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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996



ENROLLED

Committee Substitute for

SENATE BILL NO. 300

(By Senator TOUBLIN, MR. PRESIDENT, ETAL)



PASSED March 8, 1996
In Effect From Passage

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COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 300

(SENATORS TOMBLIN, MR. PRESIDENT, AND BOLEY,
BY REQUEST OF THE EXECUTIVE, *original sponsors*)

[Passed March 8, 1996; in effect from passage.]

AN ACT to amend and reenact sections one and four, article one, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section six, article two of said chapter; to amend and reenact sections four, five and seven, article two-e of said chapter; to further amend said article by adding thereto a new section, designated section eight; to amend and reenact section four, article five-a of said chapter; to amend and reenact section one, article one, chapter eighteen-a of said code; to amend

article three of said chapter by adding thereto a new section, designated section two-c; to amend and reenact section one, article three-a of said chapter; to further amend said article by adding thereto a new section, designated section two-b; and to amend article one, chapter eighteen-b of said code by adding thereto a new section, designated section one-e, all relating to creating jobs through education; defining "career clusters" and "work-based learning"; requiring the state board to report progress toward meeting educational goals; replacing certificates of proficiency with an electronic portfolio system; including information on statewide school report cards; establishing school accreditation and education standards; providing for high quality basic skills development and remediation in all public schools; utilizing technology in middle schools, junior high schools and high schools; stating comprehensive goals for jobs through education; increasing academic expectations and career development for all students; assessing student performance by grade level; focusing on basic skills in kindergarten through fourth grade; developing a rigorous curriculum; exploring career options; implementing an individualized student transition plan; choosing career majors; reporting by state school-to-work steering committee; increasing the ability of all students to meet higher academic expectations and become independent learners; establishing partnerships; creating guidelines for work-based learning; creating work-based opportunities in rural areas; creating guidelines for certification on the electronic portfolio of student skills, competencies and readiness for employment; addressing staff development; requiring a state board rule; establishing criteria for selecting schools of excellence; defining "principals academy" and "center for professional development"; requiring training through the principals academy; creating the "Principals Standards Advisory Council"; creating the "Principals Academy" within the center for professional development and adding penalties for failure to comply; requiring public education and higher education collab-

oration for the preparation of students for college and other post-secondary education; and requiring the higher education governing boards to promulgate a joint rule.

Be it enacted by the Legislature of West Virginia:

That sections one and four, article one, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that section six, article two of said chapter be amended and reenacted; that sections four, five and seven, article two-e of said chapter be amended and reenacted; that said article be further amended by adding thereto a new section, designated section eight; that section four, article five-a of said chapter be amended and reenacted; that section one, article one, chapter eighteen-a of said code be amended and reenacted; that article three of said chapter be amended by adding thereto a new section, designated section two-c; that section one, article three-a of said chapter be amended and reenacted; that said article be further amended by adding thereto a new section, designated section two-b; and that article one, chapter eighteen-b of said code be amended by adding thereto a new section, designated section one-e, all to read as follows:

CHAPTER 18. EDUCATION.

ARTICLE 1. DEFINITIONS; LIMITATIONS OF CHAPTER; GOALS FOR EDUCATION.

§18-1-1. Definitions.

1 The following words used in this chapter and in any
2 proceedings pursuant thereto shall, unless the context
3 clearly indicates a different meaning, be construed as
4 follows:

5 (a) "School" means the pupils and teacher or teachers
6 assembled in one or more buildings, organized as a unit;

7 (b) "District" means county school district;

8 (c) "State board" means the West Virginia board of
9 education;

10 (d) "Board" means the county board of education;

11 (e) "State superintendent" means the state superinten-
12 dent of free schools;

13 (f) "Superintendent" means the county superintendent
14 of schools;

15 (g) "Teacher" means teacher, supervisor, principal,
16 superintendent, public school librarian; registered
17 professional nurse, licensed by the West Virginia board
18 of examiners for registered professional nurses and
19 employed by a county board of education, who has a
20 baccalaureate degree; or any other person regularly
21 employed for instructional purposes in a public school in
22 this state;

23 (h) "Service personnel" means all nonteaching school
24 employees not included in the above definition of
25 "teacher";

26 (i) "Regular full-time employee" means any person
27 employed by a county board of education who has a
28 regular position or job throughout his employment term,
29 without regard to hours or method of pay;

30 (j) "Career clusters" means broad groupings of related
31 occupations; and

32 (k) "Work-based learning" means a structured activity
33 that correlates with and is mutually supportive of the
34 school-based learning of the student and includes
35 specific objectives to be learned by the student as a
36 result of the activity.

§18-1-4. Education improvement plan.

1 (a) The governor, the Legislature, the state board and
2 the people of West Virginia agree that the education of
3 their children is of utmost importance to the future
4 well-being of the state and that the purpose of enacting
5 education laws and providing funding to support a
6 system of free schools is to assure that all of our children
7 have every opportunity to secure an education which is

8 thorough and is provided in an efficient manner. The
9 governor, the Legislature, the state board and the people
10 of West Virginia further agree that improvements are
11 needed in the education system of West Virginia if these
12 objectives are to be met.

13 (b) Therefore, the governor, the Legislature, the state
14 board and the people of West Virginia have established
15 goals for themselves which are measurable and achiev-
16 able through the combined efforts of the government, the
17 school system and the people through an increased focus
18 on the needs of children. These goals are:

19 (1) All children entering the first grade will be ready
20 for the first grade;

21 (2) All students will have equal education opportunity;

22 (3) Student performance on national measures of
23 student performance will equal or exceed national
24 averages and the performance of students falling in the
25 lowest quartile will improve by fifty percent;

26 (4) Ninety percent of ninth graders will graduate from
27 high school;

28 (5) High school graduates will be fully prepared for
29 college, other post-secondary education or gainful
30 employment. The number of high school graduates
31 entering post-secondary education will increase by fifty
32 percent; and

33 (6) All working age adults will be functionally literate.

34 The intent of the governor, the Legislature and the
35 state board is to pursue the accomplishment of these
36 goals through strategies which focus on: (i) Early
37 childhood development; (ii) improving the quality of
38 teaching; (iii) technology and learning; (iv) helping
39 at-risk students; (v) work force preparation; and (vi)
40 restructuring and accountability in the education
41 system.

42 (c) The state board shall report progress toward

43 meeting and achieving the goals, as set forth in subsec-
44 tion (b) of this section, to the governor and the Legisla-
45 ture at the beginning of the legislative session in each of
46 the next four years, beginning in the year one thousand
47 nine hundred ninety-seven, and shall include in such
48 report how the legislative priorities of the board address
49 attainment of the goals.

ARTICLE 2. STATE BOARD OF EDUCATION.

**§18-2-6. Classification and standardization of schools; stan-
dards for degrees and diploma.**

1 The state board shall make rules for the accreditation,
2 classification and standardization of all schools in the
3 state, except institutions of higher education, and shall
4 determine the minimum standards for the granting of
5 diplomas and certificates of proficiency by those schools.
6 Not later than the school year one thousand nine hun-
7 dred ninety—ninety-one, certificates of proficiency
8 including specific information regarding the graduate's
9 skills, competence and readiness for employment or
10 honors and advanced education shall be granted, along
11 with the diploma, to every eligible high school graduate.

12 No institution of less than collegiate or university
13 status may grant any diploma or certificate of profi-
14 ciency on any basis of work or merit below the minimum
15 standards prescribed by the state board.

16 No charter or other instrument containing the right to
17 issue diplomas or certificates of proficiency shall be
18 granted by the state of West Virginia to any institution
19 or other associations or organizations of less than
20 collegiate or university status within the state until the
21 condition of granting or issuing such diplomas or other
22 certificates of proficiency has first been approved in
23 writing by the state board.

24 Notwithstanding any other provisions of this section to
25 the contrary, the requirement for granting certificates of
26 proficiency shall be replaced by the requirement that
27 information be provided on an electronic portfolio

28 system established by the state board pursuant to section
29 eight, article two-e of this chapter and issued to every
30 high school graduate by the appropriate county board:
31 *Provided*, That the requirements for granting certificates
32 of proficiency shall be continued until such time as the
33 electronic portfolio system has been made available to
34 the county boards.

