

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4301

(BY DELEGATES ESPINOSA, WESTFALL, AMBLER,
COOPER, D. EVANS, STATLER, HAMRICK, KURCABA,
ROHRBACH, UPSON AND HOUSEHOLDER)

[Passed March 11, 2016; in effect ninety days from passage.]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §18-2-36, relating to a framework for initiating comprehensive transformation
3 of school leadership; making legislative findings that provide a context for leadership that
4 promotes instructional improvement; stating purpose of section as framework for
5 development of needed statutory and policy changes; stating further purpose to initiate
6 transformation through general statement of legislative intent; providing certain
7 expectations; stating intent for process of broad stakeholder input; requiring convening of
8 stakeholders to assist state board; listing minimum issues to be considered for state
9 recommendations; and requiring reports and recommendations to Legislature and
10 Governor.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
2 section, designated §18-2-36, to read as follows:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-36. Framework for initiating comprehensive transformation of school leadership.

1 (a) *Legislative findings.*—

2 (1) The report and recommendations of Imagine West Virginia on Transforming School
3 Leadership in West Virginia are clearly on point that school leadership and the essential role of
4 the principal in achieving a high performing school are well documented, long studied and too
5 often set aside. The report and recommendations also clearly recognize the value of providing
6 teachers with authentic opportunities and resources to lead, influence professional practice, and
7 assume shared responsibility for school and classroom improvement. The recommendations
8 related to school leadership, the role, preparation and selection of the principal and a career
9 ladder for teacher leaders once again bring the importance of strong school-level instructional
10 leadership, including mechanisms for career advancement for teachers in leadership roles, to the
11 forefront of discussions on school improvement. The state board posted the report

12 recommendations for comment with the intent of providing a starting point for deeper deliberation
13 and stakeholder input.

14 (2) Among the general conclusions of the Education Efficiency Audit of West Virginia's
15 Primary and Secondary Education System is the need to drive more educational decision-making
16 down to the level closest to the students, to the classroom and building level, allowing principals
17 to lead and teachers to deliver the most effective curriculum for their students, and then holding
18 them accountable for student success. Such a system heightens the imperative for strong school
19 leadership. The school climate and culture observed in high quality schools reflects strong
20 leadership that develops shared beliefs and values among the staff, high expectations for all, and
21 a safe, orderly and engaging environment. A key concept in developing good school leadership
22 and then holding schools accountable for student performance is that they have the authority,
23 resources and flexibility to affect the outcome.

24 (3) An increasing body of knowledge concludes that unless teachers are collectively
25 involved in the planning and implementation of school improvement, it is unlikely to be sustained.
26 Successful schools are distinguishable from unsuccessful ones by the frequency and extent to
27 which teachers discuss professional practices, collectively design materials and inform and
28 critique one another. Even successful schools must be self-renewing systems, learning
29 organizations marked by deliberate effort to identify helpful knowledge and spread its use within
30 the organization. Again, leadership by the principal combined with authentic roles for teacher
31 leaders are necessary ingredients.

32 (4) The school responsibilities for accreditation adopted by the state board to implement
33 West Virginia's performance based accreditation system embodied in section five, article two-e
34 of this chapter, the Process for Improving Education, include a collective and collaborative
35 process for continuous school improvement led by the principal. The process includes data
36 analysis, goal setting, strategic planning, progress review and results analysis. It includes
37 identifying what and where improvement is needed, establishing goals and a strategic plan for

38 improved student learning, defining the roles and responsibilities of all team members, securing
39 the professional development needed to achieve the goals, and sharing the responsibility and
40 rewards for the results. The principal must foster and develop distributed leadership in order to
41 focus collective action for improved school performance. The school's faculty and members of
42 the Local School Improvement Council must participate effectively in the self-assessment and
43 annual and cyclical reviews of school performance to effect a process of continuous improvement.

