

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

Senate Bill 929

BY SENATORS TAYLOR, BARTLETT, CHAPMAN, HELTON,

M. MAYNARD, QUEEN, AND ROSE

[Reported February 25, 2026, from the Committee on
Education]

1 A BILL to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended; and to
2 amend said code by adding thereto a new section, designated §18-9-7, relating to county
3 school systems; adding to the grounds for the West Virginia Board of Education's
4 immediate intervention into the operation of a county school system; requiring plan to end
5 an intervention within 36 months; requiring report to the Legislative Oversight Commission
6 on Education Accountability if the West Virginia Board of Education determines that the
7 intervention needs to continue beyond 36 months; requiring report to the Legislative
8 Oversight Commission on Education Accountability the problems identified that
9 contributed to the intervention and how those problems have been or could be resolved;
10 requiring any state loan provided to the county school system to repaid within 36 months
11 and that any intervention remain until the loan is repaid in its entirety; providing for
12 retroactive application of amended provisions; and providing for applicability of certain
13 fiscal oversight and reporting requirements to county school systems.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.

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

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

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

5 (A) Standards which set forth the knowledge and skills that students should know and be
6 able to perform as the result of a thorough and efficient education that prepares them for the
7 ~~twenty-first~~ 21st century, including measurable criteria to evaluate student performance and
8 progress;

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

10 (C) A system of accountability for continuous improvement articulated by a rule
11 promulgated by the state board that will build capacity in and ensure the efficiency of schools and
12 districts to meet rigorous outcomes that assure student performance and progress toward
13 obtaining the knowledge and skills intrinsic to a high-quality education, rather than monitoring for
14 compliance with specific laws and regulations; and

15 (D) A method for building the capacity and improving the efficiency of schools and school
16 systems to improve student performance and progress;

17 (2) As the constitutional body charged with the general supervision of schools as provided
18 by general law, the state board has the authority following constructive engagement of the
19 Legislature as provided in §18-2H-1 of this code and as delegated by the Legislature by general
20 law to establish the standards and assess the performance and progress of students against the
21 standards, and to exercise its supervisory responsibility to hold schools and school systems
22 accountable and assist schools and school systems to build capacity and improve efficiency so
23 that the standards are met, including, when necessary, seeking additional resources in
24 consultation with the Legislature and the Governor;

25 (3) As the constitutional body charged with providing for a thorough and efficient system
26 of schools, the Legislature has the authority and the responsibility to establish and be engaged
27 constructively in the determination of the knowledge and skills that students should know and be
28 able to do as the result of a thorough and efficient education. This determination is made by using
29 the process for improving education to determine when school improvement is needed by
30 evaluating the results and the efficiency of the system of schools, by ensuring accountability, and
31 by providing for the necessary capacity and its efficient use;

32 (4) In consideration of these findings, the purpose of this section is to establish a process
33 for improving education that includes the four primary elements as set forth in ~~subdivision (1) of~~
34 ~~this subsection~~ §18-2E-5(a)(1) of this code to provide assurances that the high-quality standards

35 are, at a minimum, being met and that a thorough and efficient system of schools is being provided
36 for all West Virginia public school students on an equal education opportunity basis; and

37 (5) The intent of the Legislature in enacting this section is to establish a process through
38 which the Legislature, the Governor, and the state board will constructively consult on any
39 measures affecting standards, assessments, and accountability prior to their adoption, examine
40 the performance and progress of students, schools, and school systems and, when necessary,
41 consider alternative measures to ensure that all students continue to receive the thorough and
42 efficient education to which they are entitled. However, nothing in this section requires any specific
43 level of funding by the Legislature.

44 (b) *Electronic county and school strategic improvement plans.* — The state board shall
45 promulgate a rule consistent with this section and in accordance with §29A-3B-1 *et seq.* of this
46 code establishing an electronic county strategic improvement plan for each county board and an
47 electronic school strategic improvement plan for each public school in this state. Each respective
48 plan shall be for a period of no more than five years and shall include the mission and goals of
49 the school or school system to improve student, school, or school system performance and
50 progress, as applicable. The strategic plan shall be revised annually in each area in which the
51 school or system is below the standard on the annual performance measures. The plan shall be
52 revised when required pursuant to this section to include each annual performance measure upon
53 which the school or school system fails to meet the standard for performance and progress, the
54 action to be taken to meet each measure, a separate time line and a date certain for meeting
55 each measure, a cost estimate and, when applicable, the assistance to be provided by the
56 department and other education agencies to improve student, school, or school system
57 performance and progress to meet the annual performance measure.

