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

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

(b) “District” means county school district;

(c) “State board” means the West Virginia board of education;

(d) “Board” means the county board of education;

(e) “State superintendent” means the state superintendent of free schools;

(f) “Superintendent” means the county superintendent of schools;

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

(h) “Service personnel” means all nonteaching school employees not included in the above definition of “teacher”;

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

(j) “Career clusters” means broad groupings of related occupations;

(k) “Work-based learning” means a structured activity that correlates with and is mutually supportive of the school-based learning of the student and includes
specific objectives to be learned by the student as a result
of the activity;

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

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

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

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

(p) “Casual deficit” means a deficit of not more than
three percent of the approved levy estimate or a deficit
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.

(a) The intent of this section is to provide for the
coordinated development programs by
the state board to promote high quality instructional
delivery and management practices for a thorough and
efficient system of schools. The state board annually shall
establish goals for professional development in the public
schools of the state. The state board shall submit the goals
to the state department of education, the center for
professional development, the regional educational service
agencies, the state college and university systems and the legislative oversight commission on education accountability on or before the first day of October, each year. The goals shall include measures by which the effectiveness of professional development programs will be evaluated. The professional development goals may include separate goals for teachers, principals, service personnel and others in the public schools. In establishing the goals, the state board shall review reports that may indicate a need for staff development. At a minimum in establishing the goals for professional development, the state board shall consider the report of the staff development advisory council set forth in section four, article two-i, chapter eighteen of this code, student test scores on the statewide student assessment program, the measures of student and school performance for accreditation purposes, school and school district report cards, and its plans for the use of funds in the strategic staff development fund pursuant to section thirty-two, section two, chapter eighteen of this code.

(b) The center for professional development and the regional educational service agencies shall each design a proposed professional development program plan to achieve the goals of the state board which are within their purview pursuant to provisions set forth in this code and rules of the state board: Provided, That the state board may establish as a goal for the center for professional development, the delivery of a localized professional development program to address school, county or regional problems. The center for professional development and the regional educational service agencies shall each submit their respective proposed plans to the state board on or before the fifteenth day of November, each year. The proposed plans shall include a plan for evaluating the effectiveness of the professional development delivered through the program and a cost estimate. A copy of each proposed plan shall also be submitted by the respective agencies to the legislative oversight commission on education accountability. The state board shall review the proposed plans and shall return the proposed plans to the respective agencies on or
before the first day of January, each year, noting whether
the proposed plan is approved or is not approved in whole
or in part. If a proposed plan is not approved in whole, the
state board shall note its objections to the proposed plan
or to the parts of the proposed plan not approved and may
suggest improvements or specific modifications, additions
or deletions to more fully address the goals or eliminate
duplication. An agency whose proposed plan is not
wholly approved shall revise the plan to satisfy the
objections of the state board or state the reasons why
revisions cannot be made to satisfy any or all of the
objections and resubmit the proposal to the state board as
soon as possible. State board approval of the professional
development plans of the center for professional
development and the regional educational service agencies
is required prior to implementation of the plans.

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

(d) An approved master plan for professional
development shall be established by the state board not
later than the fifteenth day of March, each year. The
approved master plan shall include the state board
approved professional development plans of the state
department of education, the center for professional
development and the regional educational service
agencies. The approved master plan shall serve as a guide
for the delivery of coordinated professional development
programs by the state department of education, the center
for professional development and the regional educational
service agencies beginning on the first day of June in the year in which the master plan was approved through the thirtieth day of May in the following year.

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

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

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

Technical, operational, programmatic or professional services would be among the types of services appropriate for delivery on a regional basis.
(c) In addition to performing the services and functions required by the provisions of this or any other section of this code, a regional educational service agency may implement regional programs and services by a majority vote of its board of directors. When said vote is not unanimous, the board of directors shall file a plan for the service or program delivery with the state board describing the program or service, the manner of delivery and the projected savings and/or the improved quality of the program or service. The state board shall promulgate rules requiring a county board that declines to participate in such programs or services to show just cause for not participating and the estimated savings accruing to the county therefrom. If a county board fails to show that savings will accrue to the county or that the quality of the program will be significantly and positively affected as a result of its decision not to participate, the state board shall withhold from the county's foundation allowance for administrative cost the lesser of the amount of the estimated savings or the allocation for the county’s foundation allowance for administrative cost.