44 (5) The prior studies and Imagine WV report in which they are cited recognize that the job
45 of principal has become overwhelming. The report focuses on instructional leadership as the
46 most important role of the principal, but notes that it has become a less prominent function in the
47 overall job of being a principal. The diminished time devoted to instructional leadership has been
48 a gradual crowding out by other necessary functions, rather than a conscience choice. Just as
49 important for high performing schools is the strong leadership role necessary for operations
50 management, establishing the climate and culture of the school as a learning environment, and
51 instructional leadership. All require strong leadership skills, but in a different context. They
52 require different skill sets, all of which are needed to lead high quality schools. The reality,
53 however, is that these many responsibilities inherent in the operation of high quality schools
54 compete for time and it is difficult for principals to do them all well. Various scenarios have been
55 discussed for enabling a heightened focus on instructional leadership, including the introduction
56 of school manager positions or the broader use of assistant principals in all schools to allow
57 greater principal attention to instructional improvement. A further scenario builds upon the
58 research that high quality schools are distinguishable by the collective and collaborative
59 involvement of teachers in sustained school improvement. It brings a heightened focus on
60 instructional leadership to assist, and under direction of, the principal by providing authentic
61 opportunities for teacher leaders to participate and assume greater responsibility. This scenario
62 involves various approaches to reward excellent teaching, to provide the time necessary for
63 excellent teachers to lead instructional improvement, and to enable excellent teachers to advance

64 in their teaching careers and levels of compensation through instructional leadership positions
65 without leaving the classroom completely.

66 (6) Emerging research and policy direction toward distributed leadership and shared
67 responsibility for results as cited in these findings, elevate the focus for all teachers on
68 instructional improvement, and particularly for excellent teachers to assume instructional
69 leadership roles. In most schools today, excellent teachers rarely have authority, time, or
70 sustained incentives to lead while teaching. Developing models for supporting new teacher
71 induction, for professional development and mentoring for struggling teachers, and for teacher
72 collaboration on instructional improvement all involve a role for teacher leaders. As professional
73 educators, teachers should have an established structure through which they can advance their
74 careers as experienced instructional leaders without leaving classroom teaching completely. Like
75 other professionals, teachers should be afforded an opportunity to take on more responsibility,
76 share their expertise with other less experienced teachers and advance their teaching career as
77 teacher leaders. Like other professions, teaching should provide for a routine progression of
78 continuing education for license maintenance and opportunities for salary advancement as
79 additional knowledge, skill and expertise are acquired that directly affect student learning.
80 Examples of leadership roles that may be performed by teachers include serving on the school
81 leadership team, leading collective and collaborative processes for strategic improvement
82 planning, leading teacher collaboration processes within the school day, leading the faculty
83 senate, serving on the local school improvement council, supervising student teachers, serving
84 as mentors and models for new and struggling teachers and teachers-in-residence, and helping
85 arrange school level professional development. Ideally, in an opportunity culture for teachers,
86 career paths and teacher pay will recognize and reward the value of excellent teaching and
87 teacher leadership roles for extending excellent teaching to all students consistently.

88 (7) Education is a human resources intensive endeavor. It competes for talented
89 professionals with other occupations with higher levels of compensation, particularly in the STEM

90 fields. While opportunities for career advancement and added compensation for teachers under
91 career ladder type arrangements may improve the attractiveness of the profession for excellent
92 teachers, it will not replace the need for general salary increases. In West Virginia and nationally,
93 the enrollments in college and university teacher preparation programs are declining. For West
94 Virginia particularly, the need to recruit and retain excellent teachers is exacerbated by the
95 increasing numbers of retirements of a very senior teaching force. Increasingly important will be
96 a variety of methods for encouraging and supporting an interest in the teaching profession,
97 preparing the next generation of educators, actively recruiting top talent graduating from teacher
98 preparation programs and supporting their development through the first years of their careers.
99 In the human resources intensive business of education, human resource development should
100 not be left to chance.

