

Senate Bill No. 36

(By Senators Plymale and McCabe)

[Introduced February 13, 2013; 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 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 course for both English/language arts and math for students

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (c) The Center for Professional Development shall design a
23 proposed professional staff development program plan to achieve the

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

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

23 (d) The state board approval of the proposed professional

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

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

22 (e) Pursuant to section thirty-nine of this article, the state
23 board shall include in its goals for professional staff development

1 and in its Master Plan for Professional Staff Development:

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

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

10 **§18-2-39. College and career readiness initiative.**

11 (a) The Legislature finds that:

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

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

21 (3) This high level of postsecondary remediation is causing
22 both students and the state to expend extra resources that would
23 not have to be expended if the students were adequately prepared at

1 the elementary and secondary levels;

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

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

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

16 (b) Before the 2014-2015 school year, the state board, the
17 Higher Education Policy Commission and the Council for Community
18 and Technical College Education shall collaborate in formally
19 adopting uniform and specific college and career readiness
20 standards for English/language arts and math. The standards shall
21 be clearly linked to state content standards and based on skills
22 and competencies rather than high school course titles. The
23 standards shall allow for a determination of whether a student

1 needs to enroll in a postsecondary remedial course. Initially, the
2 standards for English/language arts and math may remain lower for
3 a high school diploma, but the standards for a high school diploma
4 shall increase gradually so that the standards for a high school
5 diploma and the college and career readiness standards are
6 eventually uniform. The state board shall develop a plan for
7 gradually bringing the standards for a high school diploma and
8 college and career readiness into uniformity, and report this plan
9 to the Legislative Oversight Commission on Education Accountability
10 before December 31, 2013. The state board, the Higher Education
11 Policy Commission and the Council for Community and Technical
12 College Education shall collaborate at least annually to validate
13 that the standards ensure college and career readiness by comparing
14 student performance on the standards to actual performance in
15 introductory English/language arts and math courses.

16 (c) Initially, the results on the comprehensive statewide
17 student assessment program in grade eleven in reading/language arts
18 and mathematics shall be used to determine whether a student has
19 met the college and career readiness standards adopted pursuant to
20 subsection (b) of this section. Beginning with the 2015-2016
21 school year, the state board shall have developed and implemented
22 end-of-course exams for Algebra II and English 11 which shall be
23 designed for determining and which shall be used to determine

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

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

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

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

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

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

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

6 (h) Beginning with the 2015-2016 school year, all state
7 institutions of higher education shall use no factor other than the
8 assessment or exam, as applicable, required pursuant to subsections
9 (c) and (e) of this section to determine whether a student is to
10 enroll in a remedial course or is to be placed immediately in a
11 college-level introductory course.

12 (i) The state board shall:

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

20 (2) Align the comprehensive statewide student assessment for
21 all grade levels in which the test is given with the college and
22 career readiness standards adopted pursuant to subsection (b) of
23 this section or develop other aligned tests at each grade level so

1 that progress toward college and career readiness in
2 English/language arts and math can be measured; and

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

10 (j) Except as otherwise specified, this section become
11 effective with the 2014-2015 school year.

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

13 **§18-2E-5. Process for improving education; education standards;**
14 **statewide assessment program; accountability**
15 **measures; Office of Education Performance Audits;**
16 **school accreditation and school system approval;**
17 **intervention to correct low performance.**

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

22 (1) The process for improving education includes four primary

1 elements, these being:

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

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

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

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

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

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

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

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

23 (5) The intent of the Legislature in enacting this section and

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

10 (b) *Electronic county and school strategic improvement plans.*
11 -- The state board shall promulgate a rule consistent with ~~the~~
12 ~~provisions of~~ this section and in accordance with article three-b,
13 chapter twenty-nine-a of this code establishing an electronic
14 county strategic improvement plan for each county board and an
15 electronic school strategic improvement plan for each public school
16 in this state. Each respective plan shall be a five-year plan that
17 includes the mission and goals of the school or school system to
18 improve student, school or school system performance and progress,
19 as applicable. The strategic plan shall be revised annually in
20 each area in which the school or system is below the standard on
21 the annual performance measures. The revised annual plan also
22 shall identify any deficiency which is reported on the check lists
23 identified in paragraph (G), subdivision (5), subsection ~~(1)~~ (m) of

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

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

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

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

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

(d) *Comprehensive statewide student assessment program.* -- The state board shall promulgate a rule in accordance with ~~the provisions of~~ article three-b, chapter twenty-nine-a of this code

1 establishing a comprehensive statewide student assessment program
2 to assess student performance and progress in grades three through
3 twelve. Prior to the 2014-2015 school year, the state board shall
4 align the comprehensive statewide student assessment for all grade
5 levels in which the test is given with the college readiness
6 standards adopted pursuant to section thirty-nine, article two of
7 this chapter or develop other aligned tests to be required at each
8 grade level so that progress toward college readiness in
9 English/language arts and math can be measured. The state board
10 may require that student proficiencies be measured through the ACT
11 EXPLORE and the ACT PLAN assessments or other comparable
12 assessments, which are approved by the state board and provided by
13 future vendors. ~~The state board may require that student~~
14 ~~proficiencies be measured through the West Virginia writing~~
15 ~~assessment at any of the grade levels four, seven and ten~~
16 ~~determined by the state board to be appropriate: *Provided, That,*~~
17 ~~effective July 1, 2008,~~ The state board may require that student
18 proficiencies be measured through the West Virginia writing
19 assessment at any of the grade levels four, seven and eleven
20 determined by the state board to be appropriate. The state board
21 may provide through the statewide assessment program other optional
22 testing or assessment instruments applicable to grade levels
23 kindergarten through grade twelve which may be used by each school