ARTICLE 2E. HIGH QUALITY EDUCATION PROGRAMS.

§18-2E-4. Better schools accountability; school, school district and statewide school report cards.

1 (a) For the purpose of providing information to the
2 parents of public school children and the general public
3 on the quality of education in the public schools which
4 is uniform and comparable between schools within and
5 among the various school districts, the state board shall
6 prepare forms for school, school district and statewide
7 school report cards and shall promulgate rules concern-
8 ing the collection and reporting of data and the prepara-
9 tion, printing and distribution of report cards under this
10 section. The forms shall provide for brief, concise
11 reporting in nontechnical language of required informa-
12 tion. Any technical or explanatory material a county
13 board wishes to include shall be contained in a separate
14 appendix available to the general public upon request.

15 (b) The school report cards shall include information as
16 shall be prescribed by lawfully promulgated rule by the
17 state board to give the parents of students at the school
18 and the general public an indication of the quality of
19 education at the school and other programs supportive
20 of community needs, including, but not limited to, the
21 following:

22 (1) Indicators of student performance at the school in
23 comparison with the county, state, regional and national
24 student performance, as applicable, including student
25 performance by grade level in the various subjects
26 measured pursuant to a uniform statewide assessment
27 program adopted by the state board; school attendance
28 rates; the percent of students not promoted to next

29 grade; and the graduation rate;

30 (2) Indicators of school performance in comparison
31 with the aggregate of all other schools in the county and
32 the state, as applicable, including average class size;
33 percent of enrollments in courses in high school mathe-
34 matics, science, English and social science; amount of
35 time per day devoted to mathematics, science, English
36 and social science at middle, junior high and high school
37 grade levels; percentage distribution of students by
38 career cluster as indicated on the individualized student
39 transition plan; pupil-teacher ratio; number of excep-
40 tions to pupil-teacher ratio requested by the county
41 board and the number of exceptions granted; the number
42 of split-grade classrooms; pupil-administrator ratio;
43 operating expenditure per pupil; county expenditure by
44 fund in graphic display; and the average degree classifi-
45 cation and years of experience of the administrators and
46 teachers at the school;

47 (3) The names of the members of the local school
48 improvement council, created pursuant to section two,
49 article five-a of this chapter; and

50 (4) The name or names of the business partner or
51 partners of the school.

52 In addition, every county board shall annually deter-
53 mine the number of administrators, classroom teachers
54 and service personnel employed that exceeds the number
55 allowed by the public school support plan and determine
56 the amount of salary supplements that would be avail-
57 able per state authorized employee if all expenditures for
58 the excess employees were converted to annual salaries
59 for state authorized administrators, classroom teachers
60 and service personnel within their county. The informa-
61 tion shall be published annually in each school report
62 card of each such county.

63 (c) The school district report card shall include the
64 data for each school for each separately listed applicable
65 indicator and the aggregate of the data for all schools, as

66 applicable, in the county for each indicator. The state-
67 wide school report card shall include the data for each
68 county for each separately listed indicator and the
69 aggregate for all counties for each indicator.

70 (d) The report cards shall be prepared using actual
71 local school, county, state, regional and national data
72 indicating the present performance of the school and
73 shall also include the state norms and the upcoming
74 year's targets for the school and the county board.

75 The state board shall provide technical assistance to
76 each county board in preparing the school and school
77 district report cards.

78 Each county board shall prepare report cards in
79 accordance with the guidelines set forth in this section.
80 The school district report cards shall be presented at a
81 regular school board meeting subject to applicable notice
82 requirements and shall be made available to a newspaper
83 of general circulation serving the district. The school
84 report cards shall be mailed directly to the parent or
85 parents of any child enrolled in that school. In addition,
86 each county board shall submit the completed report
87 cards to the state board which shall make copies avail-
88 able to any person requesting them.

89 The report cards shall be completed and disseminated
90 prior to the first day of January, one thousand nine
91 hundred eighty-nine, and in each year thereafter, and
92 shall be based upon information for the current school
93 year, or for the most recent school year for which the
94 information is available, in which case the year shall be
95 clearly footnoted.

96 (e) In addition to the requirements of subsection (c) of
97 this section, the school district report card shall list: (1)
98 The names of the members of the county board, the dates
99 upon which their terms expire and whether they have
100 attended an orientation program for new members
101 approved by the state board and conducted by the West
102 Virginia school board association or other approved

103 organizations, and other school board member training
104 programs; and (2) the names of the county school super-
105 intendent and every assistant and associate superinten-
106 dent and any training programs related to their area of
107 school administration which they have attended. The
108 information shall also be reported by district in the
109 statewide school report card.

110 (f) The state board shall develop and implement a
111 separate report card for nontraditional public schools
112 pursuant to the appropriate provisions of this section to
113 the extent practicable.

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

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 education opportunity basis and
5 that the high quality standards are being met. A system
6 for the review of school district education plans, perfor-
7 mance-based accreditation and periodic, random,
8 unannounced on-site effectiveness reviews of district
9 education systems, including individual schools within
10 the districts, shall provide assurances that the high
11 quality standards established in this section, are being
12 met.

13 (b) On or before the first day of November, one thou-
14 sand nine hundred ninety-six, the state board shall, in
15 accordance with the provisions of article three-b,
16 chapter twenty-nine-a of this code, establish and adopt
17 high quality education standards in the following areas:

- 18 (1) Curriculum;
- 19 (2) Workplace readiness skills;
- 20 (3) Finance;
- 21 (4) Transportation;
- 22 (5) Special Education;

- 23 (6) Facilities;
- 24 (7) Administrative practices;
- 25 (8) Training of county board members and administra-
26 tors;
- 27 (9) Personnel qualifications;
- 28 (10) Professional development and evaluation;
- 29 (11) Student and school performance;
- 30 (12) A code of conduct for students and employees; and
- 31 (13) Any other such areas as determined by the state
32 board.

33 The standards shall assure that all graduates are
34 prepared for gainful employment or for continuing post-
35 secondary education and training and that schools and
36 school districts are making progress in achieving the
37 education goals of the state. Each school district shall
38 submit an annual improvement plan designed around
39 locally identified needs showing how the education
40 program of each school in the district will meet or
41 exceed the high quality standards.

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

50 (c) On or before the first day of September, one thou-
51 sand nine hundred ninety-six, the state board shall, in
52 accordance with the provisions of article three-b,
53 chapter twenty-nine-a of this code, establish by rule a
54 system which measures the quality of education and
55 preparation of students at each school based on mea-
56 sures of student and school performance, including, but
57 not limited to, the following:

- 58 (1) The acquisition of student proficiencies as indicated
59 by student performance by grade level measured, where
60 possible, by a uniform statewide assessment program;
- 61 (2) School attendance rates;
- 62 (3) Student dropout rate;
- 63 (4) Percent of students promoted to next grade;
- 64 (5) Graduation rate;
- 65 (6) Average class size;
- 66 (7) Pupil-teacher ratio and number of exceptions to
67 ratio requested by county boards and number granted;
- 68 (8) Number of split-grade classrooms;
- 69 (9) Percentage of graduates who enrolled in college; the
70 percentage of graduates who enrolled in other post-
71 secondary education; and the percentage of graduates
72 who become fully employed within one year of high
73 school graduation all as reported by the graduates on the
74 assessment form attached to their individualized student
75 transition plan, pursuant to section eight of this article
76 and the percentage of graduates reporting;
- 77 (10) Pupil-administrator ratio;
- 78 (11) Parent involvement;
- 79 (12) Parent, teacher and student satisfaction;
- 80 (13) Operating expenditures per pupil;
- 81 (14) Percentage of graduates who attain the minimum
82 level of performance in the basic skills recognized by the
83 state board as laying the foundation for further learning
84 and skill development for success in college, other post-
85 secondary education and gainful employment and the
86 grade level distribution in which the minimum level of
87 performance was met;
- 88 (15) Percentage of graduates who received additional
89 certification of their skills, competence and readiness for
90 college, other post-secondary education or employment

91 above the minimum foundation level of basic skills.