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

(e) Each regional educational service agency shall conduct a study setting forth how the following services and functions may be performed by the agency for public schools and school districts within the region without terminating the employment of personnel employed by school districts prior to the effective date of this subsection: Accounting, purchasing, food service, transportation, delivery of high cost services to low
incidence student populations, audiovisual material
distribution, facilities planning, federal program
coordination, personnel recruiting and an integrated
regional computer information system. On or before the
tenth day of January, one thousand nine hundred ninety,
each regional educational service agency shall submit the
study to the state board, to the standing committees on
education and finance of the West Virginia Senate and
House of Delegates and to the secretary of education and
the arts: Provided, That in the event such study is
implemented those individuals employed prior to the
effective date thereof shall not have their employment
terminated as a result of the study.

(f) Each regional educational service agency shall
commence implementation of a uniform integrated
regional computer information system as recommended
by the state board of education on or before the first day
of January, one thousand nine hundred ninety-one. Each
county board of education shall use the computer
information system for data collection and reporting to
the state department of education beginning no later than
the first day of July, one thousand nine hundred ninety-
four. County boards of education shall bear the cost of
and fully participate in the implementation of the system
by: (1) Acquiring necessary, compatible equipment to
participate in the regional computer information system;
or (2) following receipt of a waiver from the state
superintendent, operating a comparable management
information system at a lower cost which provides at least
all uniform integrated regional computer information
system software modules and allows on-line, interactive
access for schools and the county board of education
office onto the statewide communications network. All
data formats shall be the same as for the uniform
integrated regional information system and will reside at
the regional computer. Any county granted a waiver shall
receive periodic notification of any incompatibility or
deficiency in its system. Continued inability of any
county to meet the above criteria shall, upon notification
to the county no later than the first day of April, one
thousand nine hundred ninety-five, require the county to
use the uniform integrated regional computer information system no later than the first day of July, one thousand nine hundred ninety-five. No county shall expand any system either through the purchase of additional software or hardware that does not advance the goals and implementation of the uniform integrated regional computer information system as recommended by the state board: Provided, That nothing contained herein shall prevent the state superintendent from granting a one-year extension to those counties projected to have budget deficits for the school year beginning on the first day of July, one thousand nine hundred ninety-four.

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

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

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

(j) Regional educational service agencies shall hold at least one half of their regular meetings during hours other than those of a regular school day.
(k) Regional educational service agencies shall serve as the lead agency for computer installation, maintenance and repair for the Basic Skills Computer Program. By the first day of October, one thousand nine hundred ninety-five, and quarterly thereafter, each regional educational service agency shall submit a status report on turn around time for computer installation, maintenance and repair to the state superintendent of schools who shall then submit a report to the legislative oversight commission on education accountability. The above-mentioned status report for turn around time for computer installation, maintenance and repair shall be based on the following suggested time schedules:

- Network File Servers ................. forty-eight hours
- Local Area Networks ................. forty-eight hours
- West Virginia Education Information System .......... twenty-four hours
- Computer workstations ............. three to five days
- Printers ................................ three to five days
- Other peripherals ................. three to five days

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

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

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

(a) There is hereby created an account within the state board titled the strategic staff development fund. The allocation of balances which accrue in the general school fund shall be transferred to the strategic staff development fund each year when the balances become available. Any remaining funds transferred to the strategic staff
development fund during the fiscal year shall be carried
over for use in the same manner the next fiscal year and
shall be separate and apart from, and in addition to, the
transfer of funds from the general school fund for the
next fiscal year.

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

(1) The amount of each expenditure;
(2) The purpose of each expenditure; and
(3) The effectiveness of the staff development
resulting from each expenditure.

ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.

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

(a) In order to further the purposes of this article, on
or before the first day of January, one thousand nine
hundred ninety-nine, the state board shall develop and
recommend to the legislative oversight commission on
education accountability an assessment program to
measure the progress of public school students in attaining
a high quality education. In addition, to further the
purposes of this article, on or before the first day of
January, one thousand nine hundred ninety-nine, the state
board shall develop and recommend to the legislative
oversight commission on education accountability an
accountability program to help insure a thorough and
efficient system of schools. In developing the assessment
program and the accountability program, the state board
shall take into consideration recommendations arising from any legislative interim study undertaken at the direction of the joint committee on government and finance and also shall take into consideration any recommendations made by the legislative oversight commission on education accountability.

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

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

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

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

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

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

(a) The Legislature hereby finds and acknowledges that, if remediation is necessary, it should be provided when students are younger and before patterns of failure are established. The Legislature further acknowledges that the people of West Virginia would be better served if the state acted to ensure that all public school students were able to read at or above grade level upon exiting grade four, that county boards are in the best position to determine if remediation is necessary for students in kindergarten through grade four and that the counties should have the option of providing summer school for
students and may consider student attendance as a factor in determining whether a child is eligible to be promoted to the next grade.

