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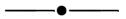
SECOND REGULAR SESSION, 2000

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ENROLLED

COMMITTEE SUBSTITUTE FOR House Bill No. 4674

(By Delegates Armstead, Harrison, Azinger, Evans, Williams and Capito]



Passed March 11, 2000

In Effect from Passage

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 4674

(BY DELEGATES ARMSTEAD, HARRISON, AZINGER, EVANS, WILLIAMS AND CAPITO)

[Passed March 11, 2000; in effect from passage.]

AN ACT to amend and reenact section five, article two-e, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to high quality education programs and standards; efficiency standards and indicators; performance measures; process for improving education; education performance audits; office of education performance audits; on-site reviews; assessment and accountability; use of assessment information; accreditation and school system approval; impaired schools; intervention to correct impairments; Legislative intent; capacity; state board of education rules; creating the exemplary school accreditation standard for individual schools; and review of accountability system.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.

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

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

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

(c) High quality education standards and efficiency
standards. — The state board shall, in accordance with the
provisions of article three-b, chapter twenty-nine-a of this code,
adopt and periodically review and update high quality education
standards for student, school and school system performance
and processes in the following areas:

23 (1) Curriculum;

- 24 (2) Workplace readiness skills;
- 25 (3) Finance;
- 26 (4) Transportation;
- 27 (5) Special education;
- 28 (6) Facilities;
- 29 (7) Administrative practices;
- 30 (8) Training of county board members and administrators;
- 31 (9) Personnel qualifications;
- 32 (10) Professional development and evaluation;
- 33 (11) Student and school performance;
- 34 (12) A code of conduct for students and employees;
- 35 (13) Indicators of efficiency; and
- 36 (14) 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 postsecondary education and training and that
schools and school districts are making progress in achieving
the education goals of the state.

42 The standards shall include measures of student perfor-43 mance to indicate when a thorough and efficient system of 44 schools is being provided and of school and school system 45 performance and processes that enable student performance. 46 The measures of student performance and school and school 47 system performance and processes shall include, but are not 48 limited to, the following:

49 (1) The acquisition of student proficiencies as indicated by
50 student performance by grade level measured, where possible,
51 by a uniform statewide assessment program;

- 52 (2) School attendance rates;
- 53 (3) Student dropout rate;
- 54 (4) Percent of students promoted to next grade;
- 55 (5) Graduation rate;
- 56 (6) Average class size;

57 (7) Pupil-teacher ratio and number of exceptions to ratio58 requested by county boards and number granted;

59 (8) Number of split-grade classrooms;

60 (9) Percentage of graduates who enrolled in college; the 61 percentage of graduates who enrolled in other postsecondary 62 education; and the percentage of graduates who become fully 63 employed within one year of high school graduation all as 64 reported by the graduates on the assessment form attached to 65 their individualized student transition plan, pursuant to section 66 eight of this article and the percentage of graduates reporting;

- 67 (10) Pupil-administrator ratio;
- 68 (11) Parent involvement;
- 69 (12) Parent, teacher and student satisfaction;

70 (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 develop-

ment for success in college, other postsecondary 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
college, other postsecondary education or employment above
the minimum foundation level of basic skills;

81 (16) Percentage of students in secondary and middle
82 schools who are enrolled in advanced placement or honors
83 classes, respectively; and

84 (17) *Indicators of efficiency.* – The state board shall, in
85 accordance with the provisions of article three-b, chapter
86 twenty-nine-a of this code, adopt and periodically review and
87 update indicators of efficiency for student and school system
88 performance and processes in the following areas:

89 (A) Curriculum delivery including, but not limited to, the90 use of distance learning;

91 (B) Transportation;

92 (C) Facilities;

93 (D) Administrative practices;

94 (E) Personnel;

95 (F) Utilization of regional education service agency 96 programs and services, including programs and services that 97 may be established by their assigned regional education service 98 agency, or other regional services that may be initiated between 99 and among participating county boards; and

100 (G) Any other indicators as determined by the state board.

101 (e) Assessment and accountability of school and school system performance and processes. — The state board shall 102 103 ϵ_{5} blish by rule in accordance with the provisions of article 104 three-b, chapter twenty-nine-a of this code, a system of education performance audits which measures the quality of educa-105 tion and the preparation of students based on the standards and 106 107 measures of student, school and school system performance and 108 processes, including, but not limited to, the standards and 109 measures set forth in subsections (c) and (d) of this section. The system of education performance audits shall assist the state 110 111 board in ensuring that the standards and measures established 112 pursuant to this section are, at a minimum, being met and that a thorough and efficient system of schools is being provided. 113 114 The system of education performance audits shall include: (1) 115 The assessment of student, school and school system perfor-116 mance and the processes in place in schools and school systems 117 which enable student performance; (2) the review of school and school system unified improvement plans; and (3) the periodic, 118 119 random unannounced on-site review of school and school 120 system performance and compliance with the standards.

