

HB 4619

FILED

2014 APR -1 P 7 49

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2014



ENROLLED

House Bill No. 4619

(By Delegates M. Poling, Perry, Pethtel,
Lawrence, Barrett, Campbell, Rowan, Pasdon,
Hamrick, Westfall and Ambler)



Passed March 8, 2014

In effect ninety days from passage.

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E N R O L L E D

H. B. 4619

(BY DELEGATES M. POLING, PERRY, PETHTEL,
LAWRENCE, BARRETT, CAMPBELL, ROWAN, PASDON,
HAMRICK, WESTFALL AND AMBLER)

[Passed March 8, 2014; in effect ninety days from passage.]

AN ACT to amend and reenact §18-5B-3 of the Code of West Virginia, 1931, as amended; and to further amend said code by adding thereto a new section, designated §18-5B-13, all relating to school innovation zones Act; providing limited priority for limited years for certain entrepreneurship education innovation zones; authorizing innovation school districts; making legislative findings and providing intent and purpose of section; school system eligibility and application categories; providing for application process, review, content and periods; innovation school district plan purpose and content; plan development, approval and submission to state board; state board designation of innovation school districts; affect of designation and process for waiver of statutes, policies, rules and interpretations; limitation on waivers; revision and extension of plans; revocation of designation; affect of plan expiration on innovations; requiring state board rule; and annual review.

ED-117

P 1 7 9 1 - Be it enacted by the Legislature of West Virginia:

APPROVED
STATE BOARD

-- That §18-5B-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be further amended by adding thereto a new section, designated §18-5B-13, all to read as follows:

ARTICLE 5B. SCHOOL INNOVATION ZONES ACT.

§18-5B-3. School innovation zones; application for designation; state board rule.

1 (a) A school, a group of schools, a subdivision or department
2 of a group of schools, or a subdivision or department of a school
3 may be designated as an innovation zone in accordance with this
4 article.

5 (b) The state board shall promulgate a rule, including an
6 emergency rule if necessary, in accordance with article three-b,
7 chapter twenty-nine-a of this code to implement the provisions
8 of this article. The rule shall include provisions for at least the
9 following:

10 (1) A process for a school, a group of schools, a subdivision
11 or department of a group of schools or a subdivision or
12 department of a school to apply for designation as an innovation
13 zone that encompasses at least the following:

14 (A) The manner, time and process for the submission of an
15 innovation zone application;

16 (B) The contents of the application, which must include a
17 general description of the innovations the school or schools seek
18 to institute and an estimation of the employees who may be
19 affected by the implementation of the innovations; and

20 (C) Factors to be considered by the state board when
21 evaluating an application, which shall include, but are not
22 limited to, the following factors:

23 (i) The level of staff commitment to apply for designation as
24 an innovation zone as determined by a vote by secret ballot at a
25 special meeting of employees eligible to vote on the plan, as
26 provided in section six of this article;

27 (ii) Support from parents, students, the county board of
28 education, the local school improvement council and school
29 business partners; and

30 (iii) The potential for an applicant to be successful as an
31 innovation zone; and

32 (2) Standards for the state board to review applications for
33 designation as innovation zones and to make determinations on
34 the designation of innovation zones.

35 (c) The state board shall review innovation zone applications
36 in accordance with the standards adopted by the board and shall
37 determine whether to designate the applicant as an innovation
38 zone. The state board shall notify an applicant of the board's
39 determination within sixty days of receipt of an innovation zone
40 application.

41 When initially designating innovation zones after the
42 enactment of this article by the first extraordinary session of the
43 2009 Legislature, the state board shall consider applicants for
44 designation in the following order: (1) A school and groups of
45 schools; (2) a group of schools seeking designation across the
46 same subdivision or department of the schools; and (3) a school
47 seeking designation of a subdivision or a department.

48 (d) When designating innovation zones under these
49 provisions following the amendment and reenactment of this
50 section by the Legislature at its regular session 2014, and for
51 each of the four succeeding school years, the state board shall
52 establish a priority for applications that include the establishment
53 of entrepreneurship education programs as a curricular offering
54 for students. To qualify under this priority, the program strategy

55 must include the active involvement of one or more partners
56 from the business community in program delivery. Nothing in
57 this subsection requires the state board to designate all applicants
58 that include the establishment of entrepreneurship education
59 programs as innovation zones, or to exclude other qualified
60 applicants for innovations in other areas from designation.