92 The state board annually shall review the information
93 submitted for each school and shall issue to every school:
94 (i) Full accreditation status; or (ii) probationary accredi-
95 tation status.

96 Full accreditation status shall be given to a school
97 when the school's performance on the above indicators
98 is at a level which would be expected when all of the
99 high quality education standards are being met. Probationary
100 accreditation status shall be given to a school
101 when the measure of the school's performance is below
102 such level.

103 Whenever a school is given probationary accreditation
104 status, the county board shall implement an improve-
105 ment plan which is designed to increase the performance
106 of the school to a full accreditation status level within
107 one year.

108 (d) The state board shall establish and adopt standards
109 of performance to identify seriously impaired schools
110 and the state board may declare a school seriously
111 impaired whenever extraordinary circumstances exist as
112 defined by the state board. Whenever the state board
113 determines that the quality of education in a school is
114 seriously impaired, the state superintendent, with
115 approval of the state board, shall appoint a team of three
116 improvement consultants to make recommendations
117 within sixty days of appointment for correction of the
118 impairment. Upon approval of the recommendations by
119 the state board, the recommendations shall be made to
120 the county board. If progress in correcting the impair-
121 ment is not made within six months of receipt of the
122 recommendations, the state superintendent shall provide
123 consultation and assistance to the county board to: (1)
124 Improve personnel management; (2) establish more
125 efficient financial management practices; (3) improve
126 instructional programs and rules; or (4) make such other
127 improvements as may be necessary to correct the impair-
128 ment. If the impairment is not corrected within one year

129 of receipt of the recommendations, the district shall be
130 given probationary approval status or nonapproval
131 status.

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

139 (f) The state board shall issue one of the following
140 accreditation levels to each county board: (1) Full
141 approval; (2) conditional approval; (3) probationary
142 approval; or (4) nonapproval.

143 Full approval shall be given to a county board whose
144 education system meets or exceeds all of the high quality
145 standards adopted by the state board and whose schools
146 have all been given full accreditation status. Full
147 approval shall be for a period not to exceed four years.

148 Conditional approval shall be given to a county board
149 whose education system meets at least ninety-five
150 percent of the high quality standards adopted by the
151 state board and in which at least ninety percent of the
152 schools have been given full accreditation status pro-
153 vided no school is seriously impaired. Conditional
154 approval shall be for a period not to exceed one year:
155 *Provided*, That for counties that have fewer than ten
156 schools, the state board may grant conditional approval
157 without regard to the ninety percent based on the total
158 quality of the county education program.

159 Probationary approval shall be given to a county board
160 whose education system has met less than ninety-five
161 percent of the high quality standards, or which has
162 eleven percent or more schools in the district given
163 probationary status or serious impairment. Probationary
164 approval is a warning that the county board must make
165 specified improvements. If the number of schools in the

166 district given probationary status is not reduced to a
167 number that would allow full accreditation to be granted
168 in the following year, the county board shall be automat-
169 ically given nonapproval. In addition, nonapproval shall
170 be given to a county board which fails to submit an
171 annual program plan or fails to demonstrate a reason-
172 able effort to meet the high quality standards. The state
173 board shall establish and adopt standards to identify
174 school districts in which the program may be non-
175 approved or the state board may issue nonapproval
176 status whenever extraordinary circumstances exist as
177 defined by the state board.

178 (g) Whenever nonapproval status is given to a county,
179 the state board shall declare a state of emergency in the
180 district and may intervene in the operation of the district
181 to: (1) Limit the authority of the county superintendent
182 and county board as to the expenditure of funds, the
183 employment and dismissal of personnel, the establish-
184 ment and operation of the school calendar, the establish-
185 ment of instructional programs and rules and such other
186 areas as may be designated by the state board by rule; (2)
187 take such direct action as may be necessary to correct
188 the impairment; and (3) declare that the office of the
189 county superintendent is vacant.

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

202 The teams shall be composed of not more than ten
203 persons, not more than half of whom may be members of

204 or currently employed by the state board, who possess
205 the necessary knowledge, skills and experience to make
206 an accurate assessment of such education programs. The
207 education standards compliance team shall report the
208 findings of its on-site reviews to the state board for
209 inclusion in the determination of a school's or district's
210 accreditation or approval status as applicable. The state
211 board shall encourage the sharing of information to
212 improve school effectiveness among the districts.

213 The state board shall make accreditation information
214 available to the Legislature, the governor, the general
215 public and to any individuals who request such informa-
216 tion.

217 (i) The state board shall fully implement the accredita-
218 tion system established under this article for all schools
219 on the first day of July, one thousand nine hundred
220 ninety-one, and may pilot test the system prior to that
221 date. The state board shall adopt rules in accordance
222 with the provisions of article three-b, chapter
223 twenty-nine-a of this code necessary to implement the
224 provisions of this article.

**§18-2E-7. Providing for high quality basic skills development
and remediation in all public schools.**

1 (a) The Legislature finds that teachers must be pro-
2 vided the support, assistance and teaching tools neces-
3 sary to meet individual student instructional needs on a
4 daily basis in a classroom of students who differ in
5 learning styles, learning rates and in motivation to learn.
6 The Legislature further finds that attaining a solid
7 foundation in the basic skills of reading, composition
8 and arithmetic is essential for advancement in higher
9 education, occupational and avocational pursuits and
10 that computers are an effective tool for the teacher in
11 corrective, remedial and enrichment activities. There-
12 fore, the state board shall develop a plan which specifies
13 the resources to be used to provide services to students
14 in the earliest grade level and moving upward as re-
15 sources become available based on a plan developed by

16 each individual school team.

17 This plan must provide for standardization of com-
18 puter hardware and software, and for technology up-
19 grade and replacement, for the purposes of achieving
20 economies of scale, facilitating teacher training, permit-
21 ting the comparison of achievement of students in
22 schools and counties utilizing the hardware and soft-
23 ware, and facilitating the repair of equipment and
24 ensuring appropriate utilization of the hardware and
25 software purchased for remediation and basic skills
26 development.

27 The state board shall determine the computer hard-
28 ware and software specifications after input from
29 practicing teachers at the appropriate grade levels and
30 with the assistance of education computer experts and
31 the curriculum technology resource center.

32 Computer hardware and software shall be purchased
33 either directly or through a lease-purchase arrangement
34 pursuant to the provisions of article three, chapter five-a
35 of this code in the amount equal to anticipated revenues
36 being appropriated: *Provided*, That nothing in this
37 section shall be construed to require any specific level of
38 funding by the Legislature.

39 The state board shall develop and provide through the
40 state curriculum technology resource center a program
41 to ensure adequate teacher training, continuous teacher
42 support and updates.

43 To the extent practicable, such technology shall be
44 utilized to enhance student access to learning tools and
45 resources outside of the normal school day, such as:
46 Before and after school; in the evenings, on weekends
47 and during vacations; and for student use for homework,
48 remedial work, independent learning and career plan-
49 ning and adult basic education.

50 (b) The Legislature finds that the continued implemen-
51 tation of computer utilization under this section for high
52 quality basic skills development and remediation in the

53 middle schools, junior high schools and high schools is
54 necessary to meet the goal that high school graduates
55 will be prepared fully for college, other post-secondary
56 education or gainful employment. Further, such imple-
57 mentation should provide a technology infrastructure at
58 the middle schools, junior high schools and high schools
59 that has multiple applications in enabling students to
60 achieve at higher academic levels. The technology
61 infrastructure should facilitate student development in
62 the following areas:

63 (1) Attaining basic computer skills such as word
64 processing, spreadsheets, data bases, internet usage,
65 telecommunications and graphic presentations;

66 (2) Learning critical thinking and decision-making
67 skills;

68 (3) Applying academic knowledge in real life situations
69 through simulated workplace programs;

70 (4) Understanding the modern workplace environment,
71 particularly in remote areas of the state, by bringing the
72 workplace to the school;

73 (5) Making informed career decisions based upon
74 information on labor markets and the skills required for
75 success in various occupations;

76 (6) Gaining access to labor markets and job placement;

77 (7) Obtaining information and assistance about college
78 and other post-secondary education opportunities and
79 financial aid; and

80 (8) Other uses for acquiring the necessary skills and
81 information to make a smooth transition from high
82 school to college, other post-secondary education or
83 gainful employment.