121 (f) Uses of school and school system assessment informa-122 tion. — The state board shall use information from the system 123 of education performance audits to assist it in ensuring that a thorough and efficient system of schools is being provided and 124 125 to improve student, school and school system performance, 126 including, but not limited to, the following: (1) Determining 127 school accreditation and school system approval status; (2) 128 holding schools and school systems accountable for the 129 efficient use of existing resources to meet or exceed the 130 standards; and (3) targeting additional resources when neces-131 sary to improve performance. Primary emphasis in determining 132 school accreditation and school system approval status will be 133 based on student, school and school system performance on measures selected by the state board. The state board shall 134 make accreditation information available to the Legislature; the 135

136 governor; and to the general public and any individuals who 137 request such information, subject to the provisions of any act, 138 rule or regulation restricting the release of information. Based 139 on the assessment of student, school and school system perfor-140 mance, the state board shall establish early detection and 141 intervention programs to assist underachieving schools and 142 school systems in improving performance before conditions 143 become so grave as to warrant more substantive state interven-144 tion, including, but not limited to, making additional technical 145 assistance, programmatic, monetary and staffing resources 146 available where appropriate.

147 (g) Office of education performance audits. — To assist the 148 state board in the operation of the system of education perfor-149 mance audits and in making determinations regarding the 150 accreditation status of schools and the approval status of school 151 systems, the state board shall establish an office of education 152 performance audits which shall be operated under the direction 153 of the state board independently of the functions and supervi-154 sion of the state department of education and state superinten-155 dent. The office of education performance audits shall report 156 directly to and be responsible to the state board in carrying out 157 its duties under the provisions of this section. The office shall 158 be headed by a director who shall be appointed by the state 159 board and shall serve at the will and pleasure of the state board. 160 The salary of the director shall not exceed the salary of the state 161 superintendent of schools. The state board shall organize and 162 sufficiently staff the office to fulfill the duties assigned to it by 163 this section and the state board. Employees of the state depart-164 ment of education who are transferred to the office of education 165 performance audits shall retain their benefit and seniority status 166 with the department of education. Under the direction of the 167 state board, the office of education performance audits shall 168 receive from the West Virginia education information system 169 staff research and analysis data on the performance of students, 170 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 twoe 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

203 (6) Identify, in conjunction with the assessment and 204 accountability processes, exemplary schools and school systems 205 and best practices that improve student, school and school 206 system performance, and make recommendations to the state 207 board for recognizing and rewarding exemplary schools and 208 school systems and promoting the use of best practices. The 209 state board shall provide information on best practices to county 210 school systems and shall use information identified through the 211 assessment and accountability processes to select schools of 212 excellence

213 (h) On-site reviews. — At the direction of the state board or 214 by weighted, random selection by the office of education 215 performance audits, an unannounced on-site review shall be 216 conducted by the office of education performance audits of any 217 school or school system for purposes, including, but not limited 218 to, the following: (1) Verifying data reported by the school or 219 county board; (2) documenting compliance with policies and 220 laws; (3) evaluating the effectiveness and implementation status 221 of school and school system unified improvement plans; (4) 222 investigating official complaints submitted to the state board 223 that allege serious impairments in the quality of education in 224 schools or school systems; and (5) investigating official 225 complaints submitted to the state board that allege that a school 226 or county board is in violation of policies or laws under which 227 schools and county boards operate. The random selection of 228 schools and school systems for an on-site review shall use a 229 weighted random sample so that those with lower performance 230 indicators and those that have not had a recent on-site review 231 have a greater likelihood of being selected. Under the direction 232 of the state board, the office of education performance audits 233 shall appoint an education standards compliance review team 234 to assist it in conducting on-site reviews. The teams shall be 235 composed of an adequate number of persons who possess the 236 necessary knowledge, skills and experience to make an accurate 237 assessment of education programs and who are drawn from a

trained cadre established by the office of education performance 238 239 audits. The state board shall have discretion in determining the 240 number of persons to serve on a standards compliance review 241 team based on the size of the school or school system as 242 applicable. The teams shall be led by a member of the office of 243 education performance audits. County boards shall be reim-244 bursed for the costs of substitutes required to replace county 245 board employees while they are serving on an education 246 standards compliance review team. The office of education 247 performance audits shall report the findings of the on-site 248 reviews to the state board for inclusion in the evaluation and 249 determination of a school's or county board's accreditation or 250 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: Exemplary accreditation status, 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.