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

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

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

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

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

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

(1) Employ strategies and proven methods for student learning, teaching and school management that are based
on reliable research and effective practices and can be replicated in other schools to improve the reading skills of students;

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

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

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

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

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

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

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

(d) The state board shall approve procedures for the implementation of this section. To assist the state board in developing procedures for the implementation of this section, including the grant application and the grant
review and selection process, the state board shall appoint an advisory board consisting of the federal programs director and the title I reading coordinator/specialist, both from the state department of education, a representative from the department of education and the arts representing the library commission and the community schools initiative, a college or university professor of reading, two or more representatives from local school systems, the West Virginia coordinator of the read aloud program, the energy express project director, and a representative of mission West Virginia, or representatives of like successor organizations should these named organizations cease to exist. The procedures shall provide for:

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

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

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

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

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

(e) The state board may fund, from any other funds available for such purposes, the programs required by this section for students in kindergarten through grade four and any programs required by state board rules such as, 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 educa-
1 tion performance audits; education standards; school accreditation and school system approv-
2 al; 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
standards for student, school and school system
performance and processes in the following areas:

(1) Curriculum;
(2) Workplace readiness skills;
(3) Finance;
(4) Transportation;
(5) Special Education;
(6) Facilities;
(7) Administrative practices;
(8) Training of county board members and
administrators;
(9) Personnel qualifications;
(10) Professional development and evaluation;
(11) Student and school performance;
(12) A code of conduct for students and employees;
and
(13) Any other such areas as determined by the state
board.

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

The standards shall include measures of student
performance to indicate when a thorough and efficient
system of schools is being provided and of school and
school system performance and processes that enable
student performance. The measures of student
performance and school and school system performance
and processes shall include, but are not limited to, the
following:
(1) The acquisition of student proficiencies as indicated by student performance by grade level measured, where possible, by a uniform statewide assessment program;

(2) School attendance rates;

(3) Student dropout rate;

(4) Percent of students promoted to next grade;

(5) Graduation rate;

(6) Average class size;

(7) Pupil-teacher ratio and number of exceptions to ratio requested by county boards and number granted;

(8) Number of split-grade classrooms;

(9) Percentage of graduates who enrolled in college; the percentage of graduates who enrolled in other post-secondary education; and the percentage of graduates who become fully employed within one year of high school graduation all as reported by the graduates on the assessment form attached to their individualized student transition plan, pursuant to section eight of this article and the percentage of graduates reporting;

(10) Pupil-administrator ratio;

(11) Parent involvement;

(12) Parent, teacher and student satisfaction;

(13) Operating expenditures per pupil;

(14) Percentage of graduates who attain the minimum level of performance in the basic skills recognized by the state board as laying the foundation for further learning and skill development for success in college, other post-secondary education and gainful employment and the grade level distribution in which the minimum level of performance was met;

(15) Percentage of graduates who received additional certification of their skills, competence and readiness for
(16) Effective school system participation with their assigned regional education service agency.

(e) Assessment and accountability of school and school system performance and processes. — The state board shall establish by rule in accordance with the provisions of article three-b, chapter twenty-nine-a of this code, a system of education performance audits which measures the quality of education and the preparation of students based on the standards and measures of student, school and school system performance and processes, including, but not limited to, the standards and measures set forth in subsections (c) and (d) of this section. The system of education performance audits shall assist the state board in ensuring that the standards and measures established pursuant to this section are, at a minimum, being met and that a thorough and efficient system of schools is being provided. The system of education performance audits shall include: (1) The assessment of student, school and school system performance and the processes in place in schools and school systems which enable student performance; (2) the review of school and school system unified improvement plans; and (3) the periodic, random unannounced on-site review of school and school system performance and compliance with the standards.

(f) Uses of school and school system assessment information. — The state board shall use information from the system of education performance audits to assist it in ensuring that a thorough and efficient system of schools is being provided and to improve student, school and school system performance, including, but not limited to, the following: (1) Determining school accreditation and school system approval status; (2) holding schools and school systems accountable for the efficient use of existing resources to meet or exceed the standards; and (3) targeting additional resources when necessary to improve performance. Primary emphasis in determining school accreditation and school system approval status will be
based on student, school and school system performance on measures selected by the state board. The state board shall make accreditation information available to the Legislature; the governor; and to the general public and any individuals who request such information, subject to the provisions of any act, rule or regulation restricting the release of information. Based on the assessment of student, school and school system performance, the state board shall establish early detection and intervention programs to assist underachieving schools and school systems in improving performance before conditions become so grave as to warrant more substantive state intervention, including, but not limited to, making additional technical assistance, programmatic, monetary and staffing resources available where appropriate.

