

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5499

By Delegates Dittman, Drennan, Pritt, Hall, Ellington,

Bell, Moore, Campbell, and Toney

[Introduced February 13, 2026; referred to the

Committee on Education]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article
 2 designated §18-2L-1, §18-2L-2, §18-2L-3, §18-2L-4, §18-2L-5, §18-2L-6, §18-2L-7, §18-
 3 2L-8, §18-2L-9, §18-2L-10, §18-2L-10a, §18-2L-10b, §18-2L-10c, §18-2L-10d, §18-2L-11,
 4 §18-2L-12, §18-2L-13, and §18-2L-14, all relating to school system fiscal and governance
 5 early warning, stabilization, and accountability; providing for the creation of the School
 6 System Performance and Accountability Board and the operational Office of School
 7 System Performance and Accountability; providing for the separation of roles and core
 8 purpose; providing for the goal and Mission of the Office of School System Performance
 9 and Accountability; providing for the responsibilities of the Office of School System
 10 Performance and Accountability; and providing for rulemaking.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2L. SCHOOL SYSTEM EARLY WARNING AND ACCOUNTABILITY.

§18-2L-1. Legislative findings and intent.

1 The Legislature finds that school system failure is often preceded by identifiable fiscal and
 2 governance stress. It is the intent of this article to require early detection, corrective action, and
 3 transparency in order to preserve local control and reduce the need for state intervention.

§18-2L-2. Statewide early-warning system.

1 (a) The West Virginia Department of Education shall maintain a statewide early-warning
 2 system using objective indicators, including:

- 3 (1) Reliance on temporary funding for recurring costs;
- 4 (2) Staffing levels exceeding formula-supported capacity;
- 5 (3) Declining reserve balances;
- 6 (4) Repeated audit findings; and
- 7 (5) Governance dysfunction impairing operations.

8 (b) Indicators shall be reviewed quarterly.

§18-2L-3. Fiscal and Governance Watch List.

1 Counties who are not meeting established thresholds shall be placed on a public Fiscal
2 and Governance Watch List and shall be required to submit a corrective action plan with timelines.

§18-2L-4. One-time funding safeguards.

1 Temporary or extraordinary funds may not be used for recurring personnel costs without a
2 multi-year sustainability certification approved by the Department.

§18-2L-5. Narrative Risk Brief.

1 (a) For each county placed on the Watch List, the Department shall prepare a Narrative
2 Risk Brief not exceeding seven pages that explains:

- 3 (1) The primary risks identified;
4 (2) Contributing governance or leadership factors;
5 (3) Required corrective actions; and
6 (4) A timeline for reassessment.

7 (b) The brief shall be provided to the county board, State Board, and the public, subject to
8 lawful confidentiality.

§18-2L-6. Targeted on-site stabilization authority.

1 The Department may conduct a limited on-site stabilization visit to assess governance,
2 leadership capacity, and fiscal decision-making. Such visits shall not constitute a full audit or
3 accreditation review.

§18-2L-7. Documentation prior to intervention.

1 Before recommending state takeover, the Department shall document:

- 2 (1) Early-warning indicators;
3 (2) Assistance provided;
4 (3) County response; and
5 (4) Reasons escalation is necessary.

§18-2L-8. Accountability following state intervention.

1 For each takeover, the Department shall submit a report to the Legislature detailing what

2 was known, when it was known, actions taken, and process improvements to prevent recurrence.

§18-2L-9. Performance evaluation.

1 The Department shall be evaluated on its effectiveness in preventing crises, not solely
2 responding to them.

§18-2L-10. Creation of School System Performance and Accountability Board and the operational Office of School System Performance and Accountability.

1 (a) There is hereby established a School System Performance and Accountability
2 Board ("the Board"), and an operational Office of School System Performance and Accountability
3 ("OSPA") as an independent state entity focused on early warning, stabilization, and accountability
4 for county school systems across all domains and for the effectiveness of state-level support.

5 (b) The Legislature shall determine how members are appointed and removed

§18-2L-10a. Composition and Appointment of the School System Performance and Accountability Board.