263 (2) Temporary accreditation status shall be given to a 264 school when the measure of the school's performance is below 265 the level required for full accreditation status. Whenever a 266 school is given temporary accreditation status, the county board 267 shall ensure that the school's unified improvement plan is 268 revised to increase the performance of the school to a full 269 accreditation status level. The revised unified school improve-270 ment plan shall include objectives, a time line, 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.

274 (3) Conditional accreditation status shall be given to a 275 school when the school's performance on the standards adopted by the state board is below the level required for full accredita-276 277 tion, but the school's unified improvement plan has been 278 revised to achieve full accreditation status by a date certain, the 279 plan has been approved by the state board and the school is 280 meeting the objectives and time line specified in the revised 281 plan.

282 (4) Exemplary accreditation status shall be given to a 283 school when the school's performance on the standards adopted 284 by the state board pursuant to subsections (c) and (d) of this 285 section substantially exceeds the minimal level which would be 286 expected when all of the high quality education standards are 287 being met. The state board shall propose legislative rules in 288 accordance with the provisions of article three-b, chapter 289 twenty-nine-a, designated to establish standards of performance 290 to identify exemplary schools.

291 (5) The state board shall establish and adopt standards of 292 performance to identify seriously impaired schools and the state 293 board may declare a school seriously impaired whenever 294 extraordinary circumstances exist as defined by the state board. 295 These circumstances shall include, but are not limited to, the 296 failure of a school on temporary accreditation status to obtain 297 approval of its revised unified school improvement plan within 298 a reasonable time period as defined by the state board and the 299 failure of a school on conditional accreditation status to meet 300 the objectives and time line of its revised unified school 301 improvement plan or to achieve full accreditation by the date 302 specified in the revised plan. Whenever the state board deter-303 mines that the quality of education in a school is seriously

304 impaired, the state board, shall appoint a team of improvement 305 consultants to make recommendations within sixty days of 306 appointment for correction of the impairment. Upon approval 307 of the recommendations by the state board, the recommenda-308 tions shall be made to the county board. If progress in correct-309 ing the impairment as determined by the state board is not made 310 within six months from the time the county board receives the 311 recommendations, the state board shall place the county board 312 on temporary approval status and provide consultation and 313 assistance to the county board to: (i) Improve personnel 314 management; (ii) establish more efficient financial management 315 practices; (iii) improve instructional programs and rules; or (iv) 316 make such other improvements as may be necessary to correct 317 the impairment. If the impairment is not corrected by a date 318 certain set by the state board, the county board shall be given 319 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 accredited school and at the
expense of the school from which the student transferred.

(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.

338 (2) Temporary approval shall be given to a county board 339 vhose education system is below the level required for full 340 approval. Whenever a county board is given temporary ap-341 proval status, the county board shall revise its unified county 342 improvement plan to increase the performance of the school 343 system to a full approval status level. The revised plan shall 344 include objectives, a time line, a plan for evaluation of the 345 success of the improvements, a cost estimate, and a date certain 346 for achieving full approval. The revised plan shall be submitted 347 to the state board for approval.

348 (3) Conditional approval shall be given to a county board 349 whose education system is below the level required for full 350 approval, but whose unified county improvement plan meets 351 the following criteria: (i) The plan has been revised to achieve 352 full approval status by a date certain; (ii) the plan has been 353 approved by the state board; and (iii) the county board is 354 meeting the objectives and time line specified in the revised 355 plan.

356 (4) Nonapproval status shall be given to a county board 357 which fails to submit and gain approval for its unified county 358 improvement plan or revised unified county improvement plan 359 within a reasonable time period as defined by the state board or 360 fails to meet the objectives and time line of its revised unified 361 county improvement plan or fails to achieve full approval by 362 the date specified in the revised plan. The state board shall 363 establish and adopt additional standards to identify school 364 systems in which the program may be nonapproved and the 365 state board may issue nonapproval status whenever extraordi-366 nary circumstances exist as defined by the state board. Further-367 more, whenever a county board has more than a casual deficit, 368 as defined in section one, article one of this chapter, the county 369 board shall submit a plan to the state board specifying the 370 county board's strategy for eliminating the casual deficit. The 371 state board either shall approve or reject the plan. If the plan is