(g) Office of Education Performance Audits. — To assist the state board in the operation of the system of education performance audits and in making determinations regarding the accreditation status of schools and the approval status of school systems, the state board shall establish an office of education performance audits which shall be operated under the direction of the state board independently of the functions and supervision of the state department of education and state superintendent. The office of education performance audits shall report directly to and be responsible to the state board in carrying out its duties under the provisions of this section. The office shall be headed by a director who shall be appointed by the state board and shall serve at the will and pleasure of the state board. The salary of the director shall not exceed the salary of the state superintendent of schools. The state board shall organize and sufficiently staff the office to fulfill the duties assigned to it by this section and the state board. Employees of the state department of education who are transferred to the office of education performance audits shall retain their benefit and seniority status with the department of education. Under the direction of the state board, the office of education performance audits shall receive from the West Virginia education information system staff research and analysis data on the performance.
of students, schools and school systems, and shall receive assistance from staff at the state department of education and the state school building authority to carry out the duties assigned to the office. In addition to other duties which may be assigned to it by the state board or by statute, the office of education performance audits also shall:

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

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

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

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

(5) Determine, in conjunction with the assessment and accountability processes, staff development needs of schools and school systems to meet the standards established by the Legislature and the state board, and make recommendations to the state board, the center for professional development, regional education service agencies, higher education governing boards and county boards; and
(6) Identify, in conjunction with the assessment and accountability processes, exemplary schools and school systems and best practices that improve student, school and school system performance, and make recommendations to the state board for recognizing and rewarding exemplary schools and school systems and promoting the use of best practices. The state board shall provide information on best practices to county school systems and shall use information identified through the assessment and accountability processes to select schools of excellence.

(h) On-site reviews. — At the direction of the state board or by weighted, random selection by the office of education performance audits, an unannounced on-site review shall be conducted by the office of education performance audits of any school or school system for purposes, including, but not limited to, the following: (1) Verifying data reported by the school or county board; (2) documenting compliance with policies and laws; (3) evaluating the effectiveness and implementation status of school and school system unified improvement plans; (4) investigating official complaints submitted to the state board that allege serious impairments in the quality of education in schools or school systems; and (5) investigating official complaints submitted to the state board that allege that a school or county board is in violation of policies or laws under which schools and county boards operate. The random selection of schools and school systems for an on-site review shall use a weighted random sample so that those with lower performance indicators and those that have not had a recent on-site review have a greater likelihood of being selected. Under the direction of the state board, the office of education performance audits shall appoint an education standards compliance review team to assist it in conducting on-site reviews. The teams shall be composed of an adequate number of persons who possess the necessary knowledge, skills and experience to make an accurate assessment of education programs and who are drawn from a trained cadre established by the office of education performance audits. The state board shall have
discretion in determining the number of persons to serve
on a standards compliance review team based on the size
of the school or school system as applicable. The teams
shall be led by a member of the office of education
performance audits. County boards shall be reimbursed
for the costs of substitutes required to replace county
board employees while they are serving on an education
standards compliance review team. The office of
education performance audits shall report the findings of
the on-site reviews to the state board for inclusion in the
evaluation and determination of a school’s or county
board’s accreditation or approval status as applicable.

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

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

(2) Temporary accreditation status shall be given to a
school when the measure of the school’s performance is
below the level required for full accreditation status.
Whenever a school is given temporary accreditation status,
the county board shall ensure that the school’s unified
improvement plan is revised to increase the performance
of the school to a full accreditation status level. The
revised unified school improvement plan shall include
objectives, a timeline, a plan for evaluation of the success
of the improvements, cost estimates, and a date certain for
achieving full accreditation. The revised plan shall be
submitted to the state board for approval.

(3) Conditional accreditation status shall be given to a
school when the school’s performance on the standards
adopted by the state board is below the level required for
full accreditation, but the school’s unified improvement
plan has been revised to achieve full accreditation status by a date certain, the plan has been approved by the state board and the school is meeting the objectives and time line specified in the revised plan.

