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WEST VIRGINIA LEGISLATURE

OFFICE WEST VIRGINIA
SECRETARY OF STATE

SEVENTY-NINTH LEGISLATURE

SECOND EXTRAORDINARY SESSION, 2010

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ENROLLED

Senate Bill No. 2006

(BY SENATORS TOMBLIN (MR. PRESIDENT) AND HALL,
BY REQUEST OF THE EXECUTIVE)

[Passed July 21, 2010; in effect from passage.]

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Senate Bill No. 2006

(BY SENATORS TOMBLIN (MR. PRESIDENT) AND HALL,
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[Passed July 21, 2010; in effect from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-38; and to amend said code by adding thereto a new article, designated §18-5C-1, §18-5C-2 and §18-5C-3, all relating to school teams and school committees; making legislative findings; requiring state board study; establishing purposes; requiring school application to create or augment collaborative teams by replacing certain school committees; providing that certain committees may not be reorganized; establishing certain authority not superceded; establishing contents of application; establishing local level approval process; providing for appeals of applications not approved by county; requiring state board approval; providing state board authority to waive certain state board rules; authorizing school to institute plan; and requiring state board legislative rules by certain date.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §18-2-38; and that said code be amended by adding thereto a new article, designated §18-5C-1, §18-5C-2 and §18-5C-3, all to read as follows:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-38. School committees and school teams; legislative findings; state board study.

1 (a) *Legislative findings.* –

2 (1) The Legislature finds that the ultimate purpose of
3 public education is to create the best possible environment
4 to foster the teaching and learning process and that this
5 purpose is best accomplished when professional educators
6 are involved in direct interaction with students.

7 (2) The Legislature finds further that a number of school
8 committees and school teams have been created over the
9 years, both by state board rule and by state statute,
10 designed to meet the needs of a specific time or place and
11 that these committees and teams sometimes linger long
12 after the specific purpose or need that created them has
13 passed. The time and paperwork required to keep these
14 committees and teams functioning may create a burden for
15 school personnel in certain circumstances.

16 (3) The Legislature finds further that a thorough study
17 is needed to determine the feasibility, effectiveness and
18 necessity of each of these committees and teams in relation
19 to one another and to the needs of the students and schools
20 they are intended to serve.

21 (b) *State board study.* –

22 (1) Therefore, in view of the findings in subsection (a) of
23 this section, it is the intent of the Legislature that the state
24 board undertake a study of each school committee or

25 school team created by statute or by state board rule and
26 determine its organizational goals, effectiveness in meet-
27 ing those goals, and viability in relation to the demands of
28 time and paperwork it places on principals, teachers and
29 other school personnel. The study further shall consider
30 alternative ways that the goals of these teams and commit-
31 tees may be met to involve stakeholders in the education
32 process while reducing the time demands and the paper-
33 work burden they place on school personnel.

34 (2) The state board shall report its study findings and
35 recommendations, together with draft legislation to
36 implement the recommendations, to the Legislative
37 Oversight Commission on Education Accountability and
38 the Joint Standing Committee on Education by November
39 1, 2010.

**ARTICLE 5C. COMMITTEE REORGANIZATION AND COLLABORATIVE
TEAM WAIVERS.**

§18-5C-1. Purpose.

1 The purposes of this article are as follows:

2 (1) To facilitate and encourage teacher collaboration by
3 empowering schools to create alternative decision-making
4 processes that address school and classroom improvement.
5 The intent is to authorize reorganization or consolidation
6 of certain school committees and teams required by state
7 board rules, including the Strategic Planning Committee,
8 the Technology Team and the School Support Team; and

9 (2) To recognize that schools in this state differ greatly
10 in enrollment, grade configuration, demographics and
11 student needs and to provide teachers and principals with
12 flexibility to determine the types of committees and teams
13 that are needed to move the school forward.