372 rejected, the state board shall communicate to the county board 373 the reason or reasons for the rejection of the plan. The county 374 board may resubmit the plan any number of times. However, 375 any county board that fails to submit a plan and gain approval 376 for the plan from the state board before the end of the fiscal 377 year after a deficit greater than a casual deficit occurred or any 378 county board which, in the opinion of the state board, fails to 379 comply with an approved plan may be designated as having 380 nonapproval status. Whenever nonapproval status is given to a 381 school system, the state board shall declare a state of emer-382 gency in the school system and shall appoint a team of im-383 provement consultants to make recommendations within sixty 384 days of appointment for correcting the emergency. Upon 385 approval of the recommendations by the state board, the 386 recommendations shall be made to the county board. If progress 387 in correcting the emergency, as determined by the state board. 388 is not made within six months from the time the county board 389 receives the recommendations, the state board shall intervene 390 in the operation of the school system to cause improvements to 391 be made that will provide assurances that a thorough and 392 efficient system of schools will be provided. This intervention 393 may include, but is not limited to, the following: (i) Limiting 394 the authority of the county superintendent and county board as 395 to the expenditure of funds, the employment and dismissal of 396 personnel, the establishment and operation of the school 397 calendar, the establishment of instructional programs and rules 398 and such other areas as may be designated by the state board by 399 rule; (ii) taking such direct action as may be necessary to 400 correct the emergency; and (iii) declaring that the office of the 401 county superintendent is vacant.

402 (1) Notwithstanding any other provision of this section, the
403 state board may intervene immediately in the operation of the
404 county school system with all the powers, duties and responsi405 bilities contained in subsection (k) of this section, if the state
406 board finds the following:

407 (1) That the conditions precedent to intervention exist as408 provided in this section; and

409 (2) That delaying intervention for any period of time would410 not be in the best interests of the students of the county school411 system.

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

440 (2) Determining the areas of weakness and of ineffective441 ness that appear to have contributed to the substandard perfor442 mance of students or the deficiencies of the school or school
443 system;

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

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

451 (5) Recommending priority funding from the school452 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;

457 (7) Submitting requests to the Legislature for appropria-458 tions to meet the identified needs for improving education;

(8) Directing county boards to target their funds strategi-cally toward alleviating deficiencies;

461 (9) Ensuring that the need for facilities in counties with
462 increased enrollment are appropriately reflected and recom463 mended for funding;

464 (10) Ensuring that the appropriate person or entity is held465 accountable for eliminating deficiencies; and

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

469 (n) *Review of accountability system*.

470 (1) The Legislature finds that the effective implementation 471 of a standards based accountability system is an important issue 472 for the State's public education system. In order for the State to make improvements in its standards based accountability 473 474 system, it is essential to review the standards based accountabil-475 ity system currently in place to identify areas of possible 476 improvements that may exist. It is the intent of the Legislature that each area of the standards based accountability system be 477 478 reviewed in accordance with nationally recognized standards.

479 (2) The state board shall conduct a comprehensive review
480 of the current standards based accountability system and report
481 the findings to the legislative oversight commission on educa482 tion accountability with recommendations for improvements on
483 or before the first day of January, two thousand one. The review
484 shall include, but not be limited to, the following:

(A) The extent to which accountability goals and strategies
focus on academic performance, and the extent that other
purposes are clarified in terms of coherent, specific goals to be
achieved;

(B) The extent to which designated authorities are chargedwith the efficient governance of the accountability system;

491 (C) The extent to which specific responsibilities for student492 learning and performance are assigned to designated agents;

493 (D) The extent to which accountability is based on accurate
494 measures of performance as informed by assessments that are
495 administered equitably to all students;

496 (E) The extent to which those responsible for governing
497 accountability regularly report student and school performance
498 information in useful terms and on a timely basis to school
499 staff, students and their families, and local policymakers, and
500 the news media;

501 (F) The extent to which incentives are established that 502 effectively motivate agents to improve student learning, and the 503 extent that consequences, which could include rewards, 504 interventions or sanctions, are predictably applied in response 505 to performance results;

506 (G) The extent to which agents are provided sufficient
507 support and assistance to ensure they have the capacity neces508 sary to help students achieve high performance standards;

509 (H) The extent to which policy makers work to ensure that 510 education policies, mandated programs, financial resources, and 511 the accountability system are well aligned so that consistent 512 messages are communicated about education goals and priori-513 ties;

514 (I) The extent to which the accountability system has 515 widespread support; and

(J) The extent to which various established partnerships
work together to support districts, schools and teachers in their
efforts to improve student achievement.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled Chairman Senate Co nitiee han House Committee Chai/ Originating in the House. In effect from passage. Clerk of the Senate Bregory h. Bray Clerk of the House of Delegates mlil esi<u>de</u>n <u>t of t</u>he Senate Speaker of the House of Delegates this the The within

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