(4) The state board shall establish and adopt standards of performance to identify seriously impaired schools and the state board may declare a school seriously impaired whenever extraordinary circumstances exist as defined by the state board. These circumstances shall include, but are not limited to, the failure of a school on temporary accreditation status to obtain approval of its revised unified school improvement plan within a reasonable time period as defined by the state board and the failure of a school on conditional accreditation status to meet the objectives and time line of its revised unified school improvement plan or to achieve full accreditation by the date specified in the revised plan. Whenever the state board determines that the quality of education in a school is seriously impaired, the state board shall appoint a team of improvement consultants to make recommendations within sixty days of appointment for correction of the impairment. Upon approval of the recommendations by the state board, the recommendations shall be made to the county board. If progress in correcting the impairment as determined by the state board is not made within six months from the time the county board receives the recommendations, the state board shall place the county board on temporary approval status and provide consultation and assistance to the county board to: (i) improve personnel management; (ii) establish more efficient financial management practices; (iii) improve instructional programs and rules; or (iv) make such other improvements as may be necessary to correct the impairment. If the impairment is not corrected by a date certain set by the state board, the county board shall be given nonapproval status.

(j) Transfers from seriously impaired schools. — Whenever a school is determined to be seriously impaired and fails to improve its status within one year, any student attending such school may transfer once to the nearest fully accredited school, subject to approval of the fully
(k) School system approval. — The state board annually shall review the information submitted for each school system from the system of education performance audits and issue one of the following approval levels to each county board: Full approval, temporary approval, conditional approval, or nonapproval.

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

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

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

(4) Nonapproval status shall be given to a county board which fails to submit and gain approval for its unified county improvement plan or revised unified county improvement plan within a reasonable time period as defined by the state board or fails to meet the objectives and time line of its revised unified county improvement
plan or fails to achieve full approval by the date specified in the revised plan. The state board shall establish and adopt additional standards to identify school systems in which the program may be nonapproved and the state board may issue nonapproval status whenever extraordinary circumstances exist as defined by the state board. Furthermore, whenever a county board has more than a casual deficit, as defined in section one, article one of this chapter, the county board shall submit a plan to the state board specifying the county board’s strategy for eliminating the casual deficit. The state board either shall approve or reject the plan. If the plan is rejected, the state board shall communicate to the county board the reason or reasons for the rejection of the plan. The county board may resubmit the plan any number of times. However, any county board that fails to submit a plan and gain approval for the plan from the state board before the end of the fiscal year after a deficit greater than a casual deficit occurred or any county board which, in the opinion of the state board, fails to comply with an approved plan may be designated as having nonapproval status. Whenever nonapproval status is given to a school system, the state board shall declare a state of emergency in the school system and shall appoint a team of improvement consultants to make recommendations within sixty days of appointment for correcting the emergency. Upon approval of the recommendations by the state board, the recommendations shall be made to the county board. If progress in correcting the emergency, as determined by the state board, is not made within six months from the time the county board receives the recommendations, the state board shall intervene in the operation of the school system to cause improvements to be made that will provide assurances that a thorough and efficient system of schools will be provided. This intervention may include, but is not limited to the following: (i) Limiting the authority of the county superintendent and county board as to the expenditure of funds, the employment and dismissal of personnel, the establishment and operation of the school calendar, the establishment of instructional programs and rules and such other areas as may be designated by the state board by rule; (ii) taking such direct action as may
be necessary to correct the emergency; and (iii) declaring that the office of the county superintendent is vacant.

(i) Capacity. — The process for improving education includes a process for targeting resources strategically to improve the teaching and learning process. Development of unified school and school system improvement plans, pursuant to subsection (b) of this section, is intended, in part, to provide mechanisms to target resources strategically to the teaching and learning process to improve student, school and school system performance. When deficiencies are detected through the assessment and accountability processes, the revision and approval of school and school system unified improvement plans shall ensure that schools and school systems are efficiently using existing resources to correct the deficiencies. When the state board determines that schools and school systems do not have the capacity to correct deficiencies, the state board shall work with the county board to develop or secure the resources necessary to increase the capacity of schools and school systems to meet the standards and, when necessary, seek additional resources in consultation with the Legislature and the governor.

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

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

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

(3) Determining the areas of strength that appear to have contributed to exceptional student, school and school system performance and promoting their emulation throughout the system;
(4) Requesting technical assistance from the school building authority in assessing or designing comprehensive educational facilities plans;

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

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

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

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

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

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

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

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

ARTICLE 21. STAFF DEVELOPMENT COUNCILS.

§18-21-1. Legislative purpose.