1 (a) The Office of School System Performance and Accountability ("OSPA") Board shall
2 consist of five members: for the First Congressional District, one member appointed by the Joint
3 Committee on Education and one member appointed by the Governor; for the Second
4 Congressional District, one member appointed by the Joint Committee on Education and one
5 member appointed by the Governor; and for the at-large seat, one member appointed by the Joint
6 Committee on Education. Members shall be selected based on professional experience in
7 education, public finance, or governance. The chairs of the House and Senate education
8 committees, or their designees, shall serve as ex-officio, nonvoting members of the board.

9 (b) The terms of members shall be five years and shall be staggered so that one member's
10 term expires each year. To establish staggering, the Governor shall initially appoint:

11 (1) One member for a one-year term;

12 (2) One member for a two-year term;

13 (3) One member for a three-year term;

14 (4) One member for a four-year term; and

15 (5) One member for a five-year term.

16 (c) Each subsequent appointment shall be for a full five-year term. Members may be
17 reappointed once.

18 (d) The Governor shall designate one member to serve as Chairperson. Vacancies shall be
19 filled by the Governor for the remainder of the unexpired term.

§18-2L-10b. Independence and Oversight Relationship.

1 (a) The Office of School System Performance and Accountability ("OSPA") shall operate
2 independently from the West Virginia Board of Education ("WVBE") and the West Virginia
3 Department of Education ("WVDE").

4 (b) The OSPA Board shall be solely responsible for hiring, supervising, and evaluating the
5 OSPA Director.

6 (c) The OSPA Director shall:

7 (1) Report to the OSPA Board on all operational activities and findings:

8 (A) Provide quarterly or as-needed reports to the Legislative Oversight Committee and to
9 the Governor's Cabinet; and

10 (B) Submit recommendations to the WVDE and WVBE as appropriate.

§18-2L-10c. Elimination of WVDE Accountability Division and OSPA Staffing.

1 Upon the effective date of this article, the Division of Accountability within the West Virginia
2 Department of Education ("WVDE"), currently comprising one director position, four coordinator
3 positions, support staff and an Associate Superintendent with shared responsibility for
4 accountability, shall be eliminated. The Office or School System Performance and Accountability
5 ("OSPA") shall be staffed with one Director and at least four coordinators, together with
6 appropriate support staff as necessary to carry out its functions.

§18-2L-10d. OSPA Funding and Fiscal Neutrality.

1 Funding for the OSPA shall be derived from staffing positions eliminated at the WVDE and

2 resources otherwise allocated for the Division of Accountability within the WVDE. Any savings
3 derived from reduced office rental cost within the Department may be reallocated to support OSPA
4 rental and operational costs.

§18-2L-11. Separation of roles and core purpose.

1 (a) The West Virginia Board of Education ("WVBE") remains responsible for promulgating
2 policies and rules based on statute, including standards for student achievement, accountability,
3 school climate, leadership, finance, and operations.

4 (b) The West Virginia Department of Education ("WVDE") remains the agency that
5 implements those policies and provides support to counties.

6 (c) The State Superintendent with the assistance of the West Virginia Department of
7 Education remains responsible for implementing policies, procedures, and rules established by
8 the West Virginia Board of Education as prescribed in this code.

9 (d) The newly created School System Performance and Accountability Board and Office of
10 School System Performance and Accountability ("OSPA") shall be structurally and operationally
11 independent from both the West Virginia Board of Education and the West Virginia Department of
12 Education.

§18-2L-12. Goal and Mission of the Office of School System Performance and
Accountability.

1 The goal of the Office of School System Performance and Accountability ("OSPA") is to
2 provide independent monitoring and auditing of the progress of public school districts (counties) in
3 their designated areas of accountability, and to assess the effectiveness of the West Virginia
4 Department of Education in providing assistance and supports to maintain a "thorough and
5 efficient" system of education for the students and citizens of the state of West Virginia. The
6 mission of the Office of School System Performance and Accountability is to monitor the
7 performance of county school districts to ascertain problem areas and to inform responsible
8 parties for corrective action to occur.

§18-2L-13. Responsibilities of the Office of School System Performance and Accountability.

1 (a) The responsibilities of the Office of School System Performance and Accountability
2 ("OSPA") are to:

3 (1) Assess county proficiency in meeting standards and policies.

4 (2) Determine county proficiency in meeting West Virginia Board of Education ("WVBE")
5 policies and standards.

6 (3) Using the criteria to determine if each county is meeting West Virginia Board of
7 Education standards and policy requirements across academics, climate, leadership,
8 governance, finance, and operations.

