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# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1998



# ENROLLED

## House Bill No. 4306

(By Mr. Speaker, Mr. Kiss, and Delegate Ashley)  
[By Request of the Executive]



Passed March 13, 1998

In Effect from Passage

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FOR  
**H. B. 4306**

(BY MR. SPEAKER, MR. KISS, AND DELEGATE ASHLEY)  
[BY REQUEST OF THE EXECUTIVE]

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[Passed March 13, 1998; in effect from passage.]

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AN ACT to amend and reenact section one, article one, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one; to amend and reenact section twenty-six, article two of said chapter; to amend said article by adding thereto two new sections, designated sections twenty-three-a and thirty-two; to amend and reenact sections one-a and five, article two-e of said chapter; to amend said article by adding thereto a new section, designated section three-c; to amend said chapter by adding thereto a new article, designated article two-i; to amend and reenact sections seven and ten, article nine-a of said chapter; to amend and reenact section two-c, article three, chapter eighteen-a; and to amend and reenact sections one, two, two-a, two-b and three, article three-a of said chapter, all relating to requiring the state board to establish goals for professional development and providing a process to coordinate program delivery through the state department of education, regional educational service agencies and the center for professional development; creating the strategic staff development fund with funds that accrue in the general revenue fund; requiring the state board

to develop an assessment program and an accountability program; requiring the state board to establish the reading excellence accelerates deserving students program; establishing a process for improving education; establishing a system of education performance audits; creating the office of education performance audits; designating certain school systems with more than a casual deficit as having nonapproval status; requiring the appointment of a team of improvement consultants before the state board may intervene in the operation of a county school system; providing for the targeting of resources to improve the teaching and learning process; creating the West Virginia staff development advisory council; creating regional staff development councils in each regional educational service agency; and increasing the allowance for transportation costs.

*Be it enacted by the Legislature of West Virginia:*

That section one, article one, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted; that article two of said chapter be amended by adding thereto a new section, designated section twenty-three-a; that section twenty-six of said article be amended and reenacted; that article two of said chapter be amended by adding thereto a new section, designated section thirty-two; that sections one-a and five, article two-e of said chapter be amended and reenacted; that said article be further amended by adding thereto a new section, designated section three-c; that said chapter be amended by adding thereto a new article, designated article two-i; that sections seven and ten, article nine-a of said chapter be amended and reenacted; that section two-c, article three, chapter eighteen-a be amended and reenacted; and that sections one, two, two-a, two-b and three, article three-a of said chapter, be amended and reenacted, 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  
6 teachers assembled in one or more buildings, organized as  
7 a unit;

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

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

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

12 (e) "State superintendent" means the state  
13 superintendent of free schools;

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

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

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

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

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

33 (k) "Work-based learning" means a structured  
34 activity that correlates with and is mutually supportive of  
35 the school-based learning of the student and includes

36 specific objectives to be learned by the student as a result  
37 of the activity;

38 (l) "School-age juveniles" means any individual who  
39 is entitled to attend or who, if not placed in a residential  
40 facility, would be entitled to attend public schools, in  
41 accordance with: (1) Section five, article two of this  
42 chapter; (2) sections fifteen and eighteen, article five of  
43 this chapter; or (3) section one, article twenty of this  
44 chapter;

45 (m) "Student with a disability" means an exceptional  
46 child, other than gifted, pursuant to section one, article  
47 twenty of this chapter;

48 (n) "Low density county" means a county whose  
49 ratio of student population to square miles is less than or  
50 equal to the state average ratio as computed by the state  
51 department of education;

52 (o) "High density county" means a county whose  
53 ratio of student population to square miles is greater than  
54 the state average ratio as computed by the state department  
55 of education; and

56 (p) "Casual deficit" means a deficit of not more than  
57 three percent of the approved levy estimate or a deficit  
58 that is nonrecurring from year to year.

## ARTICLE 2. STATE BOARD OF EDUCATION.

### **§18-2-23a. Annual professional development goals established by state board; coordination of professional development programs; program development, approval and evaluation.**

1 (a) The intent of this section is to provide for the  
2 coordination of professional development programs by  
3 the state board to promote high quality instructional  
4 delivery and management practices for a thorough and  
5 efficient system of schools. The state board annually shall  
6 establish goals for professional development in the public  
7 schools of the state. The state board shall submit the goals  
8 to the state department of education, the center for  
9 professional development, the regional educational service

10 agencies, the state college and university systems and the  
11 legislative oversight commission on education  
12 accountability on or before the first day of October, each  
13 year. The goals shall include measures by which the  
14 effectiveness of professional development programs will  
15 be evaluated. The professional development goals may  
16 include separate goals for teachers, principals, service  
17 personnel and others in the public schools. In establishing  
18 the goals, the state board shall review reports that may  
19 indicate a need for staff development. At a minimum in  
20 establishing the goals for professional development, the  
21 state board shall consider the report of the staff  
22 development advisory council set forth in section four,  
23 article two-i, chapter eighteen of this code, student test  
24 scores on the statewide student assessment program, the  
25 measures of student and school performance for  
26 accreditation purposes, school and school district report  
27 cards, and its plans for the use of funds in the strategic  
28 staff development fund pursuant to section thirty-two,  
29 section two, chapter eighteen of this code.

30 (b) The center for professional development and the  
31 regional educational service agencies shall each design a  
32 proposed professional development program plan to  
33 achieve the goals of the state board which are within their  
34 purview pursuant to provisions set forth in this code and  
35 rules of the state board: *Provided*, That the state board  
36 may establish as a goal for the center for professional  
37 development, the delivery of a localized professional  
38 development program to address school, county or  
39 regional problems. The center for professional  
40 development and the regional educational service agencies  
41 shall each submit their respective proposed plans to the  
42 state board on or before the fifteenth day of November,  
43 each year. The proposed plans shall include a plan for  
44 evaluating the effectiveness of the professional  
45 development delivered through the program and a cost  
46 estimate. A copy of each proposed plan shall also be  
47 submitted by the respective agencies to the legislative  
48 oversight commission on education accountability. The  
49 state board shall review the proposed plans and shall  
50 return the proposed plans to the respective agencies on or

51 before the first day of January, each year, noting whether  
52 the proposed plan is approved or is not approved in whole  
53 or in part. If a proposed plan is not approved in whole, the  
54 state board shall note its objections to the proposed plan  
55 or to the parts of the proposed plan not approved and may  
56 suggest improvements or specific modifications, additions  
57 or deletions to more fully address the goals or eliminate  
58 duplication. An agency whose proposed plan is not  
59 wholly approved shall revise the plan to satisfy the  
60 objections of the state board or state the reasons why  
61 revisions cannot be made to satisfy any or all of the  
62 objections and resubmit the proposal to the state board as  
63 soon as possible. State board approval of the professional  
64 development plans of the center for professional  
65 development and the regional educational service agencies  
66 is required prior to implementation of the plans.

67 (c) The state board shall submit a proposed master  
68 plan for professional development to the legislative  
69 oversight commission on education accountability on the  
70 first day of February, each year. The proposed master  
71 plan shall include the state board approved plans of the  
72 state department of education, the center for professional  
73 development and the regional educational service agencies  
74 to meet the professional development goals of the state  
75 board. The proposed master plan also shall include a plan  
76 for evaluating the effectiveness of the professional  
77 development delivered through the programs, a cost  
78 estimate, a description of any proposals pending approval  
79 of the state board and any reasons why a goal or goals of  
80 the state board will not be met.

81 (d) An approved master plan for professional  
82 development shall be established by the state board not  
83 later than the fifteenth day of March, each year. The  
84 approved master plan shall include the state board  
85 approved professional development plans of the state  
86 department of education, the center for professional  
87 development and the regional educational service  
88 agencies. The approved master plan shall serve as a guide  
89 for the delivery of coordinated professional development  
90 programs by the state department of education, the center  
91 for professional development and the regional educational

92 service agencies beginning on the first day of June in the  
93 year in which the master plan was approved through the  
94 thirtieth day of May in the following year.

**§18-2-26. Establishment of multicounty regional educational  
service agencies; purposes; authority to imple-  
ment regional services.**

1 (a) In order to consolidate and administer more  
2 effectively existing educational programs and services so  
3 individual districts will have more discretionary moneys  
4 for educational improvement and in order to equalize and  
5 extend educational opportunities, the state board of  
6 education shall establish multicounty regional educational  
7 service agencies for the purpose of providing high quality,  
8 cost effective educational programs and services to the  
9 county school systems, and shall make such rules as may  
10 be necessary for the effective administration and operation  
11 of such agencies: *Provided*, That the legislative oversight  
12 commission on education accountability shall commission  
13 a comprehensive feasibility study of the regional  
14 educational service agencies which shall be completed and  
15 reported to the legislative oversight commission on  
16 education accountability no later than the tenth day of  
17 January, one thousand nine hundred ninety-five.

18 (b) In furtherance of these purposes, it is the duty of  
19 the board of directors of each regional educational service  
20 agency to continually explore possibilities for the delivery  
21 of services on a regional basis which will facilitate equality  
22 in the educational offerings among counties in its service  
23 area, permit the delivery of high quality educational  
24 programs at a lower per student cost, strengthen the cost  
25 effectiveness of education funding resources, reduce  
26 administrative and/or operational costs, including the  
27 consolidation of administrative, coordinating and other  
28 county level functions into region level functions, and  
29 promote the efficient administration and operation of the  
30 public school systems generally.