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

§18-21-2. Legislative findings.
The Legislature finds that there is presently an inadequate and inefficient delivery of staff development programs for professional education in West Virginia. The Legislature further finds that the creation of a West Virginia staff development advisory council and regional staff development councils will assure the efficient delivery of high quality staff training programs and will further assure that duplication of efforts will be minimized. The Legislature further finds that the functions of the West Virginia staff development advisory council and regional staff development councils will assure that key personnel will be fully aware of identified needs and programmatic services, that all stakeholders will be appropriately involved in planning and implementing programs to meet requisite needs and that high quality staff development programs will be provided to public school educators of West Virginia in the most efficient manner.

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

(a) There shall be a West Virginia staff development advisory council which shall consist of the following members:

(1) The chairpersons of each of the eight regional staff development councils established in section five of this article;

(2) The coordinators of each of the eight regional educational service agency staff development councils;

(3) The associate superintendent for the division of research, technology and professional services of the state department of education;

(4) The assistant superintendent for the division of instructional and student services of the state department of education;

(5) The assistant superintendent for the division of technical and adult education services of the state department of education;
§18-2I-4. Functions of the West Virginia staff development advisory council.

The council shall:

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

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

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

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

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

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

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

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

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

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

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

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

(b) Any member of the advisory council may be reimbursed by his or her employing agency for the cost of reasonable and necessary expenses actually incurred in the performance of their duties under this article as determined by the employing agency.
(a) Identify and prioritize statewide staff development needs;
(b) Identify effective staff development programs to meet identified needs;
(c) Communicate staff development information and findings to the regional staff development councils, the state board and the legislative oversight commission on education accountability by the first day of September of each year;
(d) Convene regular meetings on a semiannual basis to effectuate the requirements in subsections (a), (b) and (c) of this section; and
(e) Elect a chairman who shall serve two years.

§18-21-5. Creation of regional staff development councils; members; and functions.
(a) There shall be a regional staff development council in each of the eight regional educational service agencies located within the state. Each regional staff development council shall consist of the following members:

(1) The chairperson of each of the county professional staff development councils located in each county contained in the applicable region;

(2) The county staff development coordinator from each of the counties located within the region: Provided, That if the county does not have a staff development coordinator, then the superintendent shall designate a person to serve on the regional staff development council;

(3) The regional educational service agencies staff development coordinator who shall serve as an ex officio member;

(4) The executive director of the regional educational service agencies who shall serve as an ex officio member; and
§18-21-6. Functions of the regional staff development councils.

The regional councils shall:

(a) Identify and prioritize regional staff development needs;

(b) Identify effective staff development programs;

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

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

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

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

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

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

§18-21-7. Limitations on funding of councils.
Nothing in this article may be construed to require any specific level of funding by the Legislature.

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


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

1. Eighty-five percent of the transportation cost within each high density county and ninety percent of the transportation cost within each low density county for maintenance, operation and related costs, exclusive of all salaries: *Provided, That for the school year beginning the first day of July, one thousand nine hundred ninety-eight, and thereafter, in the event a county uses an alternative fuel such as compressed natural gas or other acceptable alternative fuel for the operation of all or any portion of its school bus system, then the allowance in the foundation school program for each such county for that portion of its school bus system shall be ninety-five percent of the transportation cost for maintenance, operation and related costs, exclusive of all salaries, incurred by the use of the alternatively fueled school buses: *Provided, however, That any county using an alternative fuel and qualifying for the additional allowance shall submit a plan regarding the intended future use of alternatively fueled school buses;*

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

3. For the school year beginning the first day of July, one thousand nine hundred eighty-nine, and thereafter, an amount equal to ten percent of the current replacement value of the bus fleet within each county as determined by the state board, such amount to be used only for the replacement of buses. In addition, in any school year in which its net enrollment increases when compared to the net enrollment the year immediately preceding, a school
district may apply to the state superintendent for funding
for an additional bus. The state superintendent shall make
a decision regarding each application based upon an
analysis of the individual school district’s net enrollment
history and transportation needs: Provided, That the
superintendent shall not consider any application which
fails to document that the county has applied for federal
funding for additional buses. If the state superintendent
finds that a need exists, a request for funding shall be
included in the budget request submitted by the state
board for the upcoming fiscal year;

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

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

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

The total state share for this purpose shall be the sum
of the county shares: Provided, That no county shall
receive an allowance which is greater than one third above
the computed state average allowance per transportation
mile multiplied by the total transportation mileage in the
county: Provided, however, That one-half of one percent
of the transportation allowance distributed to each county
shall be for the purpose of trips related to academic
classroom curriculum and not related to any
extracurricular activity: Provided further, That any
remaining funds credited to a county for the purpose of
trips related to academic classroom curriculum during the
fiscal year shall be carried over for use in the same
manner the next fiscal year and shall be separate and apart
from, and in addition to, the appropriation for the next
fiscal year: And provided further, That the state board may
request a county to document the use of funds for trips
related to academic classroom curriculum if the board
deee it necessary.