84 Therefore, the state board shall extend the plan as set
85 forth in subsection (a) of this section, and consistent with
86 the terms and conditions in said subsection, to address
87 the findings of this subsection regarding the continued

88 implementation of computer hardware and software, and
 89 technical planning support in the middle schools, junior
 90 high schools and high schools of the state.

§18-2E-8. Creating jobs through education.

1 (a) *Findings and intent.* — The Legislature finds that
 2 the governor, the Legislature, the state board and the
 3 people of West Virginia established goals for education
 4 through an education summit and series of town meet-
 5 ings in the summer of the year, one thousand nine
 6 hundred ninety, and that these goals were codified in
 7 section four, article one of this chapter during the third
 8 extraordinary session of the Legislature of that year.
 9 Among these goals is the goal that high school graduates
 10 will be prepared fully for college, other post-secondary
 11 education or gainful employment and that the number of
 12 high school graduates entering post-secondary education
 13 will increase by fifty percent. The Legislature finds that
 14 this goal reflects a fundamental belief that the result of
 15 a thorough and efficient system of free schools is that the
 16 youth of the state exit the system equipped with the
 17 skills, competencies and attributes necessary to succeed,
 18 to continue learning throughout their lifetimes and to
 19 attain economic self-sufficiency.

20 The Legislature further finds that the full preparation
 21 of youth as indicated in these findings cannot be accom-
 22 plished by the school system alone, but requires the full
 23 and active partnership with parents and people from
 24 business, labor, higher education, economic development
 25 and other organizations and entities in the community
 26 that have an interest in providing quality education.
 27 Therefore, the intent of this section is to establish a
 28 policy framework and strategy for the state board in
 29 fulfilling its responsibility for the general supervision of
 30 free schools in order to encourage and utilize actively
 31 involved partnerships in the formulation of rules and
 32 practices to achieve the goal that high school graduates
 33 will be prepared fully for college, other post-secondary
 34 education or gainful employment, particularly in the

35 delivery of programs that provide work-based learning
36 opportunities for students within the school or at the
37 workplace. The Legislature recognizes that many skilled
38 jobs require education beyond the high school level, that
39 the goals of West Virginia include increased post-sec-
40 ondary attendance and that the goals for post-secondary
41 education as set forth in section one-a, article one,
42 chapter eighteen-b of this code include an increased
43 focus within higher education on relevancy, responsive-
44 ness to business, industry, labor and community needs,
45 and on the current and future work force needs of the
46 state. Therefore, it is further the intent of this section to
47 enhance the linkages between secondary and post-
48 secondary education.

49 (b) *Comprehensive goals for jobs through education.* —
50 The Legislature hereby establishes the following goals to
51 be accomplished by the year two thousand one for all
52 students in all schools:

53 (1) The elimination of student grouping or tracking
54 systems that result in high school students completing a
55 general curriculum that does not prepare them fully for
56 college, other post-secondary education or gainful
57 employment;

58 (2) The replacement of the general curriculum, as
59 stated in subdivision (1) of this subsection, with a system
60 of career clusters and education majors that increases
61 the academic expectations for all students, includes a
62 system of career information and guidance and incorpo-
63 rates structured work-based learning;

64 (3) The requirement that every student, in consultation
65 with his or her parents and school advisor, establish an
66 individualized student transition plan covering grades
67 nine through twelve and the first year beyond graduation
68 from high school;

69 (4) The active involvement of partners at the state,
70 regional and local levels in assuring the full preparation
71 of graduates for college, other post-secondary education

72 or gainful employment;

73 (5) The creation of a process through which qualified
74 graduates will receive a portable credential that is
75 recognized and valued by employers as an indicator of
76 the skills, competence and readiness for employment of
77 the graduates; and

78 (6) The implementation of continuous program assess-
79 ment, program improvement and staff development.

80 (c) *Increased academic expectations and career devel-*
81 *opment for all students.* — The Legislature finds that
82 there is a need to establish higher academic expectations
83 and a system of career development for all students that
84 contains the following elements:

85 (1) *Assessment.* — The implementation of an assess-
86 ment program that measures student performance by
87 grade level and assesses student attainment of the basic
88 academic foundation skills;

89 (2) *Focus on basic skills in kindergarten through fourth*
90 *grade.* — The strengthening and refocusing of kindergar-
91 ten through fourth grade in order to assure that all
92 students perform at grade level at the completion of the
93 fourth grade by concentrating on teaching the basics of
94 reading, writing, mathematics and computer skills;

95 (3) *Development of rigorous curriculum.* — The devel-
96 opment and implementation of a rigorous and relevant
97 curriculum of basic academic requirements that lays a
98 foundation for further learning and skill development.
99 The proficiencies of the students shall be assessed at the
100 end of the eighth grade and all students should attain the
101 basic academic requirement levels by no later than the
102 end of the tenth grade;

103 (4) *Career exploration in grades five through eight.* —
104 The exploration by students in the fifth through eighth
105 grades of their interests and abilities in career clusters
106 through accessing information about occupational skills
107 and labor markets;

108 (5) *Creation and initial implementation of individual*
109 *student transition plan for grades nine and ten.* — The
110 creation, by the end of the eighth grade, of the first two
111 years of an individualized student transition plan that
112 builds upon career awareness and exploration activities
113 in the earlier grades and enables the student in consulta-
114 tion with his or her parents and school advisor to select
115 a broad career cluster for further exploration in grades
116 nine and ten;

117 (6) *Choosing career majors for grades eleven through*
118 *post-secondary.* — The creation of the second part of the
119 individualized student transition plan by the end of the
120 tenth grade. The second part of the individualized
121 student transition plan shall establish a career major for
122 the final years of high school and the first year after high
123 school that will prepare the student for college, other
124 post-secondary education or gainful employment;

125 (7) *Implementation of career majors.* — The fulfillment
126 of the secondary education component of the career
127 major in grades eleven and twelve, including the success-
128 ful completion of the necessary curriculum and partici-
129 pation in work-based learning experiences; and

130 (8) *Completion of individualized student transition*
131 *plan and assessment.* — The completion of the individu-
132 alized student transition plan in the first year following
133 graduation from high school by attending college, other
134 post-secondary education or securing gainful employ-
135 ment. The state board shall provide an assessment form
136 to be completed by the student and returned to the high
137 school upon the completion of the individualized student
138 transition plan. The form shall provide for the student
139 to report his or her success in completing the plan and
140 the strengths and weaknesses of his or her education
141 preparation.

142 (d) *Report of recommendations on comprehensive*
143 *career development.* — To assist in the establishment of
144 a comprehensive career development system, the state

145 school-to-work steering committee shall report to the
146 state board and the legislative oversight commission on
147 education accountability by the first day of November,
148 one thousand nine hundred ninety-six, the recommenda-
149 tions of the career guidance committee established
150 pursuant to the state school-to-work implementation
151 plan.

152 (e) *Guidelines for increasing the ability of all students*
153 *to meet higher academic expectations and become self-*
154 *motivated learners.* — Practices that increase the aca-
155 demic expectations for all students and help them to
156 succeed in achieving those higher expectations include,
157 but are not limited to:

158 (1) Utilizing instructional methods that require the
159 student to be a worker who is actively engaged in the
160 learning process;

161 (2) Utilizing methodologies that require students to
162 apply academic knowledge in practical situations and
163 problem solving;

164 (3) Utilizing computers and other technologies to
165 provide opportunities for creative instruction, both
166 individually and in groups in all subjects;

167 (4) Providing structured opportunities for students to
168 participate in credit and noncredit learning activities
169 outside the school that are integrated with and are an
170 extension of the school-based program of study for the
171 student through such activities as field trips, job shad-
172 owing, community service, entrepreneurship develop-
173 ment, mentoring, internships, apprenticeships, school-
174 based enterprises in partnership with the private sector
175 and other cooperative learning experiences connected to
176 student education majors and school-based instructional
177 programs;

178 (5) Integrating and interrelating academic and techni-
179 cal content throughout the curriculum and ensuring
180 numerous opportunities for cross-disciplinary learning
181 to emphasize the importance of reading, writing, speak-

182 ing, listening and viewing; and

183 (6) Encouraging teachers to plan and work together
184 and exercise their professional judgment in the class-
185 room.

