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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# 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

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**H. B. 2467**  
(By DELEGATE ASHCRAFT, By Request)

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[Passed March 7, 1991; in effect ninety days from passage.]

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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
- 2 that a thorough and efficient system of education is
- 3 being provided for all West Virginia public school
- 4 students on an equal educational opportunity basis and

5 that the high quality standards are being met. A system  
6 for the review of school district educational plans,  
7 performance, based accreditation and periodic, random,  
8 unannounced on-site effectiveness reviews of district  
9 educational systems, including individual schools within  
10 the districts, shall provide assurances that the high  
11 quality standards, established pursuant to subsection (b)  
12 of this section, are being met. A performance-based  
13 accreditation system shall provide assurances that the  
14 high quality standards, established pursuant to subsec-  
15 tion (c) of this section, are being met.

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

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

45 (c) On or before the first day of July, one thousand

46 nine hundred ninety-one, the state board of education  
47 shall, in accordance with the provisions of article three-  
48 b, chapter twenty-nine-a of this code, establish by rule  
49 a system which measures the performance of each school  
50 based on the following measures of student and school  
51 performance: The acquisition of student proficiencies as  
52 indicated by student performance by grade level in the  
53 various subjects tested under the statewide testing of  
54 educational progress program and other appropriate  
55 measures; school attendance rates; the student dropout  
56 rate; the percent of students promoted to next grade and  
57 the number of waivers of the promotion standard  
58 granted; the graduation rate; the average class size; the  
59 pupil-teacher ratio; the number of exceptions to pupil-  
60 teacher ratio requested by the county board and the  
61 number of exceptions granted; the number of split-  
62 grade classrooms; the percentage of graduating students  
63 entering postsecondary education or training; the pupil-  
64 administrator ratio; parent involvement; parent, teacher  
65 and student satisfaction; and operating expenditures per  
66 pupil.

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

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

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

83 (d) The state board of education shall establish and  
84 adopt standards of performance to identify seriously  
85 impaired schools and the state board may declare a

86 school seriously impaired whenever extraordinary  
87 circumstances exist as defined by the state board.  
88 Whenever the state board of education determines that  
89 the quality of education in a school is seriously impaired,  
90 the state superintendent, with approval of the state  
91 board, shall appoint a team of three improvement  
92 consultants to make recommendations within sixty days  
93 of appointment for correction of the impairment. Upon  
94 approval of the recommendations by the state board, the  
95 recommendations shall be made to the district board of  
96 education. If progress in correcting the impairment is  
97 not made within six months of receipt of the recommen-  
98 dations, the state superintendent shall provide consulta-  
99 tion and assistance to the district board to (1) improve  
100 personnel management, (2) establish more efficient  
101 financial management practices, (3) improve instruc-  
102 tional programs and policies or (4) make such other  
103 improvements as may be necessary to correct the  
104 impairment. If the impairment is not corrected within  
105 one year of receipt of the recommendations, the district  
106 shall be given probationary approval status or nonap-  
107 proval status.

108 (e) Whenever a school is given probationary status or  
109 is determined to be seriously impaired and fails to  
110 improve its status within one year, any student attend-  
111 ing such school may transfer once to the nearest fully  
112 accredited school, subject to approval of the fully  
113 accredited school and at the expense of the school from  
114 which the student transferred.

115 (f) The state board of education shall issue one of the  
116 following accreditation levels to each school district  
117 board of education: (1) Full approval, (2) conditional  
118 approval, (3) probationary approval or (4) nonapproval.

119 Full approval shall be given to a district board whose  
120 educational system meets or exceeds all of the high  
121 quality standards adopted by the state board and whose  
122 schools have all been given full accreditation status. Full  
123 approval shall be for a period not to exceed four years.

124 Conditional approval shall be given to a district board  
125 whose educational system meets at least ninety-five

126 percent of the high quality standards adopted by the  
127 state board and in which at least ninety percent of the  
128 schools have been given full accreditation status  
129 provided no school is seriously impaired. Conditional  
130 approval shall be for a period not to exceed one year:  
131 *Provided*, That for counties that have fewer than ten  
132 schools, the state board of education may grant condi-  
133 tional approval without regard to the ninety percent  
134 based on the total quality of the county educational  
135 program.

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

156 (g) Whenever nonapproval status is given to a district,  
157 the state board of education shall declare a state of  
158 emergency in the district and may intervene in the  
159 operation of the district to (1) limit the authority of the  
160 district superintendent and district board of education  
161 as to the expenditure of funds, the employment and  
162 dismissal of personnel, the establishment and operation  
163 of the school calendar, the establishment of instructional  
164 programs and policies, and such other areas as may be  
165 designated by the state board by rule, (2) take such  
166 direct action as may be necessary to correct the

167 impairment and (3) declare that the office of the district  
168 superintendent is vacant.

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

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

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

197 (i) The state board shall fully implement the accred-  
198 itation system established under this article for all  
199 schools on the first day of July, one thousand nine  
200 hundred ninety-one, and may pilot test the system prior  
201 to that date. The state board shall adopt rules in  
202 accordance with the provisions of article three-b,  
203 chapter twenty-nine-a of this code necessary to imple-  
204 ment the provisions of this article.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Homer Beck*  
.....  
Chairman Senate Committee

*Ernest C. Masie*  
.....  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Harriet E. Selmes*  
.....  
Clerk of the Senate

*Donald R. Kapp*  
.....  
Clerk of the House of Delegates

*Walt Burdette*  
.....  
President of the Senate

*Bob C. Hill*  
.....  
Speaker of the House of Delegates

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

*Yaston Caperton*  
.....  
Governor



PRESENTED TO THE

GOVERNOR

Date 3/18/91

Time 9:50am