101 (b) *Legislative purpose, intent, process for stakeholder input; items for recommendation.—*

102 (1) The purpose of this section is to provide a framework for development of the statutory
103 and policy changes needed to support and sustain a comprehensive transformation of school
104 leadership. A further purpose of this section is to initiate the comprehensive transformation of
105 school leadership through a general statement of legislative intent to pursue this change in public
106 policy and, thereby, provide assurances and parameters under which the work toward this change
107 may proceed. It is expected that the transformation will affect both the public education system
108 and the educator preparation programs at institutions of higher education to develop, prepare and
109 credential teacher, principal and administrative leaders to accomplish a systemic change in school
110 leadership. It is expected that the transformation will involve multiple, and in some cases
111 sequential, steps that may require a period of years to accomplish to ensure that the necessary
112 supports are in place to enable school leaders to meet the expectations of new roles and
113 responsibilities and to finance the necessary improvements.

114 (2) It is further expected that the transformation will involve roles and responsibilities for
115 leadership that may not match the certification and training of all of those currently in leadership

116 positions. Therefore, the options for implementation will need to take the existing legacy into
117 account to minimize cost and system disruption while bringing new models of leadership for
118 instructional improvement to every school expeditiously. Finally, it is expected that district size
119 and resources, school size and programmatic level, existing leadership positions, and differences
120 in school performance may all be factors that will affect the transformation of school leadership
121 within the various school systems and they should be afforded ample local flexibility for
122 establishing priorities and implementation within their schools.

123 (3) The findings set forth in subsection (a) of this section provide a context for considering
124 a leadership framework that promotes instructional improvement and for determining the statutory
125 and policy changes needed to enable it. It is the intent of the Legislature to begin this
126 transformation through a process of broad stakeholder input to consider and make
127 recommendations to accomplish this task. Therefore, the state board shall convene the relevant
128 stakeholders, including, but not limited to, principals, teachers, superintendents, county board
129 members, educator preparation program personnel, legislators or their designees and a
130 Governor's designee to assist the state board in developing state board policies, practices and
131 recommended statutory changes consistent with the findings of this section. Among the issues
132 the state board shall consider are:

133 (A) Issues relating to principal leadership that include, but are not limited to, the following:

134 (i) A clear definition of the role and responsibilities of principals and assistant principals in
135 statute and policy that include leadership for instructional improvement;

136 (ii) The role and responsibilities of the principal as the legally responsible party in charge
137 of the school with the added need for authority and flexibility to delegate responsibilities to
138 accomplish a distributed leadership model for instructional improvement;

139 (iii) Leadership standards that include the essential role of the principal for leadership in
140 developing a culture of collegiality and professionalism among the staff so that improving student
141 learning is a shared responsibility;

142 (iv) The scope of topics to be covered in the preparation programs and certifications for
143 principals and assistant principals;

144 (v) A process of preparing new principals that may include clinical experiences and
145 mentoring through a partnership between higher education and county boards. It may include a
146 commitment of county board resources to assist in the training, as well as a commitment from the
147 candidate to stay in the system for some period of time;

148 (vi) The additional school-level tools needed to give good principals the flexibility and
149 authority necessary for success, including additional independent, school-level authority needed
150 to adequately fulfill the responsibilities;

151 (vii) A method of implementation under which the capacity of the principal for leading is a
152 condition precedent to implementation of methods for distributed leadership;

153 (viii) Limitations on the employment of new principals to those candidates prepared and
154 credentialed under the new standards, or some comparable standards approved by the state
155 board, and limitations on the applicability of Master's degrees in education administration for
156 advanced salary classification if earned after a certain date following state board approval of a
157 new preparation program; and

158 (ix) Differentiation and improvements in the salary schedules and increments for principals
159 subject to the newly defined roles and responsibilities for school leadership;

160 (B) Issues relating to teacher leadership that include, but are not limited to, the following:

161 (i) Various approaches that reward excellent teaching, provide authentic opportunities for
162 excellent teachers to influence professional practice and enable excellent teachers to advance in
163 their teaching careers and compensation without leaving the classroom completely including, but
164 are not limited to, incentive increments, career lattice steps and career ladder positions;

165 (ii) Incentive increments in the salary scale for advanced degrees, approved course work
166 or advanced certification in the teacher's area of certification and for excellent teaching;