186 (f) *Establishing partnerships.* — As soon as practicable
187 following the effective date of this section, the governor
188 shall appoint or designate a “Jobs Through Education
189 Employer Panel”, to assure the high quality preparation
190 of our youth for college, other post-secondary education
191 or gainful employment. The jobs through education
192 employer panel shall advise and assist the state board,
193 the higher education governing boards and institutions,
194 other post-secondary education training programs and
195 agencies and employers in assuring that graduates are
196 prepared fully for further education and training or
197 gainful employment and shall perform other functions as
198 set forth in this section. In providing such advice and
199 assistance and in the performance of such other func-
200 tions, the jobs through employer panel shall solicit input
201 from the county steering committees.

202 As soon as practicable, following the effective date of
203 this section, county boards shall appoint a county
204 steering committee that includes parents and people
205 from business, labor, higher education, economic devel-
206 opment, local school improvement councils, faculty
207 senates and other organizations and entities in the
208 community as valuable partners in developing and
209 implementing a system within the county that meets the
210 intent of this section and adheres to the rules of the state
211 board. The membership of the county steering commit-
212 tee and participation in the community and technical
213 college district consortia committee, as created by
214 section three-a, article three, chapter eighteen-b of this
215 code, shall be coordinated to the extent that it is practi-
216 cal.

217 (g) *Guidelines for work-based learning.* — Work-based
218 learning is a structured activity that correlates with and
219 is mutually supportive of school-based learning for the

220 student, and includes specific objectives to be mastered
221 by the student as a result of the activity. It is central to
222 the education preparation process to develop within the
223 student an awareness of the work environment and how
224 the skills the student is acquiring will be applied in that
225 environment. Broadly defined, work-based learning
226 opportunities are activities that assist students to gain
227 an awareness of the workplace, develop an appreciation
228 of the relevancy of academic subject matter to workplace
229 performance and gain valuable work experience and
230 skills while exploring their occupational interests and
231 abilities. Incorporating work-based learning as a central
232 part of the education process and also as a final step in
233 the formal education process includes, but is not limited
234 to:

235 (1) Providing students in the early grades with activi-
236 ties such as field trips, career-oriented speakers in the
237 classroom, courses such as junior achievement which are
238 taught by volunteers in the classroom, job shadowing
239 and other such activities to increase student awareness
240 of the workplace; and

241 (2) Providing students in the later grades, including
242 college and other post-secondary education, with activi-
243 ties such as structured community service, apprentice-
244 ships, internships, clinical experiences, cooperative
245 education and other work-site placements, school-based
246 enterprises, workplace simulations and entrepreneurial
247 development, that provide students with more specific
248 work experience in an occupational area associated with
249 their education major.

250 To the extent possible, student work-based learning,
251 and particularly workplace learning, should be jointly
252 assessed by a school-based educator or advisor and a
253 work-based mentor who possesses the skills set forth in
254 the work-based learning objectives of the student, and
255 who has been trained in mentoring and assessing student
256 performance.

257 (h) *Special consideration for providing work-based*

258 *learning in counties with few opportunities for employ-*
259 *ment.* — Providing work-based learning opportunities
260 for all students in counties with few employers will be
261 particularly difficult. While the following additional
262 examples of ways to increase opportunities for work-
263 based learning are applicable for all counties, they are
264 most important in counties with few employers. Addi-
265 tional examples include, but are not limited to:

266 (1) Computer software that simulates workplace
267 situations and problem solving;

268 (2) Interactive and other technology to bring an expo-
269 sure to the workplace into the classroom;

270 (3) Community service;

271 (4) Partnerships with city, state and county govern-
272 ment for work-based placements;

273 (5) Volunteer programs, such as junior achievement
274 and other programs that utilize volunteers trained to
275 deliver work-related instruction;

276 (6) Assumption of recordkeeping and other measures
277 by the schools, or through the use of community-based
278 organizations or other intermediaries, that make it easier
279 for small businesses to participate in accepting students
280 for workplace learning;

281 (7) Rural entrepreneurship through action learning
282 programs;

283 (8) School-based enterprises;

284 (9) Projects through 4-H, scouts, junior ROTC and
285 other school and nonschool student and civic organiza-
286 tions;

287 (10) Multiple partnerships with existing employers,
288 such as hospitals that have multiple departments;

289 (11) Agricultural education, FFA projects and super-
290 vised work experience programs; and

291 (12) Programs at vocational-technical education

292 centers.

293 The state board shall make recommendations to the
294 Legislature by the first day of November, one thousand
295 nine hundred ninety-six, on any further actions that may
296 be appropriate to assist counties with few employers in
297 providing work-based learning opportunities for all
298 students.

299 (i) *Electronic portfolio of student accomplishments and*
300 *preparation.* — For the purpose of better documenting
301 the preparation of high school graduates for college,
302 other post-secondary education or gainful employment,
303 the state board shall develop an electronic portfolio
304 which will be a permanent record for every student. The
305 electronic portfolio shall be issued by the appropriate
306 county board and shall include the accomplishments of
307 the student during his or her education preparation.
308 Upon request, students shall receive the contents of the
309 electronic portfolio in written or computer readable
310 form. The electronic portfolio shall be subject to the
311 same confidentiality and disclosure laws and rules as any
312 other student records. The electronic portfolio shall
313 include, but not be limited to:

314 (1) Documentation of attendance, grades, accomplish-
315 ments, education plans, education major interests,
316 curriculum, special activities, honors and advanced
317 education and other items appropriate for inclusion in
318 the portfolio as determined by state board rule to present
319 the accomplishments and achievements of the student;

320 (2) A separate area for the student to enter presenta-
321 tions, examples and other information on his or her
322 special areas of interest and advanced achievement;

323 (3) Certification of student attainment of the minimum
324 level of proficiency in the basic skills that lays the
325 foundation for further learning and skill development for
326 success in college, other post-secondary education or
327 gainful employment; and

328 (4) Certification of the skills, competence and readiness

329 for college, other post-secondary education or employ-
330 ment, as indicated by: (i) College entrance tests; (ii)
331 specialized assessments that measure the attainment of
332 necessary skills and competencies required in the
333 workplace; (iii) the attainment of industry recognized
334 credentials, licensure or certification; (iv) the completion
335 of nationally accredited technical education programs;
336 (v) performance in specialized learning experiences such
337 as paid and unpaid structured work-based learning in
338 the private or public sectors, including, but not limited
339 to, registered youth apprenticeships, internships, cooper-
340 ative education, community service, entrepreneurship
341 development and school-based enterprises in partnership
342 with the private sector; and (vi) other indicators relevant
343 to the student's skills, competence and readiness for
344 college, other post-secondary education or gainful
345 employment.

346 (j) *Guidelines for certification on the electronic portfo-*
347 *lio of student skills, competencies and readiness for*
348 *employment.* — The certification of student skills,
349 competencies and readiness for a particular industry or
350 occupation to be included on the electronic portfolio,
351 including certification offered by an institution of higher
352 education or other job training programs, shall require
353 the approval of an appropriate entity designated by the
354 jobs through education employer panel. Local education
355 agencies, institutions of higher education and other job
356 training programs desiring to issue such certification to
357 meet local labor market or community needs and cir-
358 cumstances may apply to the panel for such approval.
359 To the extent possible, such certification shall provide
360 the student with a proficiency credential that is widely
361 recognized and accepted within an industry or occupa-
362 tional area as a reliable indicator of the ability of the
363 student. The jobs through education employer panel
364 shall consult other established skill standards for use in
365 certifying proficiency in skills, competencies and readi-
366 ness within specific industries and occupations. The
367 intent of these provisions is to provide a formal mecha-

368 nism for the ongoing alignment of the certification of
369 student skills, competencies and readiness with current
370 minimum requirements for success in the industry or
371 occupational area for which the student is preparing,
372 including requirements which will be met through
373 additional education in college or other post-secondary
374 education.