**§18-5B-13. Innovation school district Act; legislative findings,
intent and purpose; eligibility; application;
innovation plan and plan approval; designation;
waiver of statutes, policies, rules or interpretations;
exceptions; progress reviews and annual reports;
state board rule.**

1 (a) *Legislative findings:*

2 (1) High school completion is an essential milestone for all
3 West Virginia students and impacts the future success of the
4 individual, community and state as well as providing the
5 pathway to and appreciation for life-long learning endeavors;

6 (2) There are significant correlations between educational
7 attainment and labor market outcomes, greater labor force
8 participation rate, increased employment rates, improved health,
9 and decreased levels of poverty and crime. The negative impact
10 on these linkages is most evident in the absence of high school
11 completion;

12 (3) West Virginia as a state must improve in areas of student
13 achievement, graduation rate, attendance, the college going rate
14 and other indicators of academic success in public schools;

15 (4) Research identifies a number of effective strategies for
16 engaging students that have the most positive impact on
17 improving student success and high school graduation. Some of
18 these strategies are school-community collaboration, safe
19 learning environments, family engagement, early literacy
20 development, mentoring and tutoring services, service learning

21 opportunities, alternative and nontraditional schooling, offering
22 multiple pathways and settings for attaining high school
23 diplomas, after-school opportunities, individualized instruction
24 and career and technical education;

25 (5) Among the major issues raised by the Efficiency Audit
26 of West Virginia's Primary and Secondary Education System
27 conducted by Public Works, LLC, is a description of West
28 Virginia's system of schools as heavily regulated. The report
29 expresses the advantages of more local autonomy to better meet
30 the needs of students, elevate their aspirations, and prepare them
31 for post-secondary education and careers. Among its general
32 conclusions is the need to drive more educational decision-
33 making to the level closest to the students, to the classroom and
34 building level - allowing principals to lead and teachers to
35 deliver the most effective curriculum for their students - and then
36 holding them accountable for student success;

37 (6) The Goals for Education, Vision 2020: An Education
38 Blueprint for Two Thousand Twenty include policy-oriented
39 objectives for restoring the autonomy, authority, flexibility, and
40 capacity of local schools and county boards to improve student
41 learning to meet or exceed the expectations established by the
42 state board and Legislature;

43 (7) Allowing exceptions from certain statutes, policies, rules
44 and interpretations through the creation of innovation school
45 districts will restore the autonomy, authority, flexibility, and
46 capacity of local schools and county boards to enable greater
47 local autonomy and encourage innovation over the important
48 factors that impact student achievement and the delivery of
49 educational services to improve student learning; and

50 (8) When educators, parents, elected officials, business
51 leaders, faith-based leaders, human service personnel, judicial
52 personnel and civic leaders collectively work together, they are
53 often able to find innovative solutions to address school and

54 community problems and implement a variety of innovative
55 improvements that increase student engagement, develop more
56 flexible schedules, enhance student and teacher ownership of the
57 learning process and increase student achievement.

58 (b) *Legislative intent and purpose of section:*

59 In light of the foregoing findings, it is the intent of the
60 Legislature though this section to create a special category of
61 innovation zones entitled "Innovation School Districts" to
62 provide an additional tool for school systems in collaboration
63 with community and business partners to plan and implement
64 new approaches to improve the performance and progress of the
65 students, schools and school system. This section is intended to
66 establish a process that includes:

67 (1) Broad participation and collaboration in the
68 establishment of an innovation school district plan that includes
69 approaches to build the capacity of the district to improve the
70 performance and progress of its students, schools and school
71 system; and

72 (2) Provides multiple opportunities over a period of five
73 years for a school system designated as an innovation school
74 district to seek and receive exceptions to certain statutes,
75 policies, rules and interpretations applicable throughout the
76 county or at certain schools within the county as needed to best
77 meet the needs of its students as the system moves forward with
78 its partners toward fulfillment of its innovation school district
79 plan.

80 (c) *School System Eligibility:*

81 All county boards are eligible to apply for designation as an
82 innovation school district: *Provided*, That a district that has
83 expended funds or incurred obligations in violation of section
84 twenty-six, article eight, chapter eleven of this code is not
85 eligible to apply for designation as an innovation school district,

86 unless otherwise determined by the state board. The applications
87 shall be taken in four categories: Sparse Density County; Low
88 Density County; Medium Density County; and High Density
89 County, as those terms are defined in section two, article nine-a
90 of this chapter. The state board is authorized to designate no
91 more than one county from each category as an innovation
92 school district beginning July 1, 2015: *Provided*, That the State
93 Board, after July 1, 2016, may designate one additional county
94 from each category as an innovation school district as long as the
95 number of counties designated at any one time does not exceed
96 two counties from each category as innovation school districts,
97 subject to other considerations included herein. The designation
98 of counties as innovation school districts shall be on a
99 competitive basis.