58 The department shall make available to all public schools through its website or the West
59 Virginia Education Information System an electronic school strategic improvement plan
60 boilerplate designed for use by all schools to develop an electronic school strategic improvement

61 plan which incorporates all required aspects and satisfies all improvement plan requirements of
62 the Every Student Succeeds Act or subsequent federal law.

63 (c) *High-quality education standards and efficiency standards.* — In accordance with
64 §29A-3B-1 *et seq.* of this code, the state board shall adopt and periodically review and update
65 high-quality education standards for student, school, and school system performance and
66 processes in the following areas:

- 67 (1) Academic standards;
- 68 (2) Workplace readiness skills;
- 69 (3) Finance;
- 70 (4) Transportation;
- 71 (5) Special education;
- 72 (6) Facilities;
- 73 (7) Administrative practices;
- 74 (8) Training of county board members and administrators;
- 75 (9) Personnel qualifications;
- 76 (10) Professional development and evaluation;
- 77 (11) Student performance, progress, and attendance;
- 78 (12) Professional personnel, including principals and central office administrators, and
79 service personnel attendance;
- 80 (13) School and school system performance and progress;
- 81 (14) A code of conduct for students and employees;
- 82 (15) Indicators of efficiency;
- 83 (16) Digital literacy skills; and
- 84 (17) Any other areas determined by the state board.

85 (d) *Comprehensive statewide student growth assessment program.* — The state board
86 shall establish a comprehensive statewide student growth assessment program to assess student

87 performance and progress in grades three through 12. The assessment program is subject to the
88 following:

89 (1) The state board shall promulgate a rule in accordance with §29A-3B-1 *et seq.* of this
90 code establishing the comprehensive statewide student growth assessment program which shall
91 be composed of benchmark assessments that are given in the first 30 days of the school year
92 and repeated at mid-year and a summative assessment at the end of the school year to determine
93 student progression in reading and mathematics in grades three through eight;

94 (2) The state board shall align the comprehensive statewide student assessment for all
95 grade levels in which the test is given with the academic standards adopted pursuant to
96 ~~subsection (c) of this section~~ §18-2E-5(c) of this code or develop other aligned tests to be required
97 in grades three through eight and administered once during the grade span of nine through 12 to
98 assess progress toward college and career readiness in English/language arts and math. The
99 assessment in science shall be administered once in grade spans three through five, once in
100 grade spans six through eight, and once in grade spans nine through 12;

101 (3) In accordance with §18-2-1 *et seq.* and §18-2E-1 *et seq.* of this code, the state board
102 shall review or develop, and adopt a college and career readiness assessment to be administered
103 in grade 11: *Provided*, That the adopted college and career readiness assessment administered
104 in grade 11 counts toward the statewide student assessment and must be used by a significant
105 number of regionally accredited higher education institutions for determining college admissions.

106 (4) The comprehensive statewide student growth assessment shall be administered to
107 students in accordance with the requirements of the Every Student Succeeds Act or subsequent
108 federal law;

109 (5) The state board may provide, through the statewide assessment program, other
110 optional testing or assessment instruments applicable to grade levels kindergarten through grade
111 12 which may be used by each school to promote student achievement. The state board annually
112 shall publish and make available, electronically or otherwise, to school curriculum teams and

113 teacher collaborative processes the optional testing and assessment instruments. For any online
114 assessment, the state board shall provide online assessment preparation to ensure that students
115 have the requisite digital literacy skills to be successful on the assessment;

116 (6) The state board may adopt a career readiness assessment that measures and
117 documents foundational workplace skills and leads to a nationally recognized work readiness
118 certificate for students that meet minimum proficiency requirements; and

119 (7) The comprehensive statewide student growth assessment adopted prior to the testing
120 window of the 2025-2026 school year shall continue to be used for at least a total of four
121 consecutive years;

122 (8) No summative assessment approved by the state board may take more than two
123 percent of a student's instructional time;

124 (9) No student may be required to complete a greater number of summative assessments
125 than is required by the Every Student Succeeds Act except as otherwise required by ~~this~~
126 ~~subsection~~ §18-2E-5(d) of this code; and

127 (10) Collection of personal data as part of the assessment process except for what is
128 necessary for the student's instruction and academic, ~~and~~ college, and career search needs is
129 prohibited.