375 (k) *Staff development.* — Meeting the intent and
376 objectives of this section will require a continued focus
377 on staff development to increase the ability of teachers
378 and administrators to employ various methodologies for
379 strengthening the rigor, content and relevance of the
380 learning process and help all students achieve at higher
381 levels. Teachers and administrators must know about
382 workplace requirements to help students internalize the
383 relationship between learning in school and success in
384 the careers they envision for themselves in adult life. The
385 use of student assessment and program evaluation
386 information continually to check and improve the
387 curriculum, instruction, school climate and school
388 organization and management, is critical to maintaining
389 high quality instruction that is relevant to changing
390 workplace requirements. Staff development opportuni-
391 ties shall include, but not be limited to:

392 (1) Designation by the state board of exemplary
393 counties and schools that have implemented comprehen-
394 sive school-to-work systems as model demonstration
395 sites to be visited and observed;

396 (2) Collaboration and utilization of the resources of the
397 state department of education, institutions of higher
398 education, the center for professional development and
399 county staff development councils for both in-service
400 and preservice preparation programs;

401 (3) Teacher and business exchange programs that
402 enable teachers to gain exposure and experience in the
403 workplace and business persons to gain exposure and
404 experience in the schools;

405 (4) Structured programs or institutes that take educa-
406 tors into the workplace to observe the work environment
407 and skills necessary to perform work tasks; and

408 (5) Staff development activities which include joint
409 participation by public school, college and other post-
410 secondary faculty where appropriate.

411 (l) *Study committee for staff development credits.* —
412 There is hereby created a study committee to make
413 recommendations on the feasibility of, and the possible
414 process for, crediting staff development activities toward
415 fulfilling the requirement for renewal of certificates,
416 pursuant to section three, article three, chapter eighteen-
417 a of this code, and the progression through the state
418 minimum salary schedule, pursuant to section two,
419 article four of said chapter. The committee shall consist
420 of the chancellor of the university of West Virginia board
421 of trustees, or a designee; the state superintendent, or a
422 designee, who shall serve as chair of the committee; a
423 member of the state board, to be selected by the state
424 board; a representative of West Virginia university to be
425 selected by the president of the university; a representa-
426 tive of Marshall university, to be selected by the presi-
427 dent of the university; a representative of the West
428 Virginia graduate college, to be selected by the president
429 of the college; four classroom teachers to be appointed
430 by the governor within thirty days of the effective date
431 of this section; and the director of the center for profes-
432 sional development or a designee. Such committee shall
433 report its recommendations to the legislative oversight
434 commission on education accountability by the first day
435 of January, one thousand nine hundred ninety-seven.

436 (m) *State board rule.* — On or before the first day of
437 November, one thousand nine hundred ninety-six, the
438 state board, with advice from the jobs through education
439 employer panel, and in consultation with the higher
440 education governing boards, shall adopt a rule in accor-
441 dance with the provisions of article three-b, chapter
442 twenty-nine-a of this code for the implementation of this

443 section. The rule shall allow flexibility for local varia-
 444 tion to meet local circumstances and shall establish a
 445 five-year plan for phased implementation. The proposed
 446 rule developed pursuant to this section shall contain a
 447 financial impact statement as well as a job impact
 448 statement.

449 (n) Any study groups or committees created by the
 450 state board to assist in development of policies or rules
 451 for the implementation of this section shall contain
 452 significant representation by classroom teachers as
 453 defined by section one, article one, chapter eighteen-a of
 454 this code. Further, the state board shall include in its
 455 annual budget request sufficient funds to implement
 456 programs, policies or rules adapted to meet the goals set
 457 out in this section: *Provided*, That nothing in this
 458 section shall be construed to require any specific level of
 459 funding by the Legislature.

ARTICLE 5A. LOCAL SCHOOL INVOLVEMENT.

**§18-5A-4. State board to establish criteria for selecting
 schools of excellence; annual school of excel-
 lence awards.**

1 The state board of education shall promulgate rules, in
 2 accordance with the provisions of article three-b,
 3 chapter twenty-nine-a of this code, outlining criteria for
 4 the identification of schools of excellence. Such criteria
 5 shall include, but not be limited to, improvement in
 6 student achievement in comparison to state and national
 7 norms, improvement in reducing drop-out rates, im-
 8 provement in standardized test scores, implementation
 9 of advanced or innovative programs, implementation of
 10 the goals and purposes of jobs through education as
 11 provided in section eight, article two-e of this chapter,
 12 improvement in parent and community involvement,
 13 improvement in parent, teacher and student satisfaction,
 14 improvement in student attendance and other factors
 15 which promote excellence in education. Such rules shall
 16 be promulgated by the first day of January, one thousand
 17 nine hundred ninety-one. Such rules may not prohibit

18 any school from applying for consideration as a school of
19 excellence.

20 Each year, the state board shall select one high school,
21 one middle or junior high school and one elementary
22 school within each regional educational service agency
23 district, and one vocational school selected on a state-
24 wide basis to be awarded school of excellence status.

25 The rules promulgated by the state board shall outline
26 appropriate methods of recognizing and honoring the
27 students, teachers and other employees and parents or
28 members of the school community who have contributed
29 to excellence in education at the school.

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 1. GENERAL PROVISIONS.

§18A-1-1. Definitions.

1 The definitions contained in section one, article one,
2 chapter eighteen shall be applicable to this chapter. In
3 addition, the following words used in this chapter and in
4 any proceedings pursuant thereto shall, unless the
5 context clearly indicates a different meaning, be con-
6 strued as follows:

7 (a) "School personnel" means all personnel employed
8 by a county board of education whether employed on a
9 regular full-time basis, an hourly basis or otherwise.
10 School personnel shall be comprised of two categories:
11 Professional personnel and service personnel.

12 (b) "Professional personnel" means persons who meet
13 the certification and/or licensing requirements of the
14 state, and shall include the professional educator and
15 other professional employees.

16 (c) "Professional educator" shall be synonymous with
17 and shall have the same meaning as "teacher" as defined
18 in section one, article one, chapter eighteen of this code.
19 Professional educators shall be classified as:

20 (1) "Classroom teacher" — The professional educator

21 who has direct instructional or counseling relationship
22 with pupils, spending the majority of his time in this
23 capacity.

24 (2) "Principal" — The professional educator who as
25 agent of the board has responsibility for the supervision,
26 management and control of a school or schools within
27 the guidelines established by said board. The major area
28 of such responsibility shall be the general supervision of
29 all the schools and all school activities involving pupils,
30 teachers and other school personnel.

31 (3) "Supervisor" — The professional educator who,
32 whether by this or other appropriate title, is responsible
33 for working primarily in the field with professional
34 and/or other personnel in instructional and other school
35 improvement.

36 (4) "Central office administrator" — The superinten-
37 dent, associate superintendent, assistant superintendent
38 and other professional educators, whether by these or
39 other appropriate titles, who are charged with the
40 administering and supervising of the whole or some
41 assigned part of the total program of the county-wide
42 school system.

43 (d) "Other professional employee" means that person
44 from another profession who is properly licensed and is
45 employed to serve the public schools and shall include a
46 registered professional nurse, licensed by the West
47 Virginia board of examiners for registered professional
48 nurses and employed by a county board of education,
49 who has completed either a two-year (sixty-four semes-
50 ter hours) or a three-year (ninety-six semester hours)
51 nursing program.

52 (e) "Service personnel" means those who serve the
53 school or schools as a whole, in a nonprofessional
54 capacity, including such areas as secretarial, custodial,
55 maintenance, transportation, school lunch and as aides.

56 (f) "Principals academy" or "academy" means the
57 academy created pursuant to section two-b, article

58 three-a of this chapter.

59 (g) "Center for professional development" means the
60 center created pursuant to section one, article three-a of
61 this chapter.

**ARTICLE 3. TRAINING, CERTIFICATION, LICENSING, PROFESSIONAL
DEVELOPMENT.**

§18A-3-2c. Training through the principals academy.

1 (a) *Principal training required.* — After the first day of
2 January, one thousand nine hundred ninety-seven, and
3 subject to the provisions of subsection (c) of this section,
4 every principal shall complete a training program
5 through the principals academy at least once every four
6 years.