31 Technical, operational, programmatic or professional  
32 services would be among the types of services appropriate  
33 for delivery on a regional basis.



34 (c) In addition to performing the services and  
35 functions required by the provisions of this or any other  
36 section of this code, a regional educational service agency  
37 may implement regional programs and services by a  
38 majority vote of its board of directors. When said vote is  
39 not unanimous, the board of directors shall file a plan for  
40 the service or program delivery with the state board  
41 describing the program or service, the manner of delivery  
42 and the projected savings and/or the improved quality of  
43 the program or service. The state board shall promulgate  
44 rules requiring a county board that declines to participate  
45 in such programs or services to show just cause for not  
46 participating and the estimated savings accruing to the  
47 county therefrom. If a county board fails to show that  
48 savings will accrue to the county or that the quality of the  
49 program will be significantly and positively affected as a  
50 result of its decision not to participate, the state board shall  
51 withhold from the county's foundation allowance for  
52 administrative cost the lesser of the amount of the  
53 estimated savings or the allocation for the county's  
54 foundation allowance for administrative cost.

55 (d) The state board, in conjunction with the various  
56 regional educational service agencies, shall develop an  
57 effective model for the regional delivery of instruction in  
58 subjects where there exists low student enrollment or a  
59 shortage of certified teachers or where such delivery  
60 method substantially improves the quality of an  
61 instructional program. Such model shall incorporate an  
62 interactive electronic classroom approach to instruction.  
63 To the extent funds are appropriated or otherwise  
64 available, county boards or regional educational service  
65 agencies may adopt and utilize the model for the delivery  
66 of such instruction.

67 (e) Each regional educational service agency shall  
68 conduct a study setting forth how the following services  
69 and functions may be performed by the agency for public  
70 schools and school districts within the region without  
71 terminating the employment of personnel employed by  
72 school districts prior to the effective date of this  
73 subsection: Accounting, purchasing, food service,  
74 transportation, delivery of high cost services to low

75 incidence student populations, audiovisual material  
76 distribution, facilities planning, federal program  
77 coordination, personnel recruiting and an integrated  
78 regional computer information system. On or before the  
79 tenth day of January, one thousand nine hundred ninety,  
80 each regional educational service agency shall submit the  
81 study to the state board, to the standing committees on  
82 education and finance of the West Virginia Senate and  
83 House of Delegates and to the secretary of education and  
84 the arts: *Provided*, That in the event such study is  
85 implemented those individuals employed prior to the  
86 effective date thereof shall not have their employment  
87 terminated as a result of the study.

88 (f) Each regional educational service agency shall  
89 commence implementation of a uniform integrated  
90 regional computer information system as recommended  
91 by the state board of education on or before the first day  
92 of January, one thousand nine hundred ninety-one. Each  
93 county board of education shall use the computer  
94 information system for data collection and reporting to  
95 the state department of education beginning no later than  
96 the first day of July, one thousand nine hundred ninety-  
97 four. County boards of education shall bear the cost of  
98 and fully participate in the implementation of the system  
99 by: (1) Acquiring necessary, compatible equipment to  
100 participate in the regional computer information system;  
101 or (2) following receipt of a waiver from the state  
102 superintendent, operating a comparable management  
103 information system at a lower cost which provides at least  
104 all uniform integrated regional computer information  
105 system software modules and allows on-line, interactive  
106 access for schools and the county board of education  
107 office onto the statewide communications network. All  
108 data formats shall be the same as for the uniform  
109 integrated regional information system and will reside at  
110 the regional computer. Any county granted a waiver shall  
111 receive periodic notification of any incompatibility or  
112 deficiency in its system. Continued inability of any  
113 county to meet the above criteria shall, upon notification  
114 to the county no later than the first day of April, one  
115 thousand nine hundred ninety-five, require the county to

116 use the uniform integrated regional computer information  
117 system no later than the first day of July, one thousand  
118 nine hundred ninety-five. No county shall expand any  
119 system either through the purchase of additional software  
120 or hardware that does not advance the goals and  
121 implementation of the uniform integrated regional  
122 computer information system as recommended by the  
123 state board: *Provided*, That nothing contained herein  
124 shall prevent the state superintendent from granting a  
125 one-year extension to those counties projected to have  
126 budget deficits for the school year beginning on the first  
127 day of July, one thousand nine hundred ninety-four.

128 (g) Each regional educational service agency shall  
129 submit a report and evaluation of the services provided  
130 and utilized by the schools within each respective region.  
131 Furthermore, each school shall submit an evaluation of the  
132 services provided by the regional educational service  
133 agency, which shall include an evaluation of the regional  
134 educational service agency program, suggestions as to how  
135 to improve utilization and the individual school's plan as  
136 to development of new programs and enhancement of  
137 existing programs. The reports shall be due by the first  
138 day of January of each year commencing with the year  
139 one thousand nine hundred ninety-one and shall be made  
140 available to the state board of education, standing  
141 committees on education of the West Virginia Senate and  
142 House of Delegates and to the secretary of education and  
143 the arts.

144 (h) A regional board shall be empowered to receive  
145 and disburse funds from the state and federal  
146 governments, member counties, gifts and grants.

147 (i) Notwithstanding any other provision of the code to  
148 the contrary, employees of regional educational service  
149 agencies shall be reimbursed for travel, meals and lodging  
150 at the same rate as state employees under the travel  
151 management office of the department of administration.

152 (j) Regional educational service agencies shall hold at  
153 least one half of their regular meetings during hours other  
154 than those of a regular school day.

155 (k) Regional educational service agencies shall serve as  
156 the lead agency for computer installation, maintenance  
157 and repair for the Basic Skills Computer Program. By the  
158 first day of October, one thousand nine hundred ninety-  
159 five, and quarterly thereafter, each regional educational  
160 service agency shall submit a status report on turn around  
161 time for computer installation, maintenance and repair to  
162 the state superintendent of schools who shall then submit a  
163 report to the legislative oversight commission on  
164 education accountability. The above-mentioned status  
165 report for turn around time for computer installation,  
166 maintenance and repair shall be based on the following  
167 suggested time schedules:

- 168 Network File Servers . . . . . forty-eight hours
- 169 Local Area Networks . . . . . forty-eight hours
- 170 West Virginia Education
- 171 Information System . . . . . twenty-four hours
- 172 Computer workstations . . . . . three to five days
- 173 Printers . . . . . three to five days
- 174 Other peripherals . . . . . three to five days

175 Regional educational service agencies shall also submit an  
176 audit report to the legislative oversight commission on  
177 education accountability each year.

178 (l) Pursuant to the processes and provisions of section  
179 twenty-three-a, article two, chapter eighteen of this code,  
180 each regional educational service agency shall provide  
181 coordinated professional development programs within its  
182 region to meet the professional development goals  
183 established by the state board.

**§18-2-32. Strategic staff development fund.**

1 (a) There is hereby created an account within the state  
2 board titled the strategic staff development fund. The  
3 allocation of balances which accrue in the general school  
4 fund shall be transferred to the strategic staff development  
5 each year when the balances become available. Any  
6 remaining funds transferred to the strategic staff

7 development fund during the fiscal year shall be carried  
8 over for use in the same manner the next fiscal year and  
9 shall be separate and apart from, and in addition to, the  
10 transfer of funds from the general school fund for the  
11 next fiscal year.

12 (b) The money in the strategic staff development fund  
13 shall be used by the state board to provide staff  
14 development in schools, counties or both that the state  
15 board determines need additional resources. Additionally,  
16 the state board shall use a reasonable amount of the  
17 money from the strategic staff development fund to  
18 contract with an independent evaluator chosen by the state  
19 board to evaluate the effectiveness with which the money  
20 was used for staff development. The state board is  
21 required to report to the legislative oversight commission  
22 on education accountability before the first day of  
23 December of each year:

24 (1) The amount of each expenditure;

25 (2) The purpose of each expenditure; and

26 (3) The effectiveness of the staff development  
27 resulting from each expenditure.

#### **ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.**

##### **§18-2E-1a. Assessment and accountability programs; duties of the state board.**

1 (a) In order to further the purposes of this article, on  
2 or before the first day of January, one thousand nine  
3 hundred ninety-nine, the state board shall develop and  
4 recommend to the legislative oversight commission on  
5 education accountability an assessment program to  
6 measure the progress of public school students in attaining  
7 a high quality education. In addition, to further the  
8 purposes of this article, on or before the first day of  
9 January, one thousand nine hundred ninety-nine, the state  
10 board shall develop and recommend to the legislative  
11 oversight commission on education accountability an  
12 accountability program to help insure a thorough and  
13 efficient system of schools. In developing the assessment  
14 program and the accountability program, the state board

15 shall take into consideration recommendations arising  
16 from any legislative interim study undertaken at the  
17 direction of the joint committee on government and  
18 finance and also shall take into consideration any  
19 recommendations made by the legislative oversight  
20 commission on education accountability.

