WEST VIRGINIA CODE: §18-5A-3

§18-5A-3. County board authority to designate innovation schools; local school improvement council proposals of alternatives to operation of school; process for requesting waivers of rules, policies, interpretations and statutes to implement alternatives.

(a) The intent of this section is to encourage and facilitate the design and implementation of innovative initiatives by local schools, working through their local school improvement councils, that meet the school's needs and circumstances. A school level initiative may propose alternatives to the operation of the public school that will enable the school to better meet or exceed the high quality standards established by the state board, increase administrative efficiency, enhance the delivery of instructional programs, promote student engagement in the learning process, promote business partnerships, promote parent and community involvement at the school, or improve the educational performance of the school generally. In accordance with this intent, a local school improvement council established under the provisions of §18-5A-2 of this code may submit to its county board proposed alternatives to the operation of the public school in accordance with this section. If the county board approves the proposal in accordance with this section, it may designate the school as an innovation school and may provide funding to support implementation of the proposal, if necessary.

(b) An alternative proposed by a local school improvement council shall set forth:

(1) The objective or objectives to be accomplished under the proposal;

(2) How the accomplishment of such objective or objectives will meet or exceed the standards established by the state board;

(3) The indicators upon which the meeting of such standards should be judged;

(4) A projection of any funds to be saved by the proposal and how such funds will be reallocated within the school, or any costs associated with the proposal and proposed funding sources; and

(5) Any policies or rules promulgated by the state or county board, any state superintendent interpretations and any state statutes for which a waiver will be required for the proposed alternative to be implemented; and

(c) For an alternative to be proposed, at least two thirds of the members of the local school improvement council must vote in favor of the proposal. If the alternative to be proposed includes the request for a waiver of policies or rules promulgated by the state or county board, state superintendent interpretations or state statutes affecting employees, then prior to the proposal of the alternative, a majority of the local affected employee group must

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agree.

(d) A local school improvement council shall submit its proposed alternative to the county board. The county board shall acknowledge receipt of the proposal and promptly review the proposed alternative. The county board may request additional information and clarifications from the local school improvement council regarding the proposed alternative. The county board shall approve or disapprove the proposal and return it to the council with a statement of the reasons for the action taken, subject to the following:

(1) If an alternative proposed by the local school improvement council requires the waiver of any policies or rules promulgated by the county board, approval of the proposal by the county board constitutes a grant of the waiver;

(2) If an alternative proposed by the local school improvement council requires the waiver of any policies or rules promulgated by the state board and the county board approves the proposal except that a waiver by the state board is required, the county board shall forward the approved proposal to the state board for final determination. The state board shall acknowledge receipt of the proposal and promptly review the proposed alternative in consultation with the county board or their agents and, in its discretion, approve implementation of the alternative or reply to the county board and council within a reasonable time as to its reasons for not approving the proposed alternative. Approval of the proposal by the state board constitutes a grant of the waiver;

(3) If an alternative proposed by the local school improvement council requires the waiver of a state superintendent's interpretation and the county board approves the proposal except that a waiver by the state superintendent is required, the county board shall forward the approved proposal to the state superintendent for final determination. The state superintendent shall acknowledge receipt of the proposal and promptly review the proposed alternative in consultation with the county board or their agents and, in his or her discretion, approve implementation of the alternative or reply to the county board and council within a reasonable time as to its reasons for not approving the proposed alternative. Approval of the proposal by the state superintendent constitutes a grant of the waiver;

(4) If an alternative proposed by the local school improvement council requires the waiver of a state statute and the county board approves the proposal except that a waiver of the statute is required, the county board shall forward the approved proposal to the Legislative Oversight Commission on Education Accountability. The commission shall acknowledge receipt of the proposal and promptly review the proposed alternative in consultation with the county board or their agents and determine whether a recommendation should be made for an Act of the Legislature to waive the statute to permit implementation of the proposed alternative;

(5) If an alternative that requires a waiver is proposed by more than one local school improvement council in the county and the county board approves, the county board may forward a consolidated proposal requesting the waiver to the appropriate bodies as provided

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in this subsection; and

(6) When an alternative to the operation of a school is approved, the county board shall establish a process for evaluation of the operation of the alternative. Approval for the operation of the alternative may be continued or revoked at any time based on the results and findings of the evaluation.

(e) Notwithstanding any other provisions of the law to the contrary, a local school improvement council is not prohibited from permitting off-site classrooms to be developed in conjunction with local businesses if those sites meet the requirements established by the county board for sites that are located off campus.

(f) The state board shall submit a report to the Legislative Oversight commission on education accountability and the Governor on September 1, of each year summarizing the proposed alternatives received, approved or rejected, continued or revoked during the preceding school year and the results and findings of the evaluations. The report shall specifically identify all policy, rule, and interpretation waiver requests including those requests made to county boards by local school improvement councils received during the preceding year and the disposition of each.

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