progress;

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

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

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

22 (F) Determining and reporting whether required reviews and
23 inspections have been conducted by the appropriate agencies,

1 including, but not limited to, the State Fire Marshal, the Health
2 Department, the School Building Authority and the responsible
3 divisions within the Department of Education, and whether noted
4 deficiencies have been or are in the process of being corrected.
5 The Office of Education Performance Audits may not conduct a
6 duplicate review or inspection of any compliance reviews or
7 inspections conducted by the department or its agents or other duly
8 authorized agencies of the state, nor may it mandate more stringent
9 compliance measures.

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

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

1 (4) An on-site review of a school or school system shall
2 include a person or persons from the Department of Education or a
3 public education agency in the state who has expert knowledge and
4 experience in the area or areas to be reviewed and who has been
5 trained and designated by the state board to perform such
6 functions. If the size of the school or school system and issues
7 being reviewed necessitate the use of an on-site review team or
8 teams, the person or persons designated by the state board shall
9 advise and assist the director to appoint the team or teams. The
10 person or persons designated by the state board shall be the team
11 leaders.

12 The persons designated by the state board shall be responsible
13 for completing the report on the findings and recommendations of
14 the on-site review in their area of expertise. It is the intent of
15 the Legislature that the persons designated by the state board
16 participate in all on-site reviews that involve their area of
17 expertise, to the extent practicable, so that the on-site review
18 process will evaluate compliance with the standards in a uniform,
19 consistent and expert manner.

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

23 (6) At the conclusion of an on-site review of a school system,

1 the director and team leaders shall hold an exit conference with
2 the superintendent and shall provide an opportunity for principals
3 to be present for at least the portion of the conference pertaining
4 to their respective schools. In the case of an on-site review of
5 a school, the exit conference shall be held with the principal and
6 curriculum team of the school and the superintendent shall be
7 provided the opportunity to be present. The purpose of the exit
8 conference is to review the initial findings of the on-site review,
9 clarify and correct any inaccuracies and allow the opportunity for
10 dialogue between the reviewers and the school or school system to
11 promote a better understanding of the findings.

12 (7) The Office of Education Performance Audits shall report
13 the findings of an on-site review to the county superintendent and
14 the principals whose schools were reviewed within thirty days
15 following the conclusion of the on-site review. The Office of
16 Education Performance Audits shall report the findings of the on-
17 site review to the state board within forty-five days after the
18 conclusion of the on-site review. A copy of the report shall be
19 provided to the Process for Improving Education Council at its
20 request. A school or county that believes one or more findings of
21 a review are clearly inaccurate, incomplete or misleading,
22 misrepresent or fail to reflect the true quality of education in
23 the school or county or address issues unrelated to the health,

1 safety and welfare of students and the quality of education, may
2 appeal to the state board for removal of the findings. The state
3 board shall establish a process for it to receive, review and act
4 upon the appeals. The state board shall report to the Legislative
5 Oversight Commission on Education Accountability during its July
6 interim meetings, or as soon thereafter as practical, on each
7 appeal during the preceding school year.

8 (8) The Legislature finds that the accountability and
9 oversight of the following activities and programmatic areas in the
10 public schools is controlled through other mechanisms and that
11 additional accountability and oversight are not only unnecessary
12 but counterproductive in distracting necessary resources from
13 teaching and learning. Therefore, notwithstanding any other
14 provision of this section to the contrary, the following activities
15 and programmatic areas are not subject to review by the Office of
16 Education Performance Audits:

- 17 (A) Work-based learning;
- 18 (B) Use of advisory councils;
- 19 (C) Program accreditation and student credentials;
- 20 (D) Student transition plans;
- 21 (E) Graduate assessment form;
- 22 (F) Casual deficit;
- 23 (G) Accounting practices;

- 1 (H) Transportation services;
- 2 (I) Special education services;
- 3 (J) Safe, healthy and accessible facilities;
- 4 (K) Health services;
- 5 (L) Attendance director;
- 6 (M) Business/community partnerships;
- 7 (N) Pupil-teacher ratio/split grade classes;
- 8 (O) Local school improvement council, faculty senate, student
9 assistance team and curriculum team;
- 10 (P) Planning and lunch periods;
- 11 (Q) Skill improvement program;
- 12 (R) Certificate of proficiency;
- 13 (S) Training of county board members;
- 14 (T) Excellence in job performance;
- 15 (U) Staff development; and
- 16 (V) Preventive discipline, character education and student and
17 parental involvement.

18 ~~(n)~~ (o) *School accreditation.* -- The state board annually
19 shall review the information from the system of education
20 performance audits submitted for each school and shall issue to
21 every school one of the following approval levels: Exemplary
22 accreditation status, distinction accreditation status, full
23 accreditation status, temporary accreditation status, conditional

1 accreditation status or low performing accreditation status.