21 (b) As part of their on-going responsibility for  
22 developing and implementing a program of assessments  
23 and a program of accountability, the state board shall  
24 perform the following functions:

25 (1) review assessment tools, including tests of student  
26 performance and measures of school and school system  
27 performance, and determine when any improvements or  
28 additions are necessary;

29 (2) consider multiple assessments, including, but not  
30 limited to, a state testing program developed in  
31 conjunction with the state's professional educators with  
32 assistance from such knowledgeable consultants as may be  
33 necessary, which may include criterion referenced tests;

34 (3) review all accountability measures, such as the  
35 accreditation and personnel evaluation systems and  
36 consider any improvements or additions deemed  
37 necessary; and

38 (4) ensure that all statewide assessments of student  
39 performance are secure.

**§18-2E-3c. Summer school READS grant program created;  
legislative findings and purpose of section.**

1 (a) The Legislature hereby finds and acknowledges  
2 that, if remediation is necessary, it should be provided  
3 when students are younger and before patterns of failure  
4 are established. The Legislature further acknowledges that  
5 the people of West Virginia would be better served if the  
6 state acted to ensure that all public school students were  
7 able to read at or above grade level upon exiting grade  
8 four, that county boards are in the best position to  
9 determine if remediation is necessary for students in  
10 kindergarten through grade four and that the counties  
11 should have the option of providing summer school for

12 students and may consider student attendance as a factor  
13 in determining whether a child is eligible to be promoted  
14 to the next grade.

15 The Legislature further finds that not all students are  
16 financially able to pay for summer school, nor do all  
17 county schools hold summer school. It is, therefore, the  
18 purpose of this section to help the county boards to  
19 provide, either individually or cooperatively, free summer  
20 school and summer school transportation for those  
21 students in kindergarten through grade four who did not  
22 perform at grade level during the regular school year. It  
23 also is the purpose of this section to help students in  
24 kindergarten through grade four who are identified as  
25 being in danger of failing to read at grade level by the end  
26 of the school year to receive intensive reading instruction  
27 during their regularly scheduled reading time throughout  
28 the regular school year.

29 (b) Subject to appropriation by the Legislature  
30 therefor, the state board shall establish a competitive grant  
31 program as set forth in this section to provide reading  
32 programs for students in kindergarten through grade four  
33 who are not performing at grade level. The program shall  
34 be designated and known as the "Reading Excellence  
35 Accelerates Deserving Students" program and, along with  
36 such designation, may be referred to as "West Virginia  
37 READS".

38 Priorities for awarding the grants shall include, but are  
39 not limited to:

40 (1) Schools that have test scores below the state  
41 standards; and

42 (2) Schools that receive federal funds for the  
43 improvement of reading.

44 Competitive grant applications must be submitted by  
45 the county boards, or by a community collaborative with  
46 the county board as a partner with leadership  
47 responsibility, and shall describe how the program will:

48 (1) Employ strategies and proven methods for student  
49 learning, teaching and school management that are based

50 on reliable research and effective practices and can be  
51 replicated in other schools to improve the reading skills of  
52 students;

53 (2) Contain measurable goals for the improvement of  
54 student reading skills and benchmarks for meeting those  
55 goals;

56 (3) Include a plan for the evaluation of student  
57 progress toward achieving the state's high standards;

58 (4) Identify how other federal, state, local and private  
59 resources, including volunteers, will be utilized to further  
60 the intent of this section;

61 (5) Link summer reading improvement programs with  
62 reading instruction and remediation throughout the school  
63 year; and

64 (6) Determine feasibility of collaborating with colleges  
65 of education for the purpose of providing educational  
66 experiences for prospective teachers;

67 (7) Accomplish other objectives as deemed necessary  
68 by the state board.

69 (c) Any county receiving a grant should encourage  
70 students in kindergarten through grade four who did not  
71 perform at grade level during the regular school year to  
72 attend summer school and may consider summer school  
73 attendance as a factor in determining whether a child is  
74 eligible to be promoted to the next grade. The county  
75 board shall provide intensive reading instruction during  
76 regularly scheduled reading time throughout the regular  
77 school year to students in kindergarten through grade  
78 four who are identified by the classroom teacher as being  
79 in danger of failing to read at grade level by the end of  
80 the school year. Nothing in this section shall prohibit  
81 county boards from permitting students to participate in  
82 reading programs on a student fee basis.

83 (d) The state board shall approve procedures for the  
84 implementation of this section. To assist the state board in  
85 developing procedures for the implementation of this  
86 section, including the grant application and the grant



87 review and selection process, the state board shall appoint  
88 an advisory board consisting of the federal programs  
89 director and the title I reading coordinator/specialist, both  
90 from the state department of education, a representative  
91 from the department of education and the arts  
92 representing the library commission and the community  
93 schools initiative, a college or university professor of  
94 reading, two or more representatives from local school  
95 systems, the West Virginia coordinator of the read aloud  
96 program, the energy express project director, and a  
97 representative of mission West Virginia, or representatives  
98 of like successor organizations should these named  
99 organizations cease to exist. The procedures shall provide  
100 for:

101 (1) The appointment of a grant review and selection  
102 panel by the state board consisting of persons with  
103 expertise and practical experience in delivering programs  
104 to increase the reading skills of young students, not more  
105 than one-half of whom may be employees of the state  
106 department of education, or the state board may designate  
107 the advisory board as the grant review and selection panel;

108 (2) Notice to all schools of the grant competition and  
109 the availability of applications on or before the thirtieth  
110 day of September, in each fiscal year for which grant  
111 funds are available;

112 (3) A grant application deadline postmarked on or  
113 before the fifteenth day of December, in each fiscal year  
114 for which grant funds are available;

115 (4) Notice of grant awards on or before the first day  
116 of March, in each fiscal year for which grant funds are  
117 available; and

118 (5) Other such requirements as deemed necessary by  
119 the state board.

120 (e) The state board may fund, from any other funds  
121 available for such purposes, the programs required by this  
122 section for students in kindergarten through grade four  
123 and any programs required by state board rules such as,  
124 but not limited to, the following:

- 125 (1) Tutoring;
- 126 (2) Summer school educational services;
- 127 (3) Additional certified personnel to provide intensive  
128 instruction in reading throughout the school year;
- 129 (4) Staff development for teachers; and
- 130 (5) Hot meal programs.
- 131 (f) Nothing in this section shall supersede the  
132 individualized education program (IEP) of any student.
- 133 (g) Nothing in this section may be construed to  
134 require any specific level of funding by the Legislature.

**§18-2E-5. Process for improving education; office of education performance audits; education standards; school accreditation and school system approval; intervention to correct impairments.**

1 (a) *Legislative intent.* — The purpose of this section is  
2 to establish a process for improving education that  
3 includes standards, assessment, accountability and capacity  
4 building to provide assurances that a thorough and  
5 efficient system of schools is being provided for all West  
6 Virginia public school students on an equal education  
7 opportunity basis and that the high quality standards are,  
8 at a minimum, being met.

9 (b) *State Board Rules.* — The state board shall  
10 promulgate rules in accordance with article three-b,  
11 chapter twenty-nine-a of this code establishing a unified  
12 county improvement plan for each county board and a  
13 unified school improvement plan for each public school  
14 in this state. The state board is not required to promulgate  
15 new rules if legislative rules meeting the requirements of  
16 article three-b, chapter twenty-nine-a of this code have  
17 been filed with the office of the secretary of state before  
18 the effective date of this section.

19 (c) *High Quality Education Standards.* — The state  
20 board shall, in accordance with the provisions of article  
21 three-b, chapter twenty-nine-a of this code, adopt and  
22 periodically review and update high quality education

23 standards for student, school and school system  
24 performance and processes in the following areas:

25 (1) Curriculum;

26 (2) Workplace readiness skills;

27 (3) Finance;

28 (4) Transportation;

29 (5) Special Education;

30 (6) Facilities;

31 (7) Administrative practices;

32 (8) Training of county board members and  
33 administrators;

34 (9) Personnel qualifications;

35 (10) Professional development and evaluation;

36 (11) Student and school performance;

37 (12) A code of conduct for students and employees;  
38 and

39 (13) Any other such areas as determined by the state  
40 board.

41 (d) *Performance Measures.* — The standards shall  
42 assure that all graduates are prepared for gainful  
43 employment or for continuing post-secondary education  
44 and training and that schools and school districts are  
45 making progress in achieving the education goals of the  
46 state.

47 The standards shall include measures of student  
48 performance to indicate when a thorough and efficient  
49 system of schools is being provided and of school and  
50 school system performance and processes that enable  
51 student performance. The measures of student  
52 performance and school and school system performance  
53 and processes shall include, but are not limited to, the  
54 following:

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

88 college, other post-secondary education or employment  
89 above the minimum foundation level of basic skills; and

90 (16) Effective school system participation with their  
91 assigned regional education service agency.

92 (e) *Assessment and accountability of school and*  
93 *school system performance and processes.* — The state  
94 board shall establish by rule in accordance with the  
95 provisions of article three-b, chapter twenty-nine-a of this  
96 code, a system of education performance audits which  
97 measures the quality of education and the preparation of  
98 students based on the standards and measures of student,  
99 school and school system performance and processes,  
100 including, but not limited to, the standards and measures  
101 set forth in subsections (c) and (d) of this section. The  
102 system of education performance audits shall assist the  
103 state board in ensuring that the standards and measures  
104 established pursuant to this section are, at a minimum,  
105 being met and that a thorough and efficient system of  
106 schools is being provided. The system of education  
107 performance audits shall include: (1) The assessment of  
108 student, school and school system performance and the  
109 processes in place in schools and school systems which  
110 enable student performance; (2) the review of school and  
111 school system unified improvement plans; and (3) the  
112 periodic, random unannounced on-site review of school  
113 and school system performance and compliance with the  
114 standards.

