

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4071

**FISCAL
NOTE**

By Delegates Crouse and White

[Introduced January 14, 2026; referred to the

Committee on Education]

1 A BILL to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, relating
2 to requiring K through 12 schools to display school report cards on websites; and requiring
3 county boards of education to use the statewide electronic information system established
4 by the state board for data collection and reporting to the state department of education.

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 century, including measurable criteria to evaluate student performance and progress;

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

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

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

16 (2) As the constitutional body charged with the general supervision of schools as provided
17 by general law, the state board has the authority following constructive engagement of the

18 Legislature as provided in §18-2H-1 of this code and as delegated by the Legislature by general
19 law to establish the standards and assess the performance and progress of students against the
20 standards, and to exercise its supervisory responsibility to hold schools and school systems
21 accountable and assist schools and school systems to build capacity and improve efficiency so
22 that the standards are met, including, when necessary, seeking additional resources in
23 consultation with the Legislature and the Governor;

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

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

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

43 (b) Electronic county and school strategic improvement plans. — The state board shall

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

57 The department shall make available to all public schools through its website or the West
58 Virginia Education Information System an electronic school strategic improvement plan boilerplate
59 designed for use by all schools to develop an electronic school strategic improvement plan which
60 incorporates all required aspects and satisfies all improvement plan requirements of the Every
61 Student Succeeds Act or subsequent federal law.

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

- 66 (1) Academic standards;
- 67 (2) Workplace readiness skills;
- 68 (3) Finance;
- 69 (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, progress, and attendance;
- (12) Professional personnel, including principals and central office administrators, and service personnel attendance;
- (13) School and school system performance and progress;
- (14) A code of conduct for students and employees;
- (15) Indicators of efficiency;
- (16) Digital literacy skills; and
- (17) Any other areas determined by the state board.

84 (d) Comprehensive statewide student growth assessment program. — The state board
85 shall establish a comprehensive statewide student growth assessment program to assess student
86 performance and progress in grades three through 12. The assessment program is subject to the
87 following:

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

93 (2) Prior to the testing window of the 2017-2018 school year, ~~The~~ the state board shall
94 align the comprehensive statewide student assessment for all grade levels in which the test is
95 given with the academic standards adopted pursuant to subsection (c) of this section or develop

96 other aligned tests to be required in grades three through eight and administered once during the
97 grade span of nine through 12 to assess progress toward college and career readiness in
98 English/language arts and math. The assessment in science shall be administered once in grade
99 spans three through five, once in grade spans six through eight, and once in grade spans nine
100 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 in
104 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; and

127 (10) Collection of personal data as part of the assessment process except for what is
128 necessary for the student's instruction, 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 this
132 code that establishes a system that is based in multiple measures and meets the requirements of
133 any federal law to assess and weigh annual performance measures to assure that schools and
134 school systems are providing a thorough and efficient education to their students. State
135 accreditation shall be reviewed and approved in a balanced manner that gives fair credit to all
136 measures affecting students and subgroups of students in the schools and school systems. The
137 state board also may establish performance incentives for schools and school systems as part of
138 the state accreditation system. On or before December 1, 2018, the state board shall report to the
139 Governor and to the Legislative Oversight Commission on Education Accountability the proposed
140 rule for establishing the measures and incentives of accreditation and the estimated cost
141 therefore, if any. Thereafter, the state board shall provide an annual report to the Governor and to
142 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 (A) use the statewide electronic information system
163 established by the state board for data collection and reporting to the state Department of
164 Education; (B) Prominently display their most recent school reports information about their
165 students' most recent performance on the school's internet website; (C) Additionally, the state
166 department of education shall post a rank order by overall academic performance of all schools on
167 its website.

168 Each county board of education shall prominently display on its internet website in not less
169 than 16-point type, the county's percentage of students scoring:

- 170 (1) Proficient in Reading;
- 171 (2) Distinguished in Reading;
- 172 (3) Proficient in Mathematics; and
- 173 (4) Distinguished in Mathematics

174 Each statewide summative assessment program shall also display the information in
175 number at the top of each page of the statewide summative assessment program website in a
176 banner format.

177 (g) Each school shall prominently display on its internet website landing page in not less
178 than 16-point type, the school's percentage of students scoring:

179 (1) Proficient in Reading;
180 (2) Distinguished in Reading;
181 (3) Proficient in Mathematics; and
182 (4) Distinguished in Mathematics.

183 Each school shall also display the information relating to proficient in reading at the top of
184 each page of the school's website in a banner format.

185 The state board of education shall post a rank order by overall academic performance of
186 all schools on its website.

187 The state board of education shall support county boards by providing data files that
188 include each county district and school's proficient and distinguished percentages in reading and
189 mathematics which reflect the performance of accountable students. County boards shall be
190 notified when these files are ready for sharing.

191 The state board of education shall offer examples and guidance to help county boards
192 meet the specific website requirements.

193 County boards shall demonstrate compliance with these website requirements to ensure
194 that the criteria have been met. Additional information about this assurance process shall be
195 provided at a later date.