7 (b) *Admission to academy.* — The academy and the
8 persons attending such academy shall adhere to the
9 following guidelines for admission to the academy:

10 (1) All persons assigned as a principal for the first time
11 in a West Virginia school after the first day of March,
12 one thousand nine hundred ninety-six, shall complete
13 training through the academy: *Provided*, That if training
14 through the academy is scheduled to begin within ninety
15 days from the date of assignment, such person may
16 complete the next scheduled training through the
17 academy;

18 (2) All principals of schools which are designated by
19 the state board as being on probationary status or as
20 being seriously impaired, in accordance with section
21 five, article two-e, chapter eighteen of this code, shall
22 complete the next regularly scheduled training through
23 the academy following the date of such designation:
24 *Provided*, That if training through the academy is
25 scheduled to begin within thirty days from the date of
26 such designation, such principal may complete the next
27 scheduled training through the academy;

28 (3) All principals who are subject to an improvement
29 plan, in accordance with section twelve, article two of

30 this chapter, shall complete the next regularly scheduled
31 training through the academy: *Provided*, That if training
32 through the academy is scheduled to begin within thirty
33 days from the date the principal is first subject to the
34 improvement plan, then such principal may complete the
35 next scheduled training through the academy;

36 (4) All principals who transfer to a school with a
37 significantly different grade configuration shall com-
38 plete the next regularly scheduled training through the
39 academy: *Provided*, That if training through the acad-
40 emy is scheduled to begin within ninety days from the
41 date such principal is transferred, then such principal
42 may complete the next scheduled training through the
43 academy; and

44 (5) All persons serving as school principals who are not
45 described in subdivisions (1) through (4) of this subsec-
46 tion shall complete training through the academy at least
47 once every four years from and after the first day of
48 January, one thousand nine hundred ninety-seven.

49 (c) *Academy and attendance subject to funding.* — The
50 requirement that principals attend the academy shall be
51 subject to the availability of funds for the principals
52 academy from legislative appropriation or from other
53 sources. If such funds are insufficient to provide for the
54 total cost of admission to the academy for those required
55 to complete training, then the academy shall admit the
56 persons described in subdivisions (1) through (5), subsec-
57 tion (b) of this section according to the priority in which
58 the subdivisions appear in said subsection. If such funds
59 are insufficient to provide for the admission of all the
60 persons described in one or more of subdivisions (1)
61 through (5), subsection (b) of this section, the academy is
62 authorized to determine which persons described within
63 the said subdivision or subdivisions shall be admitted
64 and which shall not be admitted: *Provided*, That the
65 principals academy shall make every effort to ensure
66 that all principals attend once every four years from and
67 after the first day of January, one thousand nine hundred

68 ninety-seven: *Provided, however,* That nothing in this
69 section shall be construed to require any specific level of
70 funding by the Legislature.

71 (d) *Principals standards advisory council.* — To assist
72 the state board in the performance of the duties de-
73 scribed in subsection (e) of this section, there is hereby
74 created a “Principals Standards Advisory Council”,
75 which shall consist of nine persons, as follows: The
76 executive director, or designee, of the center for profes-
77 sional development, who shall serve as the ex-officio
78 chair; three principals, one from an elementary school,
79 one from a middle school or a junior high school, and one
80 from a high school, and one county school superinten-
81 dent, nominated by the state board and appointed by the
82 governor; two representatives from higher education
83 who teach in principal preparation programs, nominated
84 by the chancellor of the state university system and
85 appointed by the governor; and two citizen representa-
86 tives who are knowledgeable on issues addressed in this
87 section, appointed by the governor. Of the initial
88 appointments, three of the members appointed shall
89 serve for a term of three years, three members shall serve
90 for a term of two years, and two members shall serve for
91 a term of one year. All successive appointments shall be
92 for a term of three years. Members of the council who
93 are public employees shall be granted release time from
94 their employment for attending meetings of the council.
95 Members may be reimbursed for reasonable and neces-
96 sary expenses actually incurred in the performance of
97 their official duties by the center for professional
98 development.

99 (e) *Establishment of standards.* — On or before the first
100 day of October, one thousand nine hundred ninety-six,
101 the state board shall approve and promulgate rules
102 regarding the minimum qualities, proficiencies and skills
103 that will be required of principals after the first day of
104 January, one thousand nine hundred ninety-seven. The
105 state board shall promulgate such rules after consulta-
106 tion with the principals standards advisory council

107 created in subsection (d) of this section. The rule devel-
108 oped by the state board shall address at least the follow-
109 ing:

110 (1) Staff relations, including, but not limited to, the
111 development and use of skills necessary to make a
112 positive use of faculty senates, to manage faculty and
113 staff with courtesy and mutual respect, coach and
114 motivate employees and to build consensus as a means of
115 management;

116 (2) School community leadership qualities, including,
117 but not limited to, the ability to organize and leverage
118 community initiative, communicate effectively, work
119 effectively with local school improvement councils,
120 manage change, resolve conflict and reflect the highest
121 personal values;

122 (3) Educational proficiencies, including, but not
123 limited to, knowledge of curriculum, instructional
124 techniques, student learning styles, student assessment
125 criteria, school personnel performance, evaluation skills
126 and family issues; and

127 (4) Administrative skills, including, but not limited to,
128 organizational, fiscal, public policy and total quality
129 management skills and techniques.

130 (f) *Waivers.* — Any person desiring to be relieved of the
131 requirements of all or any part of this section may apply
132 in writing to the state board for a waiver. Upon a
133 showing of reasonable cause why relief should be
134 granted, the state board may grant a waiver, upon such
135 terms and conditions as the state board shall determine
136 proper, as to all or any part of this section.

137 (g) *Failure to comply.* — Any person who fails or
138 refuses to complete training through the academy, as
139 required by the provisions of this section, and who fails
140 to obtain a waiver, as described in subsection (f) of this
141 section, shall be ineligible to be employed as, or serve in
142 the capacity of, a principal.

143 (h) *Tracking of requirement.* — On or before the first
144 day of January, one thousand nine hundred ninety-seven,
145 the state board shall establish a system to track the
146 progress of each person required to complete training
147 through the academy and shall regularly advise such
148 persons of their progress.

149 (i) *Payment of reasonable and necessary expenses and*
150 *stipends.* — The center for professional development may
151 reimburse persons attending the academy for reasonable
152 and necessary expenses. Additionally, any person whose
153 attendance occurs outside his or her employment term,
154 as defined in section fifteen, article five, chapter eigh-
155 teen of this code, may be entitled to a stipend to be
156 determined by and paid by the center for professional
157 development: *Provided,* That nothing in this section
158 shall be construed to require any specific level of fund-
159 ing by the Legislature.

ARTICLE 3A. CENTER FOR PROFESSIONAL DEVELOPMENT.

**§18A-3A-1. Center for professional development continued;
intent; advisory council.**

1 (a) Teaching is a profession that directly correlates to
2 the social and economic well-being of a society and its
3 citizens. Superior teaching is essential to a well educated
4 and productive populace. The intent of this article is to
5 recognize the value of professional involvement by
6 experienced educators in building and maintaining a
7 superior teaching force and to establish avenues for
8 applying such involvement.

9 In furtherance of this intent, the center for professional
10 development is continued and reestablished. The general
11 mission of the center is to study matters relating to the
12 quality of teaching and management in the schools of
13 West Virginia and to promote the implementation of
14 programs and practices to assure the highest quality in
15 teaching and management. The center shall also perform
16 such duties as are assigned to it by law.

17 The center shall consist of nine persons as members:

18 The secretary of education and the arts, ex officio; the
19 state superintendent of schools, ex officio; one member
20 of the state board of education, elected by the state
21 board; two experienced educators, of whom one shall be
22 a working classroom teacher, appointed by the governor
23 by and with the advice and consent of the Senate; and
24 four citizens of the state who are knowledgeable in
25 matters relevant to the issues addressed by the center
26 appointed by the governor by and with the advice and
27 consent of the Senate. No two appointees shall be
28 residents within the same region. The state superinten-
29 dent of schools shall convene the first meeting of the
30 center to elect a chair, vice chair and secretary.

