WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 1991

ENROLLED
Com. Sub. for
HOUSE BILL NO. 2467

(By Mr. Del. Ashcraft, By Request)

Passed March 7, 1991
In Effect 90 Days From Passage
AN ACT to amend and reenact section five, article two-e, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to establishing instances when a school may be declared seriously impaired; adding another accreditation level; defining conditional approval; redefining probationary approval; and requiring the state board to establish methods to identify school districts which may be nonapproved.

Be it enacted by the Legislature of West Virginia:

That section five, article two-e, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.

§18-2E-5. School accreditation; standards compliance board; approval status; intervention to correct impairments.

1 (a) The purpose of this section is to provide assurances that a thorough and efficient system of education is being provided for all West Virginia public school students on an equal educational opportunity basis and
that the high quality standards are being met. A system
for the review of school district educational plans,
performance, based accreditation and periodic, random,
unannounced on-site effectiveness reviews of district
educational systems, including individual schools within
the districts, shall provide assurances that the high
quality standards, established pursuant to subsection (b)
of this section, are being met. A performance-based
accreditation system shall provide assurances that the
high quality standards, established pursuant to subsec-
tion (c) of this section, are being met.

(b) On or before the first day of January, one thousand
nine hundred ninety-one, the state board of education
shall, in accordance with the provisions of article three-
b, chapter twenty-nine-a of this code, establish and
adopt high quality educational standards in the areas of
curriculum, finance, transportation, special education,
facilities, administrative practices, training of school
district board members and administrators, personnel
qualifications, professional development and evaluation,
student and school performance, a code of conduct for
students and employees and other such areas as
determined by the state board of education. The
standards established in the area of curriculum shall
assure that all graduates are prepared for the world of
work or for continuing postsecondary education and
training. Each school district shall submit an annual
improvement plan designed around locally identified
needs showing how the educational program of each
school in the district will meet or exceed the high
quality standards.

A performance-based accreditation system shall be
the only statewide system used for accrediting or
classifying the public schools in West Virginia. The state
board shall establish a schedule and shall review each
school within a district and each school district board
of education for accreditation based on information
submitted to the board under the performance-based
accreditation system as set forth in subsection (c) of this
section.

(c) On or before the first day of July, one thousand
nine hundred ninety-one, the state board of education
shall, in accordance with the provisions of article three-
b, chapter twenty-nine-a of this code, establish by rule
a system which measures the performance of each school
based on the following measures of student and school
performance: The acquisition of student proficiencies as
indicated by student performance by grade level in the
various subjects tested under the statewide testing of
educational progress program and other appropriate
measures; school attendance rates; the student dropout
rate; the percent of students promoted to next grade and
the number of waivers of the promotion standard
granted; the graduation rate; the average class size; the
pupil-teacher ratio; the number of exceptions to pupil-
teacher ratio requested by the county board and the
number of exceptions granted; the number of split-
grade classrooms; the percentage of graduating students
entering postsecondary education or training; the pupil-
administrator ratio; parent involvement; parent, teacher
and student satisfaction; and operating expenditures per
pupil.

The state board annually shall review the information
submitted for each school and shall issue to every school:
(1) Full accreditation status; or (2) probationary
accreditation status.

Full accreditation status shall be given to a school
when the school’s performance on the above indicators
is at a level which would be expected when all of the
high quality educational standards are being met.
Probationary accreditation status shall be given to a
school when the measure of the school’s performance is
below such level.

Whenever a school is given probationary accreditation
status, the district board shall implement an improve-
ment plan which is designed to increase the perform-
ance of the school to a full accreditation status level
within one year.

(d) The state board of education shall establish and
adopt standards of performance to identify seriously
impaired schools and the state board may declare a
school seriously impaired whenever extraordinary circumstances exist as defined by the state board. Whenever the state board of education determines that the quality of education in a school is seriously impaired, the state superintendent, with approval of the state board, shall appoint a team of three improvement consultants to make recommendations within sixty days of appointment for correction of the impairment. Upon approval of the recommendations by the state board, the recommendations shall be made to the district board of education. If progress in correcting the impairment is not made within six months of receipt of the recommendations, the state superintendent shall provide consultation and assistance to the district board to (1) improve personnel management, (2) establish more efficient financial management practices, (3) improve instructional programs and policies or (4) make such other improvements as may be necessary to correct the impairment. If the impairment is not corrected within one year of receipt of the recommendations, the district shall be given probationary approval status or nonapproval status.