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

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

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

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

(2) Distribution to the counties of the remainder of
these funds shall be made proportional to the average of
each county’s average daily attendance for the preceding
year and the county’s second month net enrollment.
Moneys allocated by provision of this section shall be
used to improve instructional programs according to a
plan for instructional improvement which the affected
county board shall file with the state board by the first day
of August of each year, to be approved by the state board
by the first day of September of that year if such plan
substantially complies with standards to be adopted by the
state board: Provided, That notwithstanding any other
provision of this code to the contrary, moneys allocated
by provision of this section may also be used in the
implementation and maintenance of the uniform
integrated regional computer information system; and
Up to twenty-five percent of this allocation may be used to employ professional educators and/or service personnel in counties after all applicable provisions of sections four and five of this article have been fully utilized: Provided, That for the school year beginning on the first day of July, one thousand nine hundred ninety-six, only, up to an additional twenty-five percent of this allocation may be used to employ classroom teachers, as defined in section one, article one, chapter eighteen-a of this code, and/or service personnel in counties after all applicable provisions of sections four and five of this article have been fully utilized: Provided, however, That service personnel employed with the additional twenty-five percent for the school year beginning on the first day of July, one thousand nine hundred ninety-six, only, may not include directors, coordinators or supervisors.

Prior to the use of any funds from this section for personnel costs, the county board must receive authorization from the state superintendent of schools. The state superintendent shall require the district board to demonstrate: (1) The need for the allocation; (2) efficiency and fiscal responsibility in staffing; and (3) sharing of services with adjoining counties and the regional educational service agency for that county in the use of the total local district board budget. District boards shall make application for available funds for the next fiscal year by the first day of May of each year. On or before the first day of June, the state superintendent shall review all applications and notify applying district boards of the distribution of the allocation: Provided, That for the school year beginning on the first day of July, one thousand nine hundred ninety-three, only, the state superintendent shall review all applications and notify applying district boards of the distribution of the allocation on or before the first day of July, one thousand nine hundred ninety-three. Such funds shall be distributed during the fiscal year as appropriate. The state superintendent shall require the county board to demonstrate the need for an allocation for personnel based upon the county’s inability to meet the requirements of state law or state board policy: Provided,
however, That the funds available for personnel under this section may not be used to increase the total number of professional noninstructional personnel in the central office beyond four. Such instructional improvement plan shall be made available for distribution to the public at the office of each affected county board.

(b) Commencing with the school year beginning on the first day of July, one thousand nine hundred ninety-three, an amount not less than the amount required to meet debt service requirements on any revenue bonds issued prior to the first day of January, one thousand nine hundred ninety-four, and the debt service requirements on any revenue bonds issued for the purpose of refunding revenue bonds issued prior to the first day of January, one thousand nine hundred ninety-four, shall be paid into the school building capital improvements fund created by section six, article nine-d of this chapter, and shall be used solely for the purposes of said article. The school building capital improvements fund shall not be utilized to meet the debt services requirement on any revenue bonds or revenue refunding bonds for which moneys contained within the school building debt service fund have been 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.

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

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

(1) All persons assigned as a principal for the first time in a West Virginia school after the first day of March, one thousand nine hundred ninety-six, shall complete
(2) All principals of schools which have received from the state board temporary or conditional accreditation status or whose schools have been designated as seriously impaired, in accordance with section five, article two-e, chapter eighteen of this code, shall complete the next regularly scheduled training through the academy following the date of such designation: Provided, That if training through the academy is scheduled to begin within thirty days from the date of such designation, such principal may complete the next scheduled training through the academy: Provided, however, That principals whose schools have received conditional accreditation status, whose plan for correcting the deficiency which resulted in conditional accreditation status exceeds one year and whose schools are meeting the requirements of the plan, shall not be required to attend the academy in each successive year;

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

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

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

(c) Academy and attendance subject to funding. —

The requirement that principals attend the academy shall be subject to the availability of funds for the principals academy from legislative appropriation or from other sources. If such funds are insufficient to provide for the total cost of admission to the academy for those required to complete training, then the academy shall admit the persons described in subdivisions (1) through (5), subsection (b) of this section according to the priority in which the subdivisions appear in said subsection. If such funds are insufficient to provide for the admission of all the persons described in one or more of subdivisions (1) through (5), subsection (b) of this section, the academy is authorized to determine which persons described within the said subdivision or subdivisions shall be admitted and which shall not be admitted: Provided, That the principals academy shall make every effort to ensure that all principals attend once every four years from and after the first day of January, one thousand nine hundred ninety-seven: Provided, however, That nothing in this section shall be construed to require any specific level of funding by the Legislature.