130 (e) *State annual performance measures for school and school system accreditation.* —

131 The state board shall promulgate a rule in accordance with article §29A-3B-1 *et seq.* of
132 this code that establishes a system that is based in multiple measures and meets the
133 requirements of any federal law to assess and weigh annual performance measures to assure
134 that schools and school systems are providing a thorough and efficient education to their students.
135 State accreditation shall be reviewed and approved in a balanced manner that gives fair credit to
136 all measures affecting students and subgroups of students in the schools and school systems.
137 The state board also may establish performance incentives for schools and school systems as
138 part of the state accreditation system. On or before December 1, 2018, the state board shall report

139 to the Governor and to the Legislative Oversight Commission on Education Accountability the
140 proposed rule for establishing the measures and incentives of accreditation and the estimated
141 cost therefor, if any. Thereafter, the state board shall provide an annual report to the Governor
142 and to the Legislative Oversight Commission on Education Accountability on the impact and
143 effectiveness of the accreditation system. The rule for school and school system accreditation
144 proposed by the board may include, but is not limited to, the following measures:

- 145 (1) Student proficiency and growth in English and language arts, math, science, and other
146 subjects determined by the board;
- 147 (2) Graduation and attendance rate;
- 148 (3) Students taking and passing AP tests;
- 149 (4) Students completing a career and technical education class;
- 150 (5) Closing achievement gaps within subgroups of a school's student population; and
- 151 (6) Students scoring at or above average attainment on SAT or ACT tests.

152 (f) *Indicators of efficiency.* — In accordance with §29A-3B-1 *et seq.* of this code, the state
153 board shall adopt by rule and periodically review and update indicators of efficiency for use by the
154 appropriate divisions within the department to ensure efficient management and use of resources
155 in the public schools in the following areas:

- 156 (1) Curriculum delivery including, but not limited to, the use of distance learning;
- 157 (2) Transportation;
- 158 (3) Facilities;
- 159 (4) Administrative practices;
- 160 (5) Personnel; and
- 161 (6) Any other indicators as determined by the state board.

162 Each county board of education shall use the statewide electronic information system
163 established by the state board for data collection and reporting to the State Department of
164 Education.

165 (g) *Assessment and accountability of school and school system performance and*
166 *processes.* — In accordance with §29A-3B-1 *et seq.* of this code, the state board shall establish
167 by rule a system of education performance measures to evaluate the quality of education and the
168 preparation of students based on the annual measures of student, school, and school system
169 performance and progress. The system of education performance measures shall provide
170 information to the state board, the Legislature, and the Governor, upon which they may determine
171 whether a thorough and efficient system of schools is being provided. The system of education
172 performance measures shall include:

173 (1) The assessment of student, school, and school system performance and progress
174 based on the annual measures established pursuant to ~~subsection (e) of this section~~ §18-2E-5(e)
175 of this code;

176 (2) The evaluation of records, reports, and other documents that provide information on
177 the quality of education and compliance with statutes, policies, and standards; and

178 (3) The review of school and school system electronic strategic improvement plans.

179 (h) *Uses of school and school system assessment information.* — The state board shall
180 use information from the system of education performance measures to assist it in ensuring that
181 a thorough and efficient system of schools is being efficiently provided and to improve student,
182 school, and school system performance and progress. Information from the system of education
183 performance measures further shall be used by the state board for these purposes, including, but
184 not limited to, the following:

185 (1) Determining accountability and accreditation for schools and school system approval
186 status as required by state board rule and any federal law or regulations; and

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

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

190 The state board shall make the performance measures information available to the
191 Legislature, the Governor, the general public, and to any individual who requests the information,
192 subject to the provisions of any act or rule restricting the release of information.

193 (i) *Early detection and intervention programs.* — Based on the assessment of student,
194 school, and school system performance and progress, the state board shall establish early
195 detection and intervention programs using the available resources of the Department of
196 Education, or other resources as appropriate, to assist underachieving schools and school
197 systems to improve performance before conditions become so grave as to warrant more
198 substantive state intervention. Assistance shall include, but is not limited to, providing additional
199 technical assistance and programmatic, professional staff development, and providing monetary,
200 staffing, and other resources where appropriate.

201 (j) The state board may employ experienced education professionals, who serve at the
202 will and pleasure of the state board, to coordinate on site and school system improvement efforts
203 with staff at the State Department of Education to support schools and school systems in
204 improving education performance measures.

205 (k) *School accreditation.* —

206 (1) The state board shall establish levels of accreditation to be assigned to schools. The
207 establishment of levels of accreditation shall be subject to the following:

208 (A) The levels will be designed to demonstrate school performance on multiple measures
209 as established by the state board by legislative rule in accordance with §29A-3B-1 *et seq.* of this
210 code and consistent with the applicable state laws, policies, and standards, which include
211 standards for performance-based accountability, high-quality education, and continuous
212 improvement; and

213 (B) Will ensure compliance with federal law and applicable state laws, policies, and
214 standards at a minimum.