167 (iii) Career lattice steps that provide extra pay and/or extra time for teachers for specific
168 types of assignments made by the principal or, in some cases, by the faculty senate for
169 instructional and school improvement work. These types of steps may not be permanent and
170 may change or involve different teachers and team members from time to time depending on the
171 needs of the school and the ability of teachers to participate;

172 (iv) Career ladder steps that are permanent steps for master teachers who possess the
173 appropriate leadership certification to progress in teacher leadership positions with additional
174 compensation and reduced teaching load to assume duties under the direction of the principal
175 without leaving the classroom completely;

176 (v) A clear definition in statute and policy of the role and responsibilities of career ladder
177 teacher leaders that includes leadership for instructional improvement;

178 (vi) Career ladder teacher leader standards that include the essential role of leadership in
179 developing a culture of collegiality and professionalism among the staff so that improving student
180 learning is a shared responsibility;

181 (vii) The scope of topics to be covered in the preparation programs and certifications for
182 career ladder teacher leaders;

183 (viii) Appropriate limitations on the number of teachers in career lattice positions and on
184 the number of teachers in career ladder positions, separately, for schools of different size and
185 programmatic level; and

186 (ix) An additional incentive increment in the salary scale for excellent teachers and
187 principals who accept transfer to a low performing school for a certain number of years;

188 (C) Issues relating to a leadership development pipeline that include, but are not limited
189 to, the following:

190 (i) A comprehensive leadership development process for school systems to identify, recruit
191 and train outstanding leadership candidates consistent with numbers needed to meet the
192 projected needs of the school system;

193 (ii) A method for school-level identification of those teachers who most clearly demonstrate
194 budding leadership qualities as potential candidates for development into the career ladder
195 teacher leaders, assistant principals and principals of the future;

196 (iii) Appropriate school district and higher education partnerships for preparation, support
197 and credentialing at each step so the focus on instructional leadership will become pervasive; and

198 (iv) Allowances that may be necessary to fill positions during the transition to new
199 leadership models; and

200 (D) Issues related to local and state systems of support that include, but are not limited to,
201 the following:

202 (i) Information management tools that enhance the capacity of school leaders and
203 leadership teams to quickly assemble performance information on student learning and other
204 aspects of the school's learning environment into the actionable intelligence needed for strategic
205 planning, adjusting instructional strategies and focusing on individual student needs;

206 (ii) School-level tools or resources that give principals a flexible, timely and targeted way
207 to meet the professional development needs of teachers at their school;

208 (iii) Methods to help ensure the uniformity and inter-rater reliability of the portion of the
209 professional personnel performance evaluation based on teaching standards;

210 (iv) Additional state-level infrastructure that may be needed to support the additional
211 credentialing and monitoring of course work and degree attainment for salary progressions and
212 new leadership positions;

213 (v) Methods to support, encourage and facilitate school-level leadership for instructional
214 improvement, to endorse and encourage innovation to improve the success of all students rather
215 than rely on top-down enforcement of one size fits all approaches to education; and

216 (vi) Methods to establish an emphasis on human resource management including, but
217 not limited to, approaches to improve the position posting and recruitment of new graduates for
218 shortage area positions, and improving the retention of new professional personnel.

219 (c) *Reports and recommendations to Legislature and Governor.*—

220 (1) Not later than regular session of the Legislature, 2018, the state board shall make a
221 report to the Joint Standing Committee on Education and the Governor on transforming school
222 leadership including, at a minimum:

223 (A) Recommendations on a general leadership structure and definitions of the roles and
224 responsibilities for principals and teacher leaders;

225 (B) Identification of affected statutes and policies, including pending and completed policy
226 revisions, and recommendations for statutory amendments, if any, needed to effectuate its
227 recommendations;

228 (C) An outline of sequential implementation of the changes needed to transform school
229 leadership, and recommendations for phased implementation, if any; and

230 (D) The estimated costs of implementation of the recommendations and statutory changes
231 necessary to effectuate the recommendations along with potential funding sources from improved
232 efficiencies or other cost savings from the 5 elimination of unnecessary operations or programs.

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

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2016.

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Governor