115 (f) *Uses of school and school system assessment*  
116 *information.* — The state board shall use information  
117 from the system of education performance audits to assist  
118 it in ensuring that a thorough and efficient system of  
119 schools is being provided and to improve student, school  
120 and school system performance, including, but not limited  
121 to, the following: (1) Determining school accreditation  
122 and school system approval status; (2) holding schools  
123 and school systems accountable for the efficient use of  
124 existing resources to meet or exceed the standards; and (3)  
125 targeting additional resources when necessary to improve  
126 performance. Primary emphasis in determining school  
127 accreditation and school system approval status will be

128 based on student, school and school system performance  
129 on measures selected by the state board. The state board  
130 shall make accreditation information available to the  
131 Legislature; the governor; and to the general public and  
132 any individuals who request such information, subject to  
133 the provisions of any act, rule or regulation restricting the  
134 release of information. Based on the assessment of  
135 student, school and school system performance, the state  
136 board shall establish early detection and intervention  
137 programs to assist underachieving schools and school  
138 systems in improving performance before conditions  
139 become so grave as to warrant more substantive state  
140 intervention, including, but not limited to, making  
141 additional technical assistance, programmatic, monetary  
142 and staffing resources available where appropriate.

143 (g) *Office of Education Performance Audits.* — To  
144 assist the state board in the operation of the system of  
145 education performance audits and in making  
146 determinations regarding the accreditation status of  
147 schools and the approval status of school systems, the state  
148 board shall establish an office of education performance  
149 audits which shall be operated under the direction of the  
150 state board independently of the functions and supervision  
151 of the state department of education and state  
152 superintendent. The office of education performance  
153 audits shall report directly to and be responsible to the  
154 state board in carrying out its duties under the provisions  
155 of this section. The office shall be headed by a director  
156 who shall be appointed by the state board and shall serve  
157 at the will and pleasure of the state board. The salary of  
158 the director shall not exceed the salary of the state  
159 superintendent of schools. The state board shall organize  
160 and sufficiently staff the office to fulfill the duties  
161 assigned to it by this section and the state board.  
162 Employees of the state department of education who are  
163 transferred to the office of education performance audits  
164 shall retain their benefit and seniority status with the  
165 department of education. Under the direction of the state  
166 board, the office of education performance audits shall  
167 receive from the West Virginia education information  
168 system staff research and analysis data on the performance

169 of students, schools and school systems, and shall receive  
170 assistance from staff at the state department of education  
171 and the state school building authority to carry out the  
172 duties assigned to the office. In addition to other duties  
173 which may be assigned to it by the state board or by  
174 statute, the office of education performance audits also  
175 shall:

176 (1) Assure that all statewide assessments of student  
177 performance are secure as required in section one-a,  
178 article two-e of this chapter;

179 (2) Administer all accountability measures as assigned  
180 by the state board, including, but not limited to processes  
181 for the accreditation of schools and the approval of school  
182 systems, and recommend to the state board appropriate  
183 action, including, but not limited to, accreditation and  
184 approval action;

185 (3) Determine, in conjunction with the assessment and  
186 accountability processes, what capacity may be needed by  
187 schools and school systems to meet the standards  
188 established by the Legislature and the state board, and  
189 recommend to the school, school system and state board,  
190 plans to establish those needed capacities;

191 (4) Determine, in conjunction with the assessment and  
192 accountability processes, whether statewide system  
193 deficiencies exist in the capacity to establish and maintain  
194 a thorough and efficient system of schools, including the  
195 identification of trends and the need for continuing  
196 improvements in education, and report those deficiencies  
197 and trends to the state board;

198 (5) Determine, in conjunction with the assessment and  
199 accountability processes, staff development needs of  
200 schools and school systems to meet the standards  
201 established by the Legislature and the state board, and  
202 make recommendations to the state board, the center for  
203 professional development, regional education service  
204 agencies, higher education governing boards and county  
205 boards; and

206 (6) Identify, in conjunction with the assessment and  
207 accountability processes, exemplary schools and school  
208 systems and best practices that improve student, school  
209 and school system performance, and make  
210 recommendations to the state board for recognizing and  
211 rewarding exemplary schools and school systems and  
212 promoting the use of best practices. The state board shall  
213 provide information on best practices to county school  
214 systems and shall use information identified through the  
215 assessment and accountability processes to select schools  
216 of excellence.

217 (h) *On-site reviews.* — At the direction of the state  
218 board or by weighted, random selection by the office of  
219 education performance audits, an unannounced on-site  
220 review shall be conducted by the office of education  
221 performance audits of any school or school system for  
222 purposes, including, but not limited to, the following: (1)  
223 Verifying data reported by the school or county board;  
224 (2) documenting compliance with policies and laws; (3)  
225 evaluating the effectiveness and implementation status of  
226 school and school system unified improvement plans; (4)  
227 investigating official complaints submitted to the state  
228 board that allege serious impairments in the quality of  
229 education in schools or school systems; and (5)  
230 investigating official complaints submitted to the state  
231 board that allege that a school or county board is in  
232 violation of policies or laws under which schools and  
233 county boards operate. The random selection of schools  
234 and school systems for an on-site review shall use a  
235 weighted random sample so that those with lower  
236 performance indicators and those that have not had a  
237 recent on-site review have a greater likelihood of being  
238 selected. Under the direction of the state board, the office  
239 of education performance audits shall appoint an  
240 education standards compliance review team to assist it in  
241 conducting on-site reviews. The teams shall be composed  
242 of an adequate number of persons who possess the  
243 necessary knowledge, skills and experience to make an  
244 accurate assessment of education programs and who are  
245 drawn from a trained cadre established by the office of  
246 education performance audits. The state board shall have



247 discretion in determining the number of persons to serve  
248 on a standards compliance review team based on the size  
249 of the school or school system as applicable. The teams  
250 shall be led by a member of the office of education  
251 performance audits. County boards shall be reimbursed  
252 for the costs of substitutes required to replace county  
253 board employees while they are serving on an education  
254 standards compliance review team. The office of  
255 education performance audits shall report the findings of  
256 the on-site reviews to the state board for inclusion in the  
257 evaluation and determination of a school's or county  
258 board's accreditation or approval status as applicable.

259 (i) *School accreditation.* — The state board annually  
260 shall review the information from the system of education  
261 performance audits submitted for each school and shall  
262 issue to every school: Full accreditation status, temporary  
263 accreditation status, conditional accreditation status, or  
264 shall declare the education programs at the school to be  
265 seriously impaired.

266 (1) Full accreditation status shall be given to a school  
267 when the school's performance on the standards adopted  
268 by the state board pursuant to subsections (c) and (d) of  
269 this section is at a level which would be expected when all  
270 of the high quality education standards are being met.

271 (2) Temporary accreditation status shall be given to a  
272 school when the measure of the school's performance is  
273 below the level required for full accreditation status.  
274 Whenever a school is given temporary accreditation status,  
275 the county board shall ensure that the school's unified  
276 improvement plan is revised to increase the performance  
277 of the school to a full accreditation status level. The  
278 revised unified school improvement plan shall include  
279 objectives, a time line, a plan for evaluation of the success  
280 of the improvements, cost estimates, and a date certain for  
281 achieving full accreditation. The revised plan shall be  
282 submitted to the state board for approval.

283 (3) Conditional accreditation status shall be given to a  
284 school when the school's performance on the standards  
285 adopted by the state board is below the level required for  
286 full accreditation, but the school's unified improvement

287 plan has been revised to achieve full accreditation status  
288 by a date certain, the plan has been approved by the state  
289 board and the school is meeting the objectives and time  
290 line specified in the revised plan.

291 (4) The state board shall establish and adopt standards  
292 of performance to identify seriously impaired schools and  
293 the state board may declare a school seriously impaired  
294 whenever extraordinary circumstances exist as defined by  
295 the state board. These circumstances shall include, but are  
296 not limited to, the failure of a school on temporary  
297 accreditation status to obtain approval of its revised  
298 unified school improvement plan within a reasonable time  
299 period as defined by the state board and the failure of a  
300 school on conditional accreditation status to meet the  
301 objectives and time line of its revised unified school  
302 improvement plan or to achieve full accreditation by the  
303 date specified in the revised plan. Whenever the state  
304 board determines that the quality of education in a school  
305 is seriously impaired, the state board, shall appoint a team  
306 of improvement consultants to make recommendations  
307 within sixty days of appointment for correction of the  
308 impairment. Upon approval of the recommendations by  
309 the state board, the recommendations shall be made to the  
310 county board. If progress in correcting the impairment as  
311 determined by the state board is not made within six  
312 months from the time the county board receives the  
313 recommendations, the state board shall place the county  
314 board on temporary approval status and provide  
315 consultation and assistance to the county board to: (i)  
316 Improve personnel management; (ii) establish more  
317 efficient financial management practices; (iii) improve  
318 instructional programs and rules; or (iv) make such other  
319 improvements as may be necessary to correct the  
320 impairment. If the impairment is not corrected by a date  
321 certain set by the state board, the county board shall be  
322 given nonapproval status.