215 (2) The state board annually shall review the information from the system of education
216 performance measures submitted for each school and shall accredit each school as designated
217 in the rule, and consistent with the applicable state laws, policies, and standards; and

218 (3) Exercise other powers and actions the state board determines necessary to fulfill its
219 duties of general supervision of the schools and school systems of West Virginia.

220 (l) *School system approval.* — The state board annually shall review the information
221 submitted for each school system from the system of education performance measures and issue
222 to each county board an approval status in compliance with federal law and established by state
223 board rule.

224 (m) Non-approval for extraordinary circumstances.

225 (1) The state board shall establish and adopt additional standards to identify school
226 systems in which the program may be non-approved and the state board may issue non-approval
227 status whenever extraordinary circumstances exist as defined by the state board.

228 (2) When extraordinary circumstances exist, but do not rise to the level of immediate
229 intervention as described in ~~subsection (n) of this section~~ §18-2E-5(n) of this code, the state board
230 may declare a state of emergency in the school system and shall direct designees to provide
231 recommendations within 60 days of appointment for correcting the extraordinary circumstances.
232 When the state board approves the recommendations, they shall be communicated to the county
233 board. If progress in correcting the extraordinary circumstances, as determined by the state
234 board, is not made within six months from the time the county board receives the
235 recommendations, the state board shall intervene in the operation of the school system to cause
236 improvements to be made that will provide assurances that a thorough and efficient system of
237 schools will be provided. This intervention may include, but is not limited to, the following:

238 (A) Limiting the authority of the county board in areas that compromise the delivery of a
239 thorough and efficient education to its students as designated by the state board by rule, which

240 may include delegating decision-making authority regarding these matters to the state
241 superintendent who may:

242 (B) Declare that the office of the county superintendent is vacant;

243 (C) Declare that the positions of personnel who serve at the will and pleasure of the county
244 superintendent as provided in §18A-2-1 of this code, are vacant, subject to application and
245 reemployment;

246 (D) Fill the declared vacancies during the period of intervention; and

247 (E) Take any direct action necessary to correct the extraordinary circumstance.

248 (n) Notwithstanding any other provision of this section, the state board may intervene
249 immediately in the operation of the county school system with all the powers, duties, and
250 responsibilities contained in ~~subsection (m) of this section~~ §18-2E-5(m) of this code, if the state
251 board finds any of the following:

252 (1) A county board fails to act on a statutory obligation which would interrupt the day-to-
253 day operations of the school system;

254 (2) A county board commits maladministration. For the purposes of this subdivision,
255 maladministration means the inefficient, negligent, improper, arbitrary, or unlawful administration
256 of a public office or program, including the failure to comply with applicable laws, regulations,
257 policies, or accepted standards of public administration;

258 (3) A county board has not filed its financial statement within 90 days of the deadline set
259 forth in §18-9-3a, the state superintendent has issued a warning to the county board, and the
260 county board does not file its financial statement in the next 60 days thereafter;

261 ~~(2)~~ (4) That the conditions precedent to intervention exist as provided in this section; and
262 that delaying intervention for any period of time would not be in the best interests of the students
263 of the county school system; or

264 ~~(3)~~ (5) That the conditions precedent to intervention exist as provided in this section and
265 that the state board had previously intervened in the operation of the same school system and
266 had concluded that intervention within the preceding five years.

267 (o) Any time the state board intervenes in the operation of a county school system whether
268 pursuant to §18-2E-5(m) of this code or §18-2E-5(n) of this code:

269 (1) The state board shall create a plan to end the intervention within 36 months of the start
270 date of the intervention;

271 (2) If an intervention lasts for 36 months and the state board determines that the
272 intervention needs to continue, the state board shall submit a report to Legislative Oversight
273 Commission on Education Accountability defining the reasons for the extended intervention;

274 (3) The state board shall report to the Legislative Oversight Commission on Education
275 Accountability the problems identified that contributed to the intervention and how those problems
276 have been or could be resolved;

277 (4) If the state had to provide the county school system with a loan, the loan shall be repaid
278 within 36 months and any intervention shall remain in place until the county school system repays
279 the loan in its entirety; and

280 (5) The amendments to this section during the 2026 regular session apply retroactively to
281 any state board intervention that occurred on or after January 1, 2026 and includes application to
282 the recent intervention into Hancock County Schools and the supplemental appropriation made
283 in House Bill 4575.

