WEST VIRGINIA LEGISLATURE
SEVENTY-NINTH LEGISLATURE
SECOND EXTRAORDINARY SESSION, 2010

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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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certain school committees; providing that certain committees may not be reorganized; establishing certain authority not superceded; establishing contents of application; establishing local level approval process; providing for appeals of applications not approved by county; requiring state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.

(a) Legislative findings. –

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

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

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

(b) State board study. –

(1) Therefore, in view of the findings in subsection (a) of this section, it is the intent of the Legislature that the state board undertake a study of each school committee or
school team created by statute or by state board rule and
determine its organizational goals, effectiveness in meeting
despite those goals, and viability in relation to the demands of
time and paperwork it places on principals, teachers and
other school personnel. The study further shall consider
alternative ways that the goals of these teams and commit-
tees may be met to involve stakeholders in the education
process while reducing the time demands and the paper-
work burden they place on school personnel.

(2) The state board shall report its study findings and
recommendations, together with draft legislation to
implement the recommendations, to the Legislative
Oversight Commission on Education Accountability and
the Joint Standing Committee on Education by November
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
empowering schools to create alternative decision-making
processes that address school and classroom improvement.
The intent is to authorize reorganization or consolidation
of certain school committees and teams required by state
board rules, including the Strategic Planning Committee,
the Technology Team and the School Support Team; and

9 (2) To recognize that schools in this state differ greatly
in enrollment, grade configuration, demographics and
student needs and to provide teachers and principals with
flexibility to determine the types of committees and teams
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.

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

(b) Contents of application. — The application shall include:

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

(A) An emphasis on teacher collaboration and leadership;

(B) School and classroom effectiveness;

(C) Involvement and support of stakeholders; and

(D) A coherent learner-focused improvement plan;

(2) A list of the school-level committees that will be replaced by the collaborative teams, an explanation of how the existing membership of the committees replaced will have representation in the reorganization, and how the roles, responsibilities and tasks of the committees replaced will be instituted in the reorganization;
(3) Evidence that the employees and stakeholders who are involved in restructured collaborative teams have, or will enter into, a process of professional learning that develops the necessary knowledge and skills to enhance learner-focused collaboration; and

(4) Evidence that employees and stakeholders have researched viable improvement structures and processes and have proposed an effective structure that addresses the particular needs of the school, its students and employees.

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

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

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

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

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

(5) If the faculty senate vote is favorable and if it meets the percentage threshold established in subdivision (3) of this subsection, within one week of the vote taken by the faculty senate, provide for the chair of the council to conduct a vote on the issues addressed in the reorganization.
(6) Obtain a favorable vote for the reorganization plan from at least eighty percent of the local school improvement council members present and voting after a quorum is established; and

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

(d) State board approval. — After meeting the requirements of subsection (c) of this section, the school shall submit its application to the state board. After review of the waiver application, the state board may approve the waiver of rules requiring the Strategic Planning Committee, the Technology Team or the School Support Team. After the state board has reviewed and approved a school's reorganization plan, the school may institute the plan as presented in its application.

§18-5C-3. Rulemaking.

1 By October 1, 2010, the state board shall promulgate a legislative rule in accordance with article three-b, chapter twenty-nine-a of this code to implement the provisions of this article. The rule shall include a process for schools to appeal to the state board for approval of an application under this article for which approval has been denied by the county superintendent or county board, or both.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the Senate.

In effect from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

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

[Signature]
Governor