323 (j) *Transfers from seriously impaired schools.* —  
324 Whenever a school is determined to be seriously impaired  
325 and fails to improve its status within one year, any student  
326 attending such school may transfer once to the nearest  
327 fully accredited school, subject to approval of the fully

328 accredited school and at the expense of the school from  
329 which the student transferred.

330 (k) *School system approval.* — The state board  
331 annually shall review the information submitted for each  
332 school system from the system of education performance  
333 audits and issue one of the following approval levels to  
334 each county board: Full approval, temporary approval,  
335 conditional approval, or nonapproval.

336 (1) Full approval shall be given to a county board  
337 whose education system meets or exceeds all of the high  
338 quality standards for student, school and school system  
339 performance and processes adopted by the state board and  
340 whose schools have all been given full, temporary or  
341 conditional accreditation status.

342 (2) Temporary approval shall be given to a county  
343 board whose education system is below the level required  
344 for full approval. Whenever a county board is given  
345 temporary approval status, the county board shall revise its  
346 unified county improvement plan to increase the  
347 performance of the school system to a full approval status  
348 level. The revised plan shall include objectives, a time line,  
349 a plan for evaluation of the success of the improvements, a  
350 cost estimate, and a date certain for achieving full  
351 approval. The revised plan shall be submitted to the state  
352 board for approval.

353 (3) Conditional approval shall be given to a county  
354 board whose education system is below the level required  
355 for full approval, but whose unified county improvement  
356 plan meets the following criteria: (i) the plan has been  
357 revised to achieve full approval status by a date certain, (ii)  
358 the plan has been approved by the state board and (iii) the  
359 county board is meeting the objectives and time line  
360 specified in the revised plan.

361 (4) Nonapproval status shall be given to a county  
362 board which fails to submit and gain approval for its  
363 unified county improvement plan or revised unified  
364 county improvement plan within a reasonable time period  
365 as defined by the state board or fails to meet the objectives  
366 and time line of its revised unified county improvement

367 plan or fails to achieve full approval by the date specified  
368 in the revised plan. The state board shall establish and  
369 adopt additional standards to identify school systems in  
370 which the program may be nonapproved and the state  
371 board may issue nonapproval status whenever  
372 extraordinary circumstances exist as defined by the state  
373 board. Furthermore, whenever a county board has more  
374 than a casual deficit, as defined in section one, article one  
375 of this chapter, the county board shall submit a plan to the  
376 state board specifying the county board's strategy for  
377 eliminating the casual deficit. The state board either shall  
378 approve or reject the plan. If the plan is rejected, the state  
379 board shall communicate to the county board the reason  
380 or reasons for the rejection of the plan. The county board  
381 may resubmit the plan any number of times. However,  
382 any county board that fails to submit a plan and gain  
383 approval for the plan from the state board before the end  
384 of the fiscal year after a deficit greater than a casual deficit  
385 occurred or any county board which, in the opinion of the  
386 state board, fails to comply with an approved plan may be  
387 designated as having nonapproval status. Whenever  
388 nonapproval status is given to a school system, the state  
389 board shall declare a state of emergency in the school  
390 system and shall appoint a team of improvement  
391 consultants to make recommendations within sixty days of  
392 appointment for correcting the emergency. Upon  
393 approval of the recommendations by the state board, the  
394 recommendations shall be made to the county board. If  
395 progress in correcting the emergency, as determined by  
396 the state board, is not made within six months from the  
397 time the county board receives the recommendations, the  
398 state board shall intervene in the operation of the school  
399 system to cause improvements to be made that will provide  
400 assurances that a thorough and efficient system of schools  
401 will be provided. This intervention may include, but is not  
402 limited to the following: (i) Limiting the authority of the  
403 county superintendent and county board as to the  
404 expenditure of funds, the employment and dismissal of  
405 personnel, the establishment and operation of the school  
406 calendar, the establishment of instructional programs and  
407 rules and such other areas as may be designated by the  
408 state board by rule; (ii) taking such direct action as may

409 be necessary to correct the emergency; and (iii) declaring  
410 that the office of the county superintendent is vacant.

411 (1) *Capacity*. — The process for improving education  
412 includes a process for targeting resources strategically to  
413 improve the teaching and learning process. Development  
414 of unified school and school system improvement plans,  
415 pursuant to subsection (b) of this section, is intended, in  
416 part, to provide mechanisms to target resources  
417 strategically to the teaching and learning process to  
418 improve student, school and school system performance.  
419 When deficiencies are detected through the assessment and  
420 accountability processes, the revision and approval of  
421 school and school system unified improvement plans shall  
422 ensure that schools and school systems are efficiently  
423 using existing resources to correct the deficiencies. When  
424 the state board determines that schools and school systems  
425 do not have the capacity to correct deficiencies, the state  
426 board shall work with the county board to develop or  
427 secure the resources necessary to increase the capacity of  
428 schools and school systems to meet the standards and,  
429 when necessary, seek additional resources in consultation  
430 with the Legislature and the governor.

431 The state board shall recommend to the appropriate  
432 body including, but not limited to, the Legislature, county  
433 boards, schools and communities methods for targeting  
434 resources strategically to eliminate deficiencies identified  
435 in the assessment and accountability processes by:

436 (1) Examining reports and unified improvement plans  
437 regarding the performance of students, schools and school  
438 systems relative to the standards and identifying the areas  
439 in which improvement is needed;

440 (2) Determining the areas of weakness that appear to  
441 have contributed to the substandard performance of  
442 students or the deficiencies of the school or school system;

443 (3) Determining the areas of strength that appear to  
444 have contributed to exceptional student, school and school  
445 system performance and promoting their emulation  
446 throughout the system;

447 (4) Requesting technical assistance from the school  
448 building authority in assessing or designing  
449 comprehensive educational facilities plans;

450 (5) Recommending priority funding from the school  
451 building authority based on identified needs;

452 (6) Requesting special staff development programs  
453 from the center for professional development, higher  
454 education, regional education service agencies and county  
455 boards based on identified needs;

456 (7) Submitting requests to the Legislature for  
457 appropriations to meet the identified needs for improving  
458 education;

459 (8) Directing county boards to target their funds  
460 strategically toward alleviating deficiencies;

461 (9) Ensuring that the need for facilities in counties  
462 with increased enrollment are appropriately reflected and  
463 recommended for funding;

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

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

470 Amendments to this section adopted by the  
471 Legislature in regular session in the year one thousand  
472 nine hundred ninety-eight shall be effective on the first  
473 day of July, one thousand nine hundred ninety-eight.

## **ARTICLE 2I. STAFF DEVELOPMENT COUNCILS.**

### **§18-2I-1. Legislative purpose.**

1 The purpose of this article is to create the West  
2 Virginia staff development advisory council and eight  
3 regional staff development councils to coordinate the  
4 delivery of staff development programs for professional  
5 education in West Virginia.

### **§18-2I-2. Legislative findings.**

1 The Legislature finds that there is presently an  
2 inadequate and inefficient delivery of staff development  
3 programs for professional education in West Virginia.  
4 The Legislature further finds that the creation of a West  
5 Virginia staff development advisory council and regional  
6 staff development councils will assure the efficient  
7 delivery of high quality staff training programs and will  
8 further assure that duplication of efforts will be  
9 minimized. The Legislature further finds that the  
10 functions of the West Virginia staff development advisory  
11 council and regional staff development councils will  
12 assure that key personnel will be fully aware of identified  
13 needs and programmatic services, that all stakeholders will  
14 be appropriately involved in planning and implementing  
15 programs to meet requisite needs and that high quality  
16 staff development programs will be provided to public  
17 school educators of West Virginia in the most efficient  
18 manner.

**§18-2I-3. Creation of West Virginia staff development  
advisory council; members; and functions.**

- 1 (a) There shall be a West Virginia staff development  
2 advisory council which shall consist of the following  
3 members:
- 4 (1) The chairpersons of each of the eight regional  
5 staff development councils established in section five of  
6 this article;
- 7 (2) The coordinators of each of the eight regional  
8 educational service agency staff development councils;
- 9 (3) The associate superintendent for the division of  
10 research, technology and professional services of the state  
11 department of education;
- 12 (4) The assistant superintendent for the division of  
13 instructional and student services of the state department  
14 of education;
- 15 (5) The assistant superintendent for the division of  
16 technical and adult education services of the state  
17 department of education;

18 (6) The assistant superintendent for the division of  
19 administrative services of the state department of  
20 education;

21 (7) The secretary of education and the arts or his or  
22 her designee;

23 (8) The chancellor of the university system of West  
24 Virginia or his or her designee;

25 (9) The chancellor of the state college system of West  
26 Virginia or his or her designee;

27 (10) The executive director of the West Virginia  
28 education fund or his or her designee;

29 (11) The executive director of the West Virginia center  
30 for professional development or his or her designee;

31 (12) The president of the West Virginia education  
32 association or his or her designee;

33 (13) The president of the West Virginia federation of  
34 teachers or his or her designee;

35 (14) The president of the West Virginia professional  
36 educators or his or her designee;

37 (15) The president of the West Virginia association of  
38 school administrators or his or her designee;

39 (16) The president of the West Virginia association of  
40 elementary and middle school principals or his or her  
41 designee; and

42 (17) The president of the West Virginia association of  
43 secondary school principals or his or her designee.