284 ~~(e)~~ (p) Capacity. — The process for improving education includes a process for targeting
285 resources strategically to improve the teaching and learning process. Development of electronic
286 school and school system strategic improvement plans, pursuant to ~~subsection (b) of this section~~
287 §18-2E-5(b) of this code, is intended, in part, to provide mechanisms to target resources
288 strategically to the teaching and learning process to improve student, school, and school system
289 performance. When deficiencies are detected through the assessment and accountability

290 processes, the revision and approval of school and school system electronic strategic
291 improvement plans shall ensure that schools and school systems are efficiently using existing
292 resources to correct the deficiencies. When the state board determines that schools and school
293 systems do not have the capacity to correct deficiencies, the state board shall take one or more
294 of the following actions:

295 (1) Work with the county board to develop or secure the resources necessary to increase
296 the capacity of schools and school systems to meet the standards and, when necessary, seek
297 additional resources in consultation with the Legislature and the Governor;

298 (2) Recommend to the appropriate body including, but not limited to, the Legislature,
299 county boards, schools, and communities methods for targeting resources strategically to
300 eliminate deficiencies identified in the assessment and accountability processes. When making
301 determinations on recommendations, the state board shall include, but is not limited to, the
302 following methods:

303 The state board, or its designee, the West Virginia Department of Education, and county
304 school systems shall work collaboratively in:

305 (1) Examining reports and electronic strategic improvement plans regarding the
306 performance and progress of students, schools, and school systems relative to the standards and
307 identifying the areas in which improvement is needed;

308 (2) Determining the areas of weakness and of ineffectiveness that appear to have
309 contributed to the substandard performance and progress of students or the deficiencies of the
310 school or school system;

311 (3) Determining the areas of strength that appear to have contributed to exceptional
312 student, school, and school system performance and progress and promoting their emulation
313 throughout the system;

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

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

318 (6) Recommending special staff development programs from county boards based on
319 identified needs;

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

322 (8) Directing educational expertise and support services strategically toward alleviating
323 deficiencies;

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

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

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

330 ~~(p)~~ (q) *Building leadership capacity.* — To help build the governance and leadership
331 capacity of a county board during an intervention in the operation of its school system, and to help
332 assure sustained success following return of control to the county board, the county board shall
333 establish goals and action plans, subject to approval of the state superintendent, to improve
334 performance sufficiently to end the intervention within a period of not more than five years. The
335 state superintendent shall maintain oversight and provide assistance and feedback to the county
336 board on development and implementation of the goals and action plans. At a minimum, the goals
337 and action plans shall include:

338 (1) An analysis of the training and development activities needed by the county board and
339 leadership of the school system for effective governance and school improvement;

340 (2) Support for the training and development activities identified which may include those
341 made available through the state superintendent, West Virginia School Board Association, and
342 other sources identified in the goals and action plans; and

343 (3) Active involvement by the county board in the improvement process, working in tandem
344 with the county superintendent to gather, analyze and interpret data, write time-specific goals to
345 correct deficiencies, prepare and implement action plans and allocate or request from the
346 Department of Education the resources, including board development training and coaching,
347 necessary to achieve approved goals and action plans and sustain system and school
348 improvement.

349 At least once each year during the period of intervention, the state board shall appoint a
350 designee to assess the readiness of the county board to accept the return of control of the system
351 or school from the state board and sustain the improvements, and shall make a report and
352 recommendations to the state board supported by documented evidence of the progress made
353 on the goals and action plans. The state board may return any portion of control of the operations
354 of the school system or end the intervention in its entirety by a majority vote. If the state board
355 determines at the fifth annual assessment that the county board is still not ready to accept return
356 of control by the state board and sustain the improvements, the state board shall hold a public
357 hearing in the affected county at which the attendance by all members of the county board is
358 requested so that the reasons for continued intervention and the concerns of the citizens of the
359 county may be heard. The state board may continue the intervention only after it holds the public
360 hearing and may require revision of the goals and action plans. The state board must thereafter
361 hold a public hearing after each annual assessment beyond the fifth year. If a school system is in
362 intervention status on the effective date of this provision, the total years of intervention shall be
363 calculated from the date of initial intervention.

364 Following the termination of an intervention in the operation of a school system and return
365 of full control by the state board, the support for governance education and development shall

366 continue as needed for up to three years. If at any time within this three years, the state board
367 determines that intervention in the operation of the school system is again necessary, the state
368 board shall again hold a public hearing in the affected county so that the reasons for the
369 intervention and the concerns of the citizens of the county may be heard prior to intervening.

ARTICLE 9. SCHOOL FINANCES.

§18-9-7. Applicability of article of code pertaining to Supervision of Government Offices.

1 (a) Each county board of education shall be subject to the fiscal oversight and reporting
2 requirements of §6-9-1 *et seq.* of this code.

3 (b) Nothing in this section may be construed to grant the State Auditor authority over
4 educational policy, curriculum, or personnel decisions.