196 (g) (h) Assessment and accountability of school and school system performance and
197 processes. — In accordance with §29A-3B-1 *et seq.* of this code, the state board shall establish by
198 rule a system of education performance measures to evaluate the quality of education and the
199 preparation of students based on the annual measures of student, school, and school system

200 performance and progress. The system of education performance measures shall provide
201 information to the state board, the Legislature, and the Governor, upon which they may determine
202 whether a thorough and efficient system of schools is being provided. The system of education
203 performance measures shall include:

204 (1) The assessment of student, school, and school system performance and progress
205 based on the annual measures established pursuant to subsection (e) of this section;

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

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

209 (h) (i) Uses of school and school system assessment information. — The state board shall
210 use information from the system of education performance measures to assist it in ensuring that a
211 thorough and efficient system of schools is being efficiently provided and to improve student,
212 school and school system performance and progress. Information from the system of education
213 performance measures further shall be used by the state board for these purposes, including, but
214 not limited to, the following:

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

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

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

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

223 (i) Early detection and intervention programs. — Based on the assessment of student,
224 school and school system performance, and progress, the state board shall establish early
225 detection and intervention programs using the available resources of the Department of

226 Education, or other resources as appropriate, to assist underachieving schools and school
227 systems to improve performance before conditions become so grave as to warrant more
228 substantive state intervention. Assistance shall include, but is not limited to, providing additional
229 technical assistance and programmatic, professional staff development, and providing monetary,
230 staffing, and other resources where appropriate.

231 ~~(j)~~ (k) The state board may employ experienced education professionals, who serve at the
232 will and pleasure of the state board, to coordinate on site and school system improvement efforts
233 with staff at the state Department of Education to support schools and school systems in improving
234 education performance measures.

235 ~~(k)~~ (l) School accreditation. —

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

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

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

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

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

250 ~~(l)~~ (m) School system approval. — The state board annually shall review the information
251 submitted for each school system from the system of education performance measures and issue

252 to each county board an approval status in compliance with federal law and established by state
253 board rule.

254 (m) (n) Non-approval for extraordinary circumstances.

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

258 (2) When extraordinary circumstances exist, but do not rise to the level of immediate
259 intervention as described in subsection (n) of this section, the state board may declare a state of
260 emergency in the school system and shall direct designees to provide recommendations within 60
261 days of appointment for correcting the extraordinary circumstances. When the state board
262 approves the recommendations, they shall be communicated to the county board. If progress in
263 correcting the extraordinary circumstances, as determined by the state board, is not made within
264 six months from the time the county board receives the recommendations, the state board shall
265 intervene in the operation of the school system to cause improvements to be made that will
266 provide assurances that a thorough and efficient system of schools will be provided. This
267 intervention may include, but is not limited to, the following:

268 (A) Limiting the authority of the county board in areas that compromise the delivery of a
269 thorough and efficient education to its students as designated by the state board by rule, which
270 may include delegating decision-making authority regarding these matters to the state
271 superintendent who may:

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

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

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

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

278 (n) (o) Notwithstanding any other provision of this section, the state board may intervene
279 immediately in the operation of the county school system with all the powers, duties, and
280 responsibilities contained in subsection (m) of this section, if the state board finds any of the
281 following:

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

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

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

290 (o) (p) Capacity. — The process for improving education includes a process for targeting
291 resources strategically to improve the teaching and learning process. Development of electronic
292 school and school system strategic improvement plans, pursuant to subsection (b) of this section,
293 is intended, in part, to provide mechanisms to target resources strategically to the teaching and
294 learning process to improve student, school, and school system performance. When deficiencies
295 are detected through the assessment and accountability processes, the revision and approval of
296 school and school system electronic strategic improvement plans shall ensure that schools and
297 school systems are efficiently using existing resources to correct the deficiencies. When the state
298 board determines that schools and school systems do not have the capacity to correct
299 deficiencies, the state board shall take one or more of the following actions:

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

303 (2) Recommend to the appropriate body including, but not limited to, the Legislature,

304 county boards, schools and communities methods for targeting resources strategically to
305 eliminate deficiencies identified in the assessment and accountability processes. When making
306 determinations on recommendations, the state board shall include, but is not limited to, the
307 following methods:

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

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

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

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

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

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

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

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

327 (8) Directing educational expertise and support services strategically toward alleviating
328 deficiencies;

329 (9) Ensuring that the need for facilities in counties with increased enrollment are

330 appropriately reflected and recommended for funding;

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

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

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

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

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

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

354 At least once each year during the period of intervention, the state board shall appoint a
355 designee to assess the readiness of the county board to accept the return of control of the system

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

369 Following the termination of an intervention in the operation of a school system and return
370 of full control by the state board, the support for governance education and development shall
371 continue as needed for up to three years. If at any time within this three years, the state board
372 determines that intervention in the operation of the school system is again necessary, the state
373 board shall again hold a public hearing in the affected county so that the reasons for the
374 intervention and the concerns of the citizens of the county may be heard prior to intervening.

NOTE: The purpose of this bill is to require county boards of education, K through 12 schools, to display school report cards on websites and use the statewide electronic information system established by the state board for data collection and reporting to the state department of education.

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