2 (1) Full accreditation status shall be given to a school when
3 the school's performance and progress meet or exceed the standards
4 adopted by the state board pursuant to ~~subsection (e) or (f), as~~
5 ~~applicable,~~ subsections (f) and (g) of this section and it does not
6 have any deficiencies which would endanger student health or safety
7 or other extraordinary circumstances as defined by the state board.
8 A school that meets or exceeds the performance and progress
9 standards but has the other deficiencies shall remain on full
10 accreditation status for the remainder of the accreditation period
11 and shall have an opportunity to correct those deficiencies,
12 notwithstanding other provisions of this subsection.

13 (2) Temporary accreditation status shall be given to a school
14 when the school's performance and progress are below the level
15 required for full accreditation status. Whenever a school is given
16 temporary accreditation status, the county board shall ensure that
17 the school's electronic strategic improvement plan is revised in
18 accordance with subsection (b) of this section to increase the
19 performance and progress of the school to a full accreditation
20 status level. The revised plan shall be submitted to the state
21 board for approval.

22 (3) Conditional accreditation status shall be given to a
23 school when the school's performance and progress are below the

1 level required for full accreditation, but the school's electronic
2 strategic improvement plan meets the following criteria:

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

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

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

8 (4) Exemplary accreditation status shall be given to a school
9 when the school's performance and progress substantially exceed the
10 standards adopted by the state board pursuant to subsections (f),
11 ~~and~~ (g) and (h) of this section. The state board shall promulgate
12 legislative rules in accordance with the provisions of article
13 three-b, chapter twenty-nine-a of this code designated to establish
14 standards of performance and progress to identify exemplary
15 schools.

16 (5) Distinction accreditation status shall be given to a
17 school when the school's performance and progress exceed the
18 standards adopted by the state board. The state board shall
19 promulgate legislative rules in accordance with the provisions of
20 article three-b, chapter twenty-nine-a of this code establishing
21 standards of performance and progress to identify schools of
22 distinction.

23 (6) Low-performing accreditation status shall be given to a

1 school whenever extraordinary circumstances exist as defined by the
2 state board.

3 (A) These circumstances shall include, but are not limited to,
4 any one or more of the following:

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

9 (ii) The failure of a school on conditional accreditation
10 status to meet the objectives and time line of its revised
11 electronic school strategic improvement plan;

12 (iii) The failure of a school to meet a standard by the date
13 specified in the revised plan; and

14 (iv) The results of the most recent statewide assessment in
15 reading and math or other multiple measures as determined by the
16 state board that identify the school as low performing at its
17 programmatic level in three of the last five years.

18 (B) Whenever the state board determines that the quality of
19 education in a school is low performing, the state board shall
20 appoint a team of improvement consultants from the West Virginia
21 Department of Education State System of Support to make
22 recommendations for correction of the low performance. These
23 recommendations shall be communicated to the county board and a

1 process shall be established in conjunction with the State System
2 of Support to correct the identified deficiencies. If progress in
3 correcting the low performance as determined by the state board is
4 not made within one year following the implementation of the
5 measures adopted to correct the identified deficiencies or by a
6 date certain established by the state board after at least one year
7 of implementation, the state board shall place the county board on
8 temporary approval status and provide consultation and assistance
9 to the county board to assist it in the following areas:

10 (i) Improving personnel management;

11 (ii) Establishing more efficient financial management
12 practices;

13 (iii) Improving instructional programs and rules; or

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

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

18 (i) The state board shall appoint a monitor who shall be paid
19 at county expense to cause improvements to be made at the school to
20 bring it to full accreditation status within a reasonable time
21 period as determined by the state board. The monitor's work
22 location shall be at the school and the monitor shall work
23 collaboratively with the principal. The monitor shall, at a

1 minimum, report monthly to the state board on the measures being
2 taken to improve the school's performance and the progress being
3 made. The reports may include requests for additional assistance
4 and recommendations required in the judgment of the monitor to
5 improve the school's performance, including, but not limited to,
6 the need for targeting resources strategically to eliminate
7 deficiencies;

8 (ii) The state board may make a determination, in its sole
9 judgment, that the improvements necessary to provide a thorough and
10 efficient education to the students at the school cannot be made
11 without additional targeted resources, in which case it shall
12 establish a plan in consultation with the county board that
13 includes targeted resources from sources under the control of the
14 state board and the county board to accomplish the needed
15 improvements. Nothing in this subsection shall be construed to
16 allow a change in personnel at the school to improve school
17 performance and progress, except as provided by law;

18 (iii) If the low performance is not corrected within one year
19 after the appointment of a monitor, the state board may make a
20 determination, in its sole judgment, that continuing a monitor
21 arrangement is not sufficient to correct the low performance and
22 may intervene in the operation of the school to cause improvements
23 to be made that will provide assurances that a thorough and