**§18-5C-2. Application to create or augment existing collabora-
tive teams; contents and approval of application;**

**grant of rule waivers for certain school-level
committees required by state board rule.**

1 (a) *Request for reorganization.* – A school may submit
2 an application to the state board to create collaborative
3 teams that replace, or to augment its existing collaborative
4 teams by replacing, any or all of the following school-level
5 committees required by state board rule: The Strategic
6 Planning Committee, the Technology Team and the School
7 Support Team. Reorganization under this article may not
8 replace the Local School Improvement Council, the School
9 Curriculum Team, the Student Assistance Team or the
10 Faculty Senate. Reorganization under this article does not
11 supercede the authorization of the faculty senate with
12 approval of the principal to form a collaborative team as
13 an alternative to the school curriculum team pursuant to
14 section six, article five-a of this chapter.

15 (b) *Contents of application.* – The application shall
16 include:

17 (1) A description of the collaborative teams, which shall
18 address all of the following:

19 (A) An emphasis on teacher collaboration and leader-
20 ship;

21 (B) School and classroom effectiveness;

22 (C) Involvement and support of stakeholders; and

23 (D) A coherent learner-focused improvement plan;

24 (2) A list of the school-level committees that will be
25 replaced by the collaborative teams, an explanation of
26 how the existing membership of the committees replaced
27 will have representation in the reorganization, and how
28 the roles, responsibilities and tasks of the committees
29 replaced will be instituted in the reorganization;

30 (3) Evidence that the employees and stakeholders who
31 are involved in restructured collaborative teams have, or
32 will enter into, a process of professional learning that
33 develops the necessary knowledge and skills to enhance
34 learner-focused collaboration; and

35 (4) Evidence that employees and stakeholders have
36 researched viable improvement structures and processes
37 and have proposed an effective structure that addresses
38 the particular needs of the school, its students and em-
39 ployees.

40 (c) *Local-level approval.* – Before submitting the waiver
41 application to the state board, a school shall take the
42 following steps:

43 (1) Present to the faculty senate a detailed explanation
44 of the proposed structure, roles and responsibilities
45 addressed by the reorganization plan;

46 (2) Provide for the chair of the faculty senate to conduct
47 a vote by secret ballot on the issues addressed in the
48 reorganization plan;

49 (3) Obtain a favorable vote for the reorganization plan
50 from at least eighty percent of the faculty senate members
51 present and voting after a quorum is established.

52 (4) Present to the local school improvement council a
53 detailed explanation of the proposed structure, roles and
54 responsibilities addressed by the reorganization plan;

55 (5) If the faculty senate vote is favorable and if it meets
56 the percentage threshold established in subdivision (3) of
57 this subsection, within one week of the vote taken by the
58 faculty senate, provide for the chair of the council to
59 conduct a vote on the issues addressed in the reorganiza-
60 tion.

61 (6) Obtain a favorable vote for the reorganization plan
62 from at least eighty percent of the local school improve-
63 ment council members present and voting after a quorum
64 is established; and

65 (7) Obtain approval for the reorganization plan from the
66 county superintendent and the county board.

67 (d) *State board approval.* – After meeting the require-
68 ments of subsection (c) of this section, the school shall
69 submit its application to the state board. After review of
70 the waiver application, the state board may approve the
71 waiver of rules requiring the Strategic Planning Commit-
72 tee, the Technology Team or the School Support Team.
73 After the state board has reviewed and approved a school's
74 reorganization plan, the school may institute the plan as
75 presented in its application.

§18-5C-3. Rulemaking.

1 By October 1, 2010, the state board shall promulgate a
2 legislative rule in accordance with article three-b, chapter
3 twenty-nine-a of this code to implement the provisions of
4 this article. The rule shall include a process for schools to
5 appeal to the state board for approval of an application
6 under this article for which approval has been denied by
7 the county superintendent or county board, or both.

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

Eric P. Wells
.....
Member ~~Chairman~~ Senate Committee

Davey Wells
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

David Edwards
.....
Clerk of the Senate

Suzanne S. Smith
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

Robert R. Ferguson
.....
Speaker House of Delegates

The within *is appended* this the *26th*
Day of *July*, 2010.

[Signature]
.....
Governor

OFFICE OF THE CLERK
SECRETARY OF STATE

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PRESENTED TO THE
GOVERNOR

JUL 26 2010

Time 9:10am