(e) Whenever a school is given probationary status or is determined to be seriously impaired and fails to improve its status within one year, any student attending such school may transfer once to the nearest fully accredited school, subject to approval of the fully accredited school and at the expense of the school from which the student transferred.

(f) The state board of education shall issue one of the following accreditation levels to each school district board of education: (1) Full approval, (2) conditional approval, (3) probationary approval or (4) nonapproval. Full approval shall be given to a district board whose educational system meets or exceeds all of the high quality standards adopted by the state board and whose schools have all been given full accreditation status. Full approval shall be for a period not to exceed four years. Conditional approval shall be given to a district board whose educational system meets at least ninety-five
percent of the high quality standards adopted by the
state board and in which at least ninety percent of the
schools have been given full accreditation status
provided no school is seriously impaired. Conditional
approval shall be for a period not to exceed one year:
Provided, That for counties that have fewer than ten
schools, the state board of education may grant condi-
tional approval without regard to the ninety percent
based on the total quality of the county educational
program.

Probationary approval shall be given to a district
board of education whose educational system has met
less than ninety-five percent of the high quality
standards, or which has eleven percent or more schools
in the district given probationary status or serious
impairment. Probationary approval is a warning that
the district board must make specified improvements.
If the number of schools in the district given probation-
ary status is not reduced to a number that would allow
full accreditation to be granted in the following year, the
district board shall be automatically given nonapproval.
In addition, nonapproval shall be given to a district
board of education which fails to submit an annual
program plan or fails to demonstrate a reasonable effort
to meet the high quality standards. The state board of
education shall establish and adopt standards to identify
school districts in which the program may be nonap-
proved or the state board may issue nonapproval status
whenever extraordinary circumstances exist as defined
by the state board of education.

(g) Whenever nonapproval status is given to a district,
the state board of education shall declare a state of
emergency in the district and may intervene in the
operation of the district to (1) limit the authority of the
district superintendent and district board of education
as to the expenditure of funds, the employment and
dismissal of personnel, the establishment and operation
of the school calendar, the establishment of instructional
programs and policies, and such other areas as may be
designated by the state board by rule, (2) take such
direct action as may be necessary to correct the
impairment and (3) declare that the office of the district
superintendent is vacant.

(h) To assist the state board in determinations of the
accreditation status of schools and the approval status
of school districts under this section, the state board
shall from time to time appoint an educational stand-
ards compliance review team to make unannounced on-
site reviews of the educational programs in any school
or school district in the state to assess compliance of the
school or district with the high quality standards
adopted by the state board, including, but not limited
to, facilities, administrative procedures, transportation,
food services and the audit of all matters relating to
school finance, budgeting and administration.

The teams shall be composed of not more than ten
persons, not more than half of whom may be members
of or currently employed by the state board, who possess
the necessary knowledge, skills and experience to make
an accurate assessment of such educational programs.
The educational standards compliance team shall report
the findings of its on-site reviews to the state board of
education for inclusion in the determination of a school's
or district's accreditation or approval status as applica-
ble. The state board of education shall encourage the
sharing of information to improve school effectiveness
among the districts.

The state board shall make accreditation information
available to the Legislature, the governor, the general
public and to any individuals who request such
information.

(i) The state board shall fully implement the accred-
itation system established under this article for all
schools on the first day of July, one thousand nine
hundred ninety-one, and may pilot test the system prior
to that date. The state board shall adopt rules in
accordance with the provisions of article three-b,
chapter twenty-nine-a of this code necessary to imple-
ment the provisions of this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Homer Heck
Chairman Senate Committee

Ernest O. Moore
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Russell Bedinger
Clerk of the Senate

Donald L. Kopp
Clerk of the House of Delegates

Keith Benetti
President of the Senate

Bob C. Cole
Speaker of the House of Delegates

The within ...approved... this the 1st
day of... , 1991.

Winston Caperton
Governor
PRESENTED TO THE
GOVERNOR
Date 3/18/41
Time 9:50 AM