1 efficient system of schools will be provided. This intervention
2 may include, but is not limited to, establishing instructional
3 programs, taking such direct action as may be necessary to correct
4 the low performance, declaring the position of principal is vacant
5 and assigning a principal for the school who shall serve at the
6 will and pleasure of and, under the sole supervision of, the state
7 board: *Provided*, That prior to declaring that the position of the
8 principal is vacant, the state board must make a determination that
9 all other resources needed to correct the low performance are
10 present at the school. If the principal who was removed elects not
11 to remain an employee of the county board, then the principal
12 assigned by the state board shall be paid by the county board. If
13 the principal who was removed elects to remain an employee of the
14 county board, then the following procedure applies:

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

19 (II) The principal who was removed is eligible for all
20 positions in the county, including teaching positions, for which
21 the principal is certified, by either being placed on the transfer
22 list in accordance with section seven, article two, chapter
23 eighteen-a of this code, or by being placed on the preferred recall

1 list in accordance with section seven-a, article four, chapter
2 eighteen-a of this code; and

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

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

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

13 ~~(o)~~ (p) *Transfers from low-performing schools.* -- Whenever a
14 school is determined to be low performing and fails to improve its
15 status within one year, following state intervention in the
16 operation of the school to correct the low performance, any student
17 attending the school may transfer once to the nearest fully
18 accredited school in the county, subject to approval of the fully
19 accredited school and at the expense of the school from which the
20 student transferred.

21 ~~(p)~~ (q) *School system approval.* -- The state board annually
22 shall review the information submitted for each school system from
23 the system of education performance audits and issue one of the

1 following approval levels to each county board: Full approval,
2 temporary approval, conditional approval or nonapproval.

3 (1) Full approval shall be given to a county board whose
4 schools have all been given full, temporary or conditional
5 accreditation status and which does not have any deficiencies which
6 would endanger student health or safety or other extraordinary
7 circumstances as defined by the state board. A fully approved
8 school system in which other deficiencies are discovered shall
9 remain on full accreditation status for the remainder of the
10 approval period and shall have an opportunity to correct those
11 deficiencies, notwithstanding other provisions of this subsection.

12 (2) Temporary approval shall be given to a county board whose
13 education system is below the level required for full approval.
14 Whenever a county board is given temporary approval status, the
15 county board shall revise its electronic county strategic
16 improvement plan in accordance with subsection (b) of this section
17 to increase the performance and progress of the school system to a
18 full approval status level. The revised plan shall be submitted to
19 the state board for approval.

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

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

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

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

6 (4) Nonapproval status shall be given to a county board which
7 fails to submit and gain approval for its electronic county
8 strategic improvement plan or revised electronic county strategic
9 improvement plan within a reasonable time period as defined by the
10 state board or which fails to meet the objectives and time line of
11 its revised electronic county strategic improvement plan or fails
12 to achieve full approval by the date specified in the revised plan.

13 (A) The state board shall establish and adopt additional
14 standards to identify school systems in which the program may be
15 nonapproved and the state board may issue nonapproval status
16 whenever extraordinary circumstances exist as defined by the state
17 board.

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

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

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

21 (i) Limiting the authority of the county superintendent and
22 county board as to the expenditure of funds, the employment and
23 dismissal of personnel, the establishment and operation of the

1 school calendar, the establishment of instructional programs and
2 rules and any other areas designated by the state board by rule,
3 which may include delegating decision-making authority regarding
4 these matters to the state superintendent;

5 (ii) Declaring that the office of the county superintendent is
6 vacant;

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

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

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

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

22 (II) Delegating to the state superintendent the authority to
23 fill positions of administrators and principals with individuals

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

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

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

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

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

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

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

22 (1) Examining reports and electronic strategic improvement
23 plans regarding the performance and progress of students, schools

1 and school systems relative to the standards and identifying the
2 areas in which improvement is needed;

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

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

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

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

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

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

1 (8) Directing county boards to target their funds
2 strategically toward alleviating deficiencies;

3 (9) Ensuring that the need for facilities in counties with
4 increased enrollment are appropriately reflected and recommended
5 for funding;

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

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

NOTE: The purpose of this bill is to create a college and career readiness initiative in which the State Board of Education, the Higher Education Policy Commission and the Council for Community and Technical College Education collaborate to formally adopt uniform college and career readiness standards for English/language arts and math; require that certain assessments or exams be used to determine whether a student meets the standards; require that an explicit focus be embedded in each course on the development of English/language arts and math skills; requiring a twelfth grade transitional course for both English/language arts and math for students not college ready; requiring that professional development on teaching the college and career readiness standards be included in the state board's goals for professional staff development and ultimately in its Master Plan for Professional Staff Development; require the state board to require all teacher preparation programs in the state to include appropriate training for teachers teaching in at least grades eight through twelve on how to teach the adopted standards; requiring the use of certain assessments or exams, as applicable, to determine whether a student is to enroll in a remedial course or be placed immediately in a college-level introductory course; requiring accountability for increasing the percent of students who meet the standards and for increasing the percent of students who

are making adequate progress toward meeting the standards; and deleting requirement that a school or school system that achieves adequate yearly progress is eligible for no less than full accreditation or approval status, as applicable.

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

words

§18-2-39 is new; therefore, strike-throughs and underscoring have been omitted.