44 (b) Any member of the advisory council may be  
45 reimbursed by his or her employing agency for the cost  
46 of reasonable and necessary expenses actually incurred in  
47 the performance of their duties under this article as  
48 determined by the employing agency.

**§18-2I-4. Functions of the West Virginia staff development  
advisory council.**

1 The council shall:



- 2 (a) Identify and prioritize statewide staff development  
3 needs;
- 4 (b) Identify effective staff development programs to  
5 meet identified needs;
- 6 (c) Communicate staff development information and  
7 findings to the regional staff development councils, the  
8 state board and the legislative oversight commission on  
9 education accountability by the first day of September of  
10 each year;
- 11 (d) Convene regular meetings on a semiannual basis to  
12 effectuate the requirements in subsections (a), (b) and (c)  
13 of this section; and
- 14 (e) Elect a chairman who shall serve two years.

**§18-2I-5. Creation of regional staff development councils;  
members; and functions.**

- 1 (a) There shall be a regional staff development council  
2 in each of the eight regional educational service agencies  
3 located within the state. Each regional staff development  
4 council shall consist of the following members:
- 5 (1) The chairperson of each of the county  
6 professional staff development councils located in each  
7 county contained in the applicable region;
- 8 (2) The county staff development coordinator from  
9 each of the counties located within the region: *Provided,*  
10 That if the county does not have a staff development  
11 coordinator, then the superintendent shall designate a  
12 person to serve on the regional staff development council;
- 13 (3) The regional educational service agencies staff  
14 development coordinator who shall serve as an ex officio  
15 member;
- 16 (4) The executive director of the regional educational  
17 service agencies who shall serve as an ex officio member;  
18 and

19 (5) The designee of the chancellor of the university  
20 system of West Virginia who shall serve as an ex officio  
21 member.

22 (6) The designee of the chancellor of the state college  
23 system of West Virginia who shall serve as an ex officio  
24 member.

25 (b) Any member of the regional staff development  
26 council may be reimbursed by his or her employing  
27 agency for the cost of reasonable and necessary expenses  
28 actually incurred in the performance of their duties under  
29 this article as determined by the employing agency.

**§18-2I-6. Functions of the regional staff development councils.**

1 The regional councils shall:

2 (a) Identify and prioritize regional staff development  
3 needs;

4 (b) Identify effective staff development programs;

5 (c) Where requested by the regional educational  
6 service agency, establish the budget for multicounty staff  
7 development programs and oversee effective use of the  
8 budget;

9 (d) Where requested by the regional educational  
10 service agency, coordinate staff development at the  
11 regional level;

12 (e) Facilitate communications among and between  
13 personnel responsible for staff development at the state,  
14 local and regional levels;

15 (f) Convene regular meetings on a quarterly basis to  
16 effectuate the requirements in subsections (a), (b), (c), (d)  
17 and (e) of this section;

18 (g) Elect a chairman who shall serve two years; and

19 (h) Report information and findings related to staff  
20 development to the West Virginia staff development  
21 advisory council.

**§18-2I-7. Limitations on funding of councils.**

1        Nothing in this article may be construed to require  
2        any specific level of funding by the Legislature.

**ARTICLE 9A. PUBLIC SCHOOL SUPPORT.**

**§18-9A-7. Foundation allowance for transportation cost.**

1        The allowance in the foundation school program for  
2        each county for transportation shall be the sum of the  
3        following computations:

4        (1) Eighty-five percent of the transportation cost  
5        within each high density county and ninety percent of the  
6        transportation cost within each low density county for  
7        maintenance, operation and related costs, exclusive of all  
8        salaries: *Provided*, That for the school year beginning the  
9        first day of July, one thousand nine hundred ninety-eight,  
10       and thereafter, in the event a county uses an alternative  
11       fuel such as compressed natural gas or other acceptable  
12       alternative fuel for the operation of all or any portion of  
13       its school bus system, then the allowance in the foundation  
14       school program for each such county for that portion of  
15       its school bus system shall be ninety-five percent of the  
16       transportation cost for maintenance, operation and related  
17       costs, exclusive of all salaries, incurred by the use of the  
18       alternatively fueled school buses: *Provided, however*,  
19       That any county using an alternative fuel and qualifying  
20       for the additional allowance shall submit a plan regarding  
21       the intended future use of alternatively fueled school  
22       buses;

23       (2) The total cost, within each county, of insurance  
24       premiums on buses, buildings and equipment used in  
25       transportation: *Provided*, That such premiums were  
26       procured through competitive bidding;

27       (3) For the school year beginning the first day of July,  
28       one thousand nine hundred eighty-nine, and thereafter, an  
29       amount equal to ten percent of the current replacement  
30       value of the bus fleet within each county as determined by  
31       the state board, such amount to be used only for the  
32       replacement of buses. In addition, in any school year in  
33       which its net enrollment increases when compared to the  
34       net enrollment the year immediately preceding, a school

35 district may apply to the state superintendent for funding  
36 for an additional bus. The state superintendent shall make  
37 a decision regarding each application based upon an  
38 analysis of the individual school district's net enrollment  
39 history and transportation needs: *Provided*, That the  
40 superintendent shall not consider any application which  
41 fails to document that the county has applied for federal  
42 funding for additional buses. If the state superintendent  
43 finds that a need exists, a request for funding shall be  
44 included in the budget request submitted by the state  
45 board for the upcoming fiscal year;

46 (4) Eighty-five percent of the cost of contracted  
47 transportation services and public utility transportation  
48 within each high density county and ninety percent of the  
49 cost of contracted transportation services and public utility  
50 transportation within each low density county;

51 (5) Aid in lieu of transportation equal to the state  
52 average amount per pupil for each pupil receiving such  
53 aid within each county; and

54 (6) Ninety-five percent of the transportation cost for  
55 maintenance, operation and related costs, exclusive of all  
56 salaries, for transporting students to and from classes at a  
57 multicounty vocational center.

58 The total state share for this purpose shall be the sum  
59 of the county shares: *Provided*, That no county shall  
60 receive an allowance which is greater than one third above  
61 the computed state average allowance per transportation  
62 mile multiplied by the total transportation mileage in the  
63 county: *Provided, however*, That one-half of one percent  
64 of the transportation allowance distributed to each county  
65 shall be for the purpose of trips related to academic  
66 classroom curriculum and not related to any  
67 extracurricular activity: *Provided further*, That any  
68 remaining funds credited to a county for the purpose of  
69 trips related to academic classroom curriculum during the  
70 fiscal year shall be carried over for use in the same  
71 manner the next fiscal year and shall be separate and apart  
72 from, and in addition to, the appropriation for the next  
73 fiscal year: *And provided further*, That the state board may  
74 request a county to document the use of funds for trips

75 related to academic classroom curriculum if the board  
76 deems it necessary.

77 The state department of education shall cause a  
78 comprehensive study to be made relating to student  
79 transportation. The study shall examine, but is not limited  
80 to, the issues of funding, timeliness of data used for  
81 formula distribution, service personnel needed, inter-  
82 county service, regionalization of services, bus routes,  
83 amount of time students spend on buses, maintenance,  
84 safety training, and alternative transportation systems.  
85 The state department of education shall submit a report of  
86 the study to the legislative oversight commission on  
87 education accountability by the fifteenth day of January,  
88 one thousand nine hundred ninety-nine.

**§18-9A-10. Foundation allowance to improve instructional programs.**

1 (a) For the school year beginning on the first day of  
2 July, one thousand nine hundred ninety-eight, and  
3 thereafter, the sum of the allocations shall be the amount  
4 appropriated by the Legislature for such purposes:

5 (1) One hundred fifty thousand dollars shall be  
6 allocated to to each county;

7 (2) Distribution to the counties of the remainder of  
8 these funds shall be made proportional to the average of  
9 each county's average daily attendance for the preceding  
10 year and the county's second month net enrollment.  
11 Moneys allocated by provision of this section shall be  
12 used to improve instructional programs according to a  
13 plan for instructional improvement which the affected  
14 county board shall file with the state board by the first day  
15 of August of each year, to be approved by the state board  
16 by the first day of September of that year if such plan  
17 substantially complies with standards to be adopted by the  
18 state board: *Provided*, That notwithstanding any other  
19 provision of this code to the contrary, moneys allocated  
20 by provision of this section may also be used in the  
21 implementation and maintenance of the uniform  
22 integrated regional computer information system; and

23 (3) Up to twenty-five percent of this allocation may be  
24 used to employ professional educators and/or service  
25 personnel in counties after all applicable provisions of  
26 sections four and five of this article have been fully  
27 utilized: *Provided*, That for the school year beginning on  
28 the first day of July, one thousand nine hundred ninety-  
29 six, only, up to an additional twenty-five percent of this  
30 allocation may be used to employ classroom teachers, as  
31 defined in section one, article one, chapter eighteen-a of  
32 this code, and/or service personnel in counties after all  
33 applicable provisions of sections four and five of this  
34 article have been fully utilized: *Provided, however*, That  
35 service personnel employed with the additional twenty-five  
36 percent for the school year beginning on the first day of  
37 July, one thousand nine hundred ninety-six, only, may not  
38 include directors, coordinators or supervisors.