9 (4) Findings are formalized in county level reports that may include ratings, risk levels, or
10 designations (e.g., on a Watch List), with required corrective action plans and timelines.

11 (5) Assess West Virginia Department of Education effectiveness in support and prevention

12 (6) Determine the effectiveness of West Virginia Department of Education in helping
13 counties meet those standards.

14 (7) What support the West Virginia Department of Education is offered (content, intensity,
15 and duration).

16 (8) How quickly the West Virginia Department of Education responded to early warning
17 signs.

18 (9) The impact of the West Virginia Department of Education support on county
19 performance over time.

20 (b) The Office of School System Performance and Accountability shall issue an annual
21 statewide report on the West Virginia Department of Education's effectiveness in preventing crises
22 and raising performance, emphasizing prevention of low performance rather than post failure
23 response.

24 (c) Criteria for assessments of county proficiency and West Virginia Department of

25 Education effectiveness, shall be in the following manner:

26 (1) The Office of School System Performance and Accountability will evaluate counties
27 school systems and the West Virginia Department of Education based on performance standards
28 established by legislative enactments (law) and West Virginia Board of Education policies,
29 procedures, and rules. The following major domains are the focus of these assessments:

30 (A) Student achievement and growth: Performance on statewide assessments, growth
31 expectations, persistent low performance or gaps, and evidence of instructional supports
32 improving outcomes.

33 (B) School climate and culture: Attendance, absenteeism, discipline, safety indicators,
34 surveys of perceptions, and evidence of positive supports and inclusive environments.

35 (2) Effectiveness of leadership and governance: Stability and performance of
36 county/school leaders; board practices (compliance, planning, data monitoring); avoidance of
37 dysfunction.

38 (3) Fiscal health and management: Budget balance, reserves, one-time fund reliance,
39 audit findings, internal controls, forecasting sustainability.

40 (4) Operational effectiveness: Human resources, facilities, transportation, nutrition,
41 technology impacting learning.

42 (d) Early-warning and watch list system. – The Legislature directs the Office of School
43 System Performance and Accountability to operate a statewide early-warning system using
44 objective indicators across these domains, reviewed quarterly: reliance on temporary funds,
45 excess staffing, declining reserves, audit findings, governance dysfunction, low achievement,
46 poor climate, leadership instability.

47 (1) Counties crossing thresholds go on a public Fiscal and Governance Watch List and
48 shall submit corrective action plans with timelines and benchmarks.

49 (2) For each, the Office of School System Performance and Accountability shall prepare
50 a Narrative Risk Brief (less than seven pages) on risks, factors, actions, and reassessment,

51 shared with the county, West Virginia Board of Education, State Superintendent, legislative
52 oversight, and public, subject to confidentiality.

53 (e) Stabilization visits and safeguards. – The Office of School System Performance and
54 Accountability shall perform stabilization on-site reviews.

55 (1) Targeted on-site stabilization visits to assess governance, fiscal decisions, plan
56 implementation; narrower than accreditation but can recommend broader reviews.

57 (2) One-time funding safeguards: Counties certify multi-year sustainability for recurring
58 costs from temporary funds; OSPA approves/disapproves with findings to stakeholders.

59 (f) Access to West Virginia Department of Education data and collaboration. The Office of
60 School System Performance and Accountability has:

61 (1) Timely electronic access to all West Virginia Department of Education data (including
62 but not limited to academic, financial, staffing, and discipline), with the West Virginia Department
63 of Education required to provide datasets and assistance without discretion.

64 (2) Collaboration with the West Virginia Department of Education to develop new
65 indicators/dashboards for performance quality and low-performing student early warning, but
66 OSPA independently defines methods, thresholds, and findings.

§18-2L-14. **Rulemaking.**

1 The department may promulgate rules necessary to implement the provisions of this
2 article.

NOTE: The purpose of this bill relates to school system fiscal and governance early warning, stabilization, and accountability. The bill provides for the creation of the School System Performance and Accountability Board and the operational Office of School System Performance and Accountability. The bill provides for the separation of roles and core purpose. The bill provides for the goal and Mission of the Office of School System Performance and Accountability. The bill provides for the responsibilities of the Office of School System Performance and Accountability. Finally, the bill provides for rulemaking

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