(d) Principals standards advisory council. — To assist the state board in the performance of the duties described in subsection (e) of this section, there is hereby created a “Principals Standards Advisory Council”, which shall consist of nine persons, as follows: The executive director, or designee, of the center for professional development, who shall serve as the ex-officio chair; three principals, one from an elementary school, one from a middle school or a junior high school, and one from a high school, and one county school superintendent, nominated by the state board and appointed by the governor; two representatives from higher education who teach in principal preparation programs, nominated by the chancellor of the state university system and appointed by the governor; and two citizen representatives who are knowledgeable on issues addressed in this section, appointed by the governor. Of
the initial appointments, three of the members appointed
shall serve for a term of three years, three members shall
serve for a term of two years, and two members shall serve
for a term of one year. All successive appointments shall
be for a term of three years. Members of the council who
are public employees shall be granted release time from
their employment for attending meetings of the council.
Members may be reimbursed for reasonable and
necessary expenses actually incurred in the performance
of their official duties by the center for professional
development.

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

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

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

(3) Educational proficiencies, including, but not
limited to, knowledge of curriculum, instructional
techniques, student learning styles, student assessment
criteria, school personnel performance, evaluation skills
and family issues; and
(4) Administrative skills, including, but not limited to, organizational, fiscal, public policy and total quality management skills and techniques.

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

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

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

(i) Payment of reasonable and necessary expenses and stipends. — The center for professional development may reimburse persons attending the academy for reasonable and necessary expenses. Additionally, any person whose attendance occurs outside his or her employment term, as defined in section fifteen, article five, chapter eighteen of this code, may be entitled to a stipend to be determined by and paid by the center for professional development: Provided, That nothing in this section shall be construed 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.

(a) Teaching is a profession that directly correlates to the social and economic well-being of a society and its citizens. Superior teaching is essential to a well educated
and productive populace. Strong academic leadership provided by principals and administrators skilled in modern management principles is also essential. The intent of this article is to recognize the value of professional involvement by experienced educators, principals and administrators in building and maintaining a superior force of professional educators and to establish avenues for applying such involvement.

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

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

(b) The center board shall consist of eleven persons as follows: The secretary of education and the arts, ex officio, and the state superintendent of schools, ex officio, both of whom shall be entitled to vote; three members of the state board, elected by the state board; three experienced educators, of whom two shall be working classroom teachers and one of whom shall be a school or county administrator, appointed by the governor by and with the advice and consent of the Senate; and three citizens of the state who are knowledgeable in matters relevant to the issues addressed by the center, including, but not limited to, professional development and management principles, appointed by the governor by and with the advice and consent of the Senate. Not more than two appointees shall be residents within the same congressional district. The center board shall elect a board chair.
Of the initial members from the state board, one shall be elected for a term of one year and two shall be elected for terms of two years. All successive elections shall be for two-year terms. The state board shall elect another member to fill the unexpired term of any person so elected who subsequently vacates state board membership. Of the initial appointed members, three shall be appointed for one-year terms and three shall be appointed for two-year terms. All successive appointments shall be for two-year terms. The governor shall appoint a new member to fill the unexpired term of any vacancy in the appointed membership.

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

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

The center shall assist in the delivery of programs and activities pursuant to this article to meet statewide, and if needed as determined by the goals set by the state board pursuant to section twenty-three-a, article two, chapter eighteen of this code, the local professional development needs of teachers, principals and administrators and may contract with existing agencies or agencies created after the effective date of this section or others to provide training programs in the most efficient manner. Existing programs currently based in agencies of the state shall be
continued in the agency of their origin unless the center establishes a compelling need to transfer or cancel the existing program. The center shall recommend to the governor the transfer of funds to the providing agency, if needed, to provide programs approved by the center.

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

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

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

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

§18A-3A-2. Professional development project.
Subject to the provisions of section twenty-three-a, article two, chapter eighteen of this code, through this project the center shall:

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

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

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

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

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


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


There is hereby established within the center for professional development the “Principals Academy”. Training through the principals academy shall include at least the following:

(a) Training designed to build within principals the 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: 2:30 p.m.