39 Prior to the use of any funds from this section for  
40 personnel costs, the county board must receive  
41 authorization from the state superintendent of schools.  
42 The state superintendent shall require the district board to  
43 demonstrate: (1) The need for the allocation; (2)  
44 efficiency and fiscal responsibility in staffing; and (3)  
45 sharing of services with adjoining counties and the  
46 regional educational service agency for that county in the  
47 use of the total local district board budget. District boards  
48 shall make application for available funds for the next  
49 fiscal year by the first day of May of each year. On or  
50 before the first day of June, the state superintendent shall  
51 review all applications and notify applying district boards  
52 of the distribution of the allocation: *Provided*, That for  
53 the school year beginning on the first day of July, one  
54 thousand nine hundred ninety-three, only, the state  
55 superintendent shall review all applications and notify  
56 applying district boards of the distribution of the  
57 allocation on or before the first day of July, one thousand  
58 nine hundred ninety-three. Such funds shall be  
59 distributed during the fiscal year as appropriate. The state  
60 superintendent shall require the county board to  
61 demonstrate the need for an allocation for personnel  
62 based upon the county's inability to meet the  
63 requirements of state law or state board policy: *Provided*,

64 *however*, That the funds available for personnel under this  
65 section may not be used to increase the total number of  
66 professional noninstructional personnel in the central  
67 office beyond four. Such instructional improvement plan  
68 shall be made available for distribution to the public at the  
69 office of each affected county board.

70 (b) Commencing with the school year beginning on  
71 the first day of July, one thousand nine hundred ninety-  
72 three, an amount not less than the amount required to  
73 meet debt service requirements on any revenue bonds  
74 issued prior to the first day of January, one thousand nine  
75 hundred ninety-four, and the debt service requirements on  
76 any revenue bonds issued for the purpose of refunding  
77 revenue bonds issued prior to the first day of January, one  
78 thousand nine hundred ninety-four, shall be paid into the  
79 school building capital improvements fund created by  
80 section six, article nine-d of this chapter, and shall be used  
81 solely for the purposes of said article. The school  
82 building capital improvements fund shall not be utilized to  
83 meet the debt services requirement on any revenue bonds  
84 or revenue refunding bonds for which moneys contained  
85 within the school building debt service fund have been  
86 pledged for repayment pursuant to said section.

## CHAPTER 18A. SCHOOL PERSONNEL.

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

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

1 (a) *Principal training required.* — After the first day  
2 of 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 through  
5 the principals academy at least once every four years.

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

9 (1) All persons assigned as a principal for the first  
10 time in a West Virginia school after the first day of March,  
11 one thousand nine hundred ninety-six, shall complete

12 training through the academy: *Provided*, That if training  
13 through the academy is scheduled to begin within ninety  
14 days from the date of assignment, such person may  
15 complete the next scheduled training through the  
16 academy;

17 (2) All principals of schools which have received from  
18 the state board temporary or conditional accreditation  
19 status or whose schools have been designated as seriously  
20 impaired, in accordance with section five, article two-e,  
21 chapter eighteen of this code, shall complete the next  
22 regularly scheduled training through the academy  
23 following the date of such designation: *Provided*, That if  
24 training through the academy is scheduled to begin within  
25 thirty days from the date of such designation, such  
26 principal may complete the next scheduled training  
27 through the academy: *Provided, however*, That principals  
28 whose schools have received conditional accreditation  
29 status, whose plan for correcting the deficiency which  
30 resulted in conditional accreditation status exceeds one  
31 year and whose schools are meeting the requirements of  
32 the plan, shall not be required to attend the academy in  
33 each successive year;

34 (3) All principals who are subject to an improvement  
35 plan, in accordance with section twelve, article two of this  
36 chapter, shall complete the next regularly scheduled  
37 training through the academy: *Provided*, That if training  
38 through the academy is scheduled to begin within thirty  
39 days from the date the principal is first subject to the  
40 improvement plan, then such principal may complete the  
41 next scheduled training through the academy;

42 (4) All principals who transfer to a school with a  
43 significantly different grade configuration shall complete  
44 the next regularly scheduled training through the  
45 academy: *Provided*, That if training through the academy  
46 is scheduled to begin within ninety days from the date  
47 such principal is transferred, then such principal may  
48 complete the next scheduled training through the  
49 academy; and

50 (5) All persons serving as school principals who are  
51 not described in subdivisions (1) through (4) of this



52 subsection shall complete training through the academy at  
53 least once every four years from and after the first day of  
54 January, one thousand nine hundred ninety-seven.

55 (c) *Academy and attendance subject to funding.* —  
56 The requirement that principals attend the academy shall  
57 be subject to the availability of funds for the principals  
58 academy from legislative appropriation or from other  
59 sources. If such funds are insufficient to provide for the  
60 total cost of admission to the academy for those required  
61 to complete training, then the academy shall admit the  
62 persons described in subdivisions (1) through (5),  
63 subsection (b) of this section according to the priority in  
64 which the subdivisions appear in said subsection. If such  
65 funds are insufficient to provide for the admission of all  
66 the persons described in one or more of subdivisions (1)  
67 through (5), subsection (b) of this section, the academy is  
68 authorized to determine which persons described within  
69 the said subdivision or subdivisions shall be admitted and  
70 which shall not be admitted: *Provided*, That the principals  
71 academy shall make every effort to ensure that all  
72 principals attend once every four years from and after  
73 the first day of January, one thousand nine hundred  
74 ninety-seven: *Provided, however*, That nothing in this  
75 section shall be construed to require any specific level of  
76 funding by the Legislature.

77 (d) *Principals standards advisory council.* — To assist  
78 the state board in the performance of the duties described  
79 in subsection (e) of this section, there is hereby created a  
80 “Principals Standards Advisory Council”, which shall  
81 consist of nine persons, as follows: The executive director,  
82 or designee, of the center for professional development,  
83 who shall serve as the ex-officio chair; three principals,  
84 one from an elementary school, one from a middle school  
85 or a junior high school, and one from a high school, and  
86 one county school superintendent, nominated by the state  
87 board and appointed by the governor; two representatives  
88 from higher education who teach in principal preparation  
89 programs, nominated by the chancellor of the state  
90 university system and appointed by the governor; and two  
91 citizen representatives who are knowledgeable on issues  
92 addressed in this section, appointed by the governor. Of

93 the initial appointments, three of the members appointed  
94 shall serve for a term of three years, three members shall  
95 serve for a term of two years, and two members shall serve  
96 for a term of one year. All successive appointments shall  
97 be for a term of three years. Members of the council who  
98 are public employees shall be granted release time from  
99 their employment for attending meetings of the council.  
100 Members may be reimbursed for reasonable and  
101 necessary expenses actually incurred in the performance  
102 of their official duties by the center for professional  
103 development.

104 (e) *Establishment of standards.* — On or before the  
105 first day of October, one thousand nine hundred ninety-  
106 six, the state board shall approve and promulgate rules  
107 regarding the minimum qualities, proficiencies and skills  
108 that will be required of principals after the first day of  
109 January, one thousand nine hundred ninety-seven. The  
110 state board shall promulgate such rules after consultation  
111 with the principals standards advisory council created in  
112 subsection (d) of this section. The rule developed by the  
113 state board shall address at least the following:

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

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

126 (3) Educational proficiencies, including, but not  
127 limited to, knowledge of curriculum, instructional  
128 techniques, student learning styles, student assessment  
129 criteria, school personnel performance, evaluation skills  
130 and family issues; and

131 (4) Administrative skills, including, but not limited to,  
132 organizational, fiscal, public policy and total quality  
133 management skills and techniques.

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

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

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

153 (i) *Payment of reasonable and necessary expenses and*  
154 *stipends.* — The center for professional development may  
155 reimburse persons attending the academy for reasonable  
156 and necessary expenses. Additionally, any person whose  
157 attendance occurs outside his or her employment term, as  
158 defined in section fifteen, article five, chapter eighteen of  
159 this code, may be entitled to a stipend to be determined by  
160 and paid by the center for professional development:  
161 *Provided,* That nothing in this section shall be construed  
162 to require any specific level of funding 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. Strong academic leadership  
5 provided by principals and administrators skilled in  
6 modern management principles is also essential. The  
7 intent of this article is to recognize the value of  
8 professional involvement by experienced educators,  
9 principals and administrators in building and maintaining  
10 a superior force of professional educators and to establish  
11 avenues for applying such involvement.

12 The general mission of the center is to study matters  
13 relating to the quality of teaching and management in the  
14 schools of West Virginia and to promote the  
15 implementation primarily of statewide programs and  
16 practices as recommended by the state board to assure the  
17 highest quality in teaching and management. The center  
18 also may implement local programs if the state board, in  
19 its agenda set pursuant to section twenty-three-a, article  
20 two, chapter eighteen of this code, determines that there is  
21 a specific local need for the programs. Additionally, the  
22 center shall perform such duties as are assigned to it by  
23 law.

24 Nothing in this article shall be construed to require  
25 any specific level of funding by the Legislature.

26 (b) The center board shall consist of eleven persons as  
27 follows: The secretary of education and the arts, ex  
28 officio, and the state superintendent of schools, ex officio,  
29 both of whom shall be entitled to vote; three members of  
30 the state board, elected by the state board; three  
31 experienced educators, of whom two shall be working  
32 classroom teachers and one of whom shall be a school or  
33 county administrator, appointed by the governor by and  
34 with the advice and consent of the Senate; and three  
35 citizens of the state who are knowledgeable in matters  
36 relevant to the issues addressed by the center, including,  
37 but not limited to, professional development and  
38 management principles, appointed by the governor by and  
39 with the advice and consent of the Senate. Not more than  
40 two appointees shall be residents within the same  
41 congressional district. The center board shall elect a  
42 board chair.