31 The election and appointment of members shall be
32 made as soon as possible after the effective date of this
33 section. Of the initial appointed members, three shall be
34 appointed for two-year terms and four shall be ap-
35 pointed for four-year terms. All successive appoint-
36 ments shall be for four-year terms.

37 The center for professional development shall meet at
38 least quarterly and the appointed members shall be
39 reimbursed for reasonable and necessary expenses
40 actually incurred in the performance of their official
41 duties from funds appropriated or otherwise made
42 available for such purposes upon submission of an
43 itemized statement therefor.

44 The center may employ and fix the compensation of an
45 executive director and such other persons as may be
46 necessary to carry out the mission and duties of the
47 center. When practical, personnel employed by state
48 higher education agencies and state, regional and county
49 public education agencies shall be made available to the
50 center to assist in the operation of projects of limited
51 duration.

52 The center shall contract with existing agencies or
53 agencies created after the effective date of this section or
54 others to provide training programs in the most efficient
55 manner. Existing programs currently based in agencies

56 of the state shall be continued in the agency of their
57 origin unless the center establishes a compelling need to
58 transfer or cancel the existing program. The center shall
59 recommend to the governor the transfer of funds to the
60 providing agency, if needed, to provide programs ap-
61 proved by the center.

62 (b) To assist the center for professional development in
63 the performance of its duties related to teacher educa-
64 tion and professional development, there is continued an
65 advisory council on professional development which
66 shall consist of eleven persons as follows: An employee
67 of the center who shall chair the advisory council; two
68 shall be professors or associate or assistant professors of
69 teacher education, one from a public institution and one
70 from a private institution of higher education in this
71 state offering programs leading to certification to teach
72 in the public schools of this state; two county school
73 superintendents, one of whom shall be from a district
74 with a student enrollment above the statewide average
75 and one of whom shall be from a district with a student
76 enrollment below such average; two school principals,
77 one of whom shall be from a school including elementary
78 grade levels and one of whom shall be from a school
79 including secondary grade levels; and four professional
80 instructional personnel, two of whom shall be from a
81 school including elementary grade levels and two of
82 whom shall be from a school including secondary grade
83 levels. To the extent possible, the principals and instruc-
84 tional personnel shall be appointed from the members of
85 county staff development councils. Except for the
86 employee of the center, the members shall be appointed
87 jointly by the secretary of education and the arts and the
88 state superintendent for two-year terms which overlap
89 so that one member from each of the classes shall be
90 appointed in each successive year, except that two
91 members from the professional instructional personnel
92 class shall be appointed in each successive year. No two
93 members of the council shall be from the same college or
94 university or school district. Members of the council

95 shall be granted release time from their employment for
96 attending meetings of the council.

97 Pursuant to the provisions of article ten, chapter four
98 of this code, the center for professional development and
99 advisory council shall continue to exist until the first day
100 of July, two thousand one.

101 (c) On or before the first day of January, one thousand
102 nine hundred ninety-seven, the center for professional
103 development shall develop and communicate to the state
104 board a curriculum for the principals academy. The
105 curriculum shall be based upon the minimum qualities,
106 proficiencies and skills necessary for principals and
107 recommended by the state board, pursuant to the terms
108 of section two-c, article three of this chapter.

109 (d) In accordance with section two-c, article three of
110 this chapter, the center shall be responsible for paying
111 reasonable and necessary expenses and any stipends for
112 persons attending the principals academy: *Provided,*
113 That nothing in this section shall be construed to require
114 any specific level of funding by the Legislature.

§18A-3A-2b. The principals academy.

1 There is hereby established within the center for
2 professional development the "Principals Academy".
3 Training through the principals academy shall include at
4 least the following:

5 (a) Training designed to build within principals the
6 minimum qualities, proficiencies and skills that will be
7 required of all principals pursuant to the rules of the
8 state board;

9 (b) Intensive summer training institutes; and

10 (c) Specialized training and professional development
11 programs for all principals, with special programs for
12 the following principals:

13 (1) Newly appointed principals;

14 (2) Principals of schools designated by the state board

- 15 as on probation or as seriously impaired;
16 (3) Principals subject to improvement plans; and
17 (4) Principals of schools with significantly different
18 grade level configurations.

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 1. GOVERNANCE.

§18B-1-1e. Public education and higher education collaboration for the preparation of students for college and other post-secondary education.

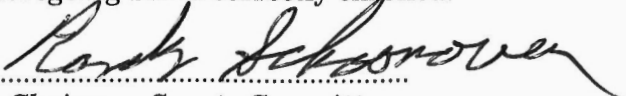
- 1 (a) *Purpose.* — The purpose of this section is as follows:
- 2 (1) To assist students in the planning and preparation
3 for success in college and other post-secondary educa-
4 tion if their education major interests require such
5 formal education after high school;
- 6 (2) To establish the minimum expected level of knowl-
7 edge, skill and competency a student must possess to be
8 prepared fully for college and other post-secondary
9 education at state institutions of higher education;
- 10 (3) To implement a method for communicating the
11 minimum level of knowledge, skill and competency to
12 students, parents, educators and counselors in the public
13 schools, and admissions officers, advisors and faculty in
14 the higher education institutions; and
- 15 (4) To assure that the teacher preparation programs in
16 state institutions of higher education prepare educators
17 to, at a minimum, deliver instruction necessary to
18 prepare students fully for college and other post-second-
19 ary education or gainful employment consistent with the
20 provisions of section eight, article two-e, chapter eigh-
21 teen of this code.
- 22 (b) *Joint rule.* — On or before the first day of October,
23 one thousand nine hundred ninety-six, the higher
24 education governing boards shall promulgate a joint rule
25 to achieve the purposes of subsection (a) of this section.

26 In the development of such rule, the governing boards
27 shall consult with the state board and the jobs through
28 education employer panel, established pursuant to
29 section eight, article two-e, chapter eighteen of this code,
30 and shall collaborate with the state board in the estab-
31 lishment of compatible practices within their separate
32 systems.

33 (c) *Assessment of student readiness.* — To provide
34 continuous assessment and program improvement in the
35 preparation of high school students for success in college
36 or other post-secondary education, the higher education
37 governing boards shall communicate to the state board
38 and the legislative oversight commission on education
39 accountability by the first day of December in each year,
40 beginning in December, one thousand nine hundred
41 ninety-seven, or as soon thereafter as the establishment
42 of an electronic portfolio system permits, the number of
43 graduates from the public schools in the state by high
44 schools who were accepted in the last calendar year for
45 enrollment at each of the state institutions of higher
46 education, within one year of graduation, whose elec-
47 tronic portfolio indicated readiness for college or other
48 post-secondary education, and whose knowledge, skill
49 and competency were below the minimum expected
50 levels for full preparation as defined by the governing
51 boards. The governing boards also shall report the areas
52 in which the knowledge, skill and competency of the
53 students were below the minimum expected level. The
54 state board shall provide information to each of the high
55 schools of the state for graduates from the high school.

Superintendent

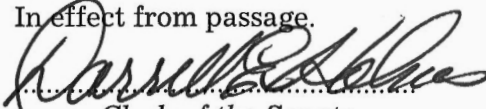
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



.....
Chairman Senate Committee

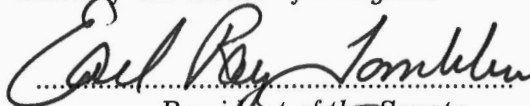

.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

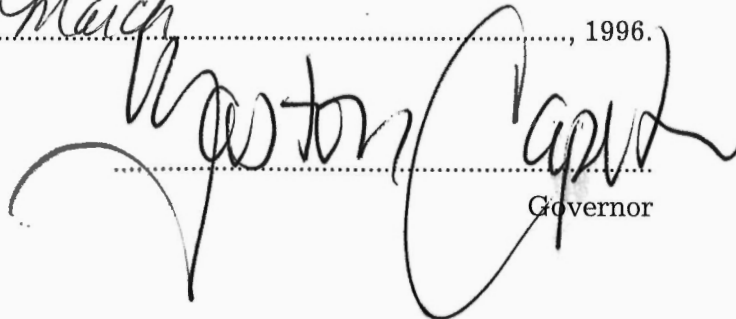

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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is approved this the 20th
day of March, 1996.


.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/15/96

Time 3:21 pm