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

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

22 (2) Only the assessment results in the subject areas of
23 reading/language arts and mathematics may be used for determining

1 whether a school or school system has made adequate yearly progress
2 (AYP);

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

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

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

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

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

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

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

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

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

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

22 (4) The high school graduation rate which shall be no less
23 than eighty percent for the school, county and state; or if the

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

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

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

21 (1) The acquisition of student proficiencies as indicated by
22 student performance and progress on the uniform statewide
23 assessment program at the grade levels as provided in subsection

1 (d) of this section. The state board may approve providing bonus
2 points or credits for students scoring at or above mastery and
3 distinguished levels;

4 (2) Writing assessment results in grades tested;

5 (3) School attendance rates;

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

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

11 (6) Graduation rates;

12 (7) Job placement rates for vocational programs;

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

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

17 ~~(10)~~ (9) Bonus points or credits for subgroup improvement,
18 advanced placement percentages, dual credit completers and
19 international baccalaureate completers.

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

1 accreditation:

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

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

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

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

22 (2) The percentage of graduates who receive additional
23 certification of their skills, competence and readiness for

1 college, other post-secondary education or employment above the
2 level required for graduation; and

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

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

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

13 (2) Transportation;

14 (3) Facilities;

15 (4) Administrative practices;

16 (5) Personnel;

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

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

23 ~~(i)~~ (j) *Assessment and accountability of school and school*

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

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

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

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

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

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

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

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

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

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

22 ~~(k)~~ (l) *Early detection and intervention programs.* -- Based on
23 the assessment of student, school and school system performance and

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

13 ~~(1)~~ (m) *Office of Education Performance Audits.* --

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

1 section five-c of this article in carrying out its duties under ~~the~~
2 ~~provisions of~~ this section.

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

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

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

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

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

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

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

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

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

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

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

1 board and the Process for Improving Education Council;

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

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

19 (G) Develop reporting formats, such as check lists, which
20 shall be used by the appropriate administrative personnel in
21 schools and school systems to document compliance with various of
22 the applicable laws, policies and process standards as considered
23 appropriate and approved by the state board, including, but not

1 limited to, the following:

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

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

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

9 (iv) The school provides multicultural activities.

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

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

15 (1) The system of education performance audits shall include
16 on-site reviews of schools and school systems which shall be
17 conducted only at the specific direction of the state board upon
18 its determination that the performance and progress of the school
19 or school system are persistently below standard or that other
20 circumstances exist that warrant an on-site review. Any discussion
21 by the state board of schools to be subject to an on-site review or
22 dates for which on-site reviews will be conducted may be held in
23 executive session and is not subject to ~~the provisions of~~ article

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

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

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

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

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

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

21 (F) Determining and reporting whether required reviews and
22 inspections have been conducted by the appropriate agencies,
23 including, but not limited to, the State Fire Marshal, the Health

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

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

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

23 (4) An on-site review of a school or school system shall

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

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

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

22 (6) At the conclusion of an on-site review of a school system,
23 the director and team leaders shall hold an exit conference with

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

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

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

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

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

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

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

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

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

21 (3) Conditional accreditation status shall be given to a
22 school when the school's performance and progress are below the
23 level required for full accreditation, but the school's electronic

1 strategic improvement plan meets the following criteria:

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

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

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

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

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

22 (6) Low-performing accreditation status shall be given to a
23 school whenever extraordinary circumstances exist as defined by the

1 state board.

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

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

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

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

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

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

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

9 (i) Improving personnel management;

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

12 (iii) Improving instructional programs and rules; or

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

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

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

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

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

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

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

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

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

1 eighteen-a of this code; and

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

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

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

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

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

1 temporary approval, conditional approval or nonapproval.

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

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

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

23 (i) The plan has been revised in accordance with subsection

1 (b) of this section;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (II) Delegating to the state superintendent the authority to
22 fill positions of administrators and principals with individuals
23 determined by the state superintendent to be the most qualified for

1 the positions. Any authority related to intervention in the
2 operation of a county board granted under this paragraph is not
3 subject to ~~the provisions of~~ article four, chapter eighteen-a of
4 this code;

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

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

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

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

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

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

21 (1) Examining reports and electronic strategic improvement
22 plans regarding the performance and progress of students, schools
23 and school systems relative to the standards and identifying the

1 areas in which improvement is needed;

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

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

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

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

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

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

23 (8) Directing county boards to target their funds

1 strategically toward alleviating deficiencies;

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

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

7 (11) Ensuring that the needed capacity is available from the
8 state and local level to assist the school or school system in
9 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. The bill requires that certain assessments or exams be used to determine whether a student meets the standards. The bill require that an explicit focus be embedded in each course on the development of English/language arts and math skills. The bill requires a twelfth grade transitional course for both English/language arts and math for students not college ready. The bill requires 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. The bill requires 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. The bill requires 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. The bill requires 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. The bill deletes the

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.