43           Of the initial members from the state board, one shall  
44 be elected for a term of one year and two shall be elected  
45 for terms of two years. All successive elections shall be  
46 for two-year terms. The state board shall elect another  
47 member to fill the unexpired term of any person so  
48 elected who subsequently vacates state board membership.  
49 Of the initial appointed members, three shall be appointed  
50 for one-year terms and three shall be appointed for two-  
51 year terms. All successive appointments shall be for two-  
52 year terms. The governor shall appoint a new member to  
53 fill the unexpired term of any vacancy in the appointed  
54 membership.

55           The center for professional development board shall  
56 meet at least quarterly and the appointed members shall be  
57 reimbursed for reasonable and necessary expenses  
58 actually incurred in the performance of their official  
59 duties from funds appropriated or otherwise made  
60 available for such purposes upon submission of an  
61 itemized statement therefor.

62           The board chair, with the advice of the center board,  
63 from appropriations to the center for professional  
64 development, may employ and fix the compensation of an  
65 executive director with knowledge and experience in  
66 professional development and management principles and  
67 such other persons as may be necessary to carry out the  
68 mission and duties of the center. When practical,  
69 personnel employed by state higher education agencies  
70 and state, regional and county public education agencies  
71 shall be made available to the center to assist in the  
72 operation of projects of limited duration.

73           The center shall assist in the delivery of programs and  
74 activities pursuant to this article to meet statewide, and if  
75 needed as determined by the goals set by the state board  
76 pursuant to section twenty-three-a, article two, chapter  
77 eighteen of this code, the local professional development  
78 needs of teachers, principals and administrators and may  
79 contract with existing agencies or agencies created after  
80 the effective date of this section or others to provide  
81 training programs in the most efficient manner. Existing  
82 programs currently based in agencies of the state shall be

83 continued in the agency of their origin unless the center  
84 establishes a compelling need to transfer or cancel the  
85 existing program. The center shall recommend to the  
86 governor the transfer of funds to the providing agency, if  
87 needed, to provide programs approved by the center.

88 Pursuant to the provisions of article ten, chapter four  
89 of this code, the center for professional development  
90 board shall continue to exist until the first day of July, two  
91 thousand one.

92 (c) On or before the first day of January, one  
93 thousand nine hundred ninety-eight, the center for  
94 professional development shall develop and communicate  
95 to the state board a curriculum for the principals academy.  
96 The curriculum shall be based upon the minimum  
97 qualities, proficiencies and skills necessary for principals  
98 and recommended by the state board, pursuant to the  
99 terms of section two-c, article three of this chapter.

100 (d) In accordance with section two-c, article three of  
101 this chapter, the center shall be responsible for paying  
102 reasonable and necessary expenses for persons attending  
103 the principals academy: *Provided*, That nothing in this  
104 section shall be construed to require any specific level of  
105 funding by the Legislature.

106 (e) Persons attending the professional development  
107 offerings of the center and such other courses as shall be  
108 offered by the center for professional development, except  
109 the principals academy, shall be assessed fees which shall  
110 be less than the full cost of attendance. There is hereby  
111 created in the state treasury a special revenue account  
112 known as the "center for professional development  
113 fund". All moneys collected by the center shall be  
114 deposited in the fund for expenditure by the center board  
115 for the purposes specified in this section. Moneys  
116 remaining in the fund at the end of the fiscal year are  
117 subject to reappropriation by the Legislature.

**§18A-3A-2. Professional development project.**

1 Subject to the provisions of section twenty-three-a,  
2 article two, chapter eighteen of this code, through this  
3 project the center shall:

4 (1) Identify, coordinate, arrange and otherwise assist in  
5 the delivery of professional development programs and  
6 activities that help professional educators acquire the  
7 knowledge, skills, attitudes, practices and other such  
8 pertinent complements deemed essential for an individual  
9 to demonstrate appropriate performance as a professional  
10 personnel in the public schools of West Virginia. The  
11 basis for such performance shall be the laws, policies and  
12 regulations adopted for the public schools of West  
13 Virginia, and amendments thereto. The center also may  
14 permit and encourage school personnel such as classroom  
15 aides, higher education teacher education faculty and  
16 higher education faculty in programs such as articulated  
17 tech prep associate degree and other programs to  
18 participate in appropriate professional development  
19 programs and activities with public school professional  
20 educators;

21 (2) Identify, coordinate, arrange and otherwise assist in  
22 the delivery of professional development programs and  
23 activities that help principals and administrators acquire  
24 knowledge, skills, attitudes and practices in academic  
25 leadership and management principles for principals and  
26 administrators and such other pertinent complements  
27 deemed essential for principals and administrators to  
28 demonstrate appropriate performance in the public  
29 schools of West Virginia. The basis for such performance  
30 shall be the laws, policies and regulations adopted for the  
31 public schools of West Virginia, and amendments thereto;

32 (3) Serve in a coordinating capacity to assure that the  
33 knowledge, skills, attitude and other pertinent  
34 complements of appropriate professional performance  
35 which evolve over time in the public school environment  
36 are appropriately reflected in the programs approved for  
37 the education of professional personnel, including, but not  
38 limited to, advising the teacher education programs of  
39 major statutory and policy changes in the public schools  
40 which affect the job performance requirements of

41 professional educators, including principals and  
42 administrators;

43 (4) Provide for the routine updating of professional  
44 skills of professional educators, including principals and  
45 administrators, through in-service and other programs.  
46 Such routine updating may be provided by the center  
47 through statewide or regional institutes which may require  
48 a registration fee; and

49 (5) Provide consultation and assistance to county staff  
50 development councils established under the provisions of  
51 section eight, article three of this chapter in planning,  
52 designing, coordinating, arranging for and delivering  
53 professional development programs to meet the needs of  
54 the professional educators of their district. From  
55 legislative appropriations to the center for professional  
56 development, exclusive of such amounts required for the  
57 expenses of the principals academy, the center shall, unless  
58 otherwise directed by the Legislature, provide assistance in  
59 the delivery of programs and activities to meet the  
60 expressed needs of the school districts for professional  
61 development to help teachers, principals and  
62 administrators demonstrate appropriate performance  
63 based on the laws, policies and regulations adopted for the  
64 public schools of West Virginia.

**§18A-3A-2a. Development training project.**

1 Subject to the provisions of section twenty-three-a,  
2 article two, chapter eighteen of this code, through this  
3 project the center shall develop training in the area of  
4 developmental instruction with an emphasis in grades  
5 kindergarten through grade four.

**§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 state  
8 board;

9 (b) Intensive summer training institutes; and

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

13 (1) Newly appointed principals;

14 (2) Principals of schools which have received from  
15 the state board temporary or conditional accreditation  
16 status or whose schools have been designated as seriously  
17 impaired;

18 (3) Principals subject to improvement plans; and

19 (4) Principals of schools with significantly different  
20 grade level configurations.

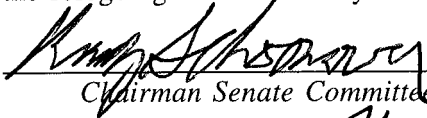
**§18A-3A-3. Professional personnel evaluation project.**

1 Subject to the provisions of section twenty-three-a,  
2 article two, chapter eighteen of this code, through this  
3 project the center shall:

4 (1) Establish programs that provide education and  
5 training in evaluation skills to administrative personnel  
6 who will evaluate the employment performance of  
7 professional personnel pursuant to the provisions of  
8 section twelve, article two of this chapter; and

9 (2) Establish programs that provide instruction to  
10 classroom teachers who will serve as beginning teacher  
11 mentors in accordance with the provisions of section  
12 two-b, article three of this chapter.

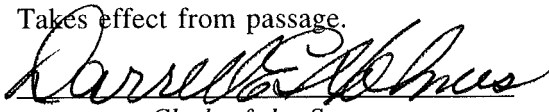
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

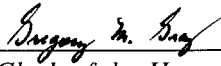
  
Chairman Senate Committee

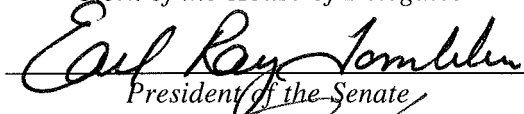
  
Chairman House Committee

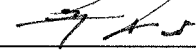
Originating in the House.

Takes effect from passage.

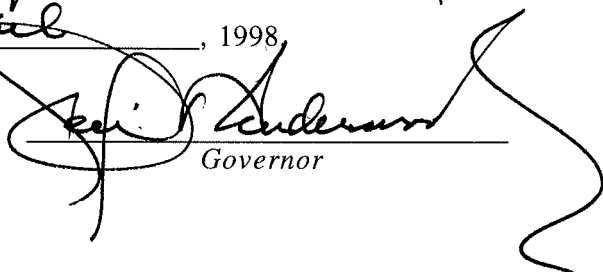
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

The within approved this the 6th  
day of April, 1998.

  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/31/98

Time 2:32 pm