100 (d) *Application for designation as Innovation School*
101 *District:*

102 The rule promulgated by the state board to implement this
103 section shall include an application and approval process for
104 innovation school district plans that includes, but is not limited
105 to, the following provisions:

106 (1) The manner, time and process for the submission of
107 innovation school district applications. The initial application
108 deadline may not be prior to January 2015. If after consideration
109 of the applications submitted to it during an application period,
110 the state board in its sole discretion does not designate the
111 allotted number of school systems in each density category as
112 innovation school districts, the state board may establish another
113 application period to permit county boards in a density category
114 not filled to reapply. In addition, at any time the number of
115 designated innovation school districts in a density category is
116 less than the maximum number allowed by subsection (c) of this
117 section due to the revocation or expiration of a designation, the
118 state board may establish an application period and may select
119 on a competitive basis new school systems to achieve the

120 maximum number allowed by subsection (c) of this section per
121 density category;

122 (2) The contents of the application, which must include:

123 (A) The innovation school district plan approved in
124 accordance with subsection (f) of this section; and

125 (B) A general description of the innovations the school
126 district seeks to institute as proposed in its innovation school
127 district plan;

128 (3) Factors to be considered by the state board when
129 evaluating an application, which shall include, but are not
130 limited to, the following factors:

131 (A) Support from teachers, staff, parents, students, the
132 county board of education, the local school improvement council
133 and school business partners; and

134 (B) The potential for an applicant to be successful in raising
135 student achievement as an innovation school district;

136 (4) Standards for the state board to review applications for
137 designation as an innovation school district and to make
138 determinations on the designation of a school system as an
139 innovation school district; and

140 (5) An innovation zone application review committee and
141 recommendation process which shall be the same committee and
142 process as used for all other innovation zones under this article.

143 (e) *Innovation School District Plan:*

144 The innovation school district plan is intended to serve as the
145 basis for the innovative activities of the school system and to
146 provide a vision for the school improvement goals it will work
147 to accomplish in collaboration with its school and community

148 partners. The plan is not intended as a limit on the normal school
149 improvement activities that all school systems are expected to
150 pursue, nor is the plan intended as a restriction on the ability of
151 the school system or its schools to pursue other innovative
152 strategies in accordance with the other provisions of this article.
153 The innovation school district plan may include, but are not
154 limited to, the following proposals:

155 (1) Methods for providing schools and communities with
156 opportunities for greater collaboration to plan and implement
157 systemic approaches that include evidence-based solutions for
158 increasing graduation rates, increasing achievement and
159 educational outcomes and reducing the number of dropouts;

160 (2) Innovative approaches to revitalize vocational and
161 technical education, an essential mission of county boards;

162 (3) Increased collaborative site-based decision-making
163 powers over the budgeting for and spending on programs and
164 services for students;

165 (4) Increased collaborative site-based decision-making
166 powers over teacher recruitment;

167 (5) Improved site-based mentoring, collaboration and
168 support for strengthening the professional practices of new and
169 emerging teachers, including recognizing and supporting school-
170 based teacher leaders that perform these duties;

171 (6) Allowing a collaborative process which ensures
172 accountability and transparency to all stakeholders, provides
173 information and additional measures of the effects of specific
174 innovations upon which the success of the plan may be judged,
175 and documents student, school and school system success;

176 (7) Allows input and demonstrative buy-in from education
177 personnel regarding appropriate professional development,
178 supports, resources and working conditions.

179 (8) Allowing a collaborative site-based process to reduce
180 certain requirements to allow staff to meet the school's mission;

181 (9) Allowing, through a collaborative site-based process,
182 flexibility to the alternative teacher certification programs;

183 (10) Utilizing virtual school courses aligned with the
184 Southern Regional Education Board's Standards for Quality
185 Online Courses;

186 (11) Providing for greater autonomy for county board, and
187 through the board's innovation's, for local schools; and

188 (12) Other innovation zone plans approved under the
189 provisions of this article and being implemented in other schools
190 and school systems throughout the state.

191 The innovation school district plan shall include a general
192 description of the innovations the county school district seeks to
193 institute, a proposed time line for implementation and measures
194 for judging the success of the innovation school district plan.

195 (f) *Innovation School District Plan - District Level*
196 *Approval:*

197 Prior to submitting an innovation school district plan to the
198 state board, the county board shall:

199 (1) Form a broad based innovation school district
200 stakeholders committee which may include, but is not limited to,
201 educators, parents, elected officials, business leaders, faith-based
202 leaders, human service personnel, judicial personnel and civic
203 leaders, but at a minimum shall include the principals employed
204 within the county, the chairs of the faculty senates of each school
205 in the county, employee organization representatives, a school
206 service person from each work site and parent representatives.
207 The stakeholder committee shall compose a conceptual proposal
208 for the purpose of soliciting input on a variety of approaches that

209 may be undertaken within the county if designated as an
210 innovation school district and to guide development of an
211 innovation school district plan;

212 (2) Direct the county superintendent to hold a meeting of all
213 regularly employed school employees to provide them an
214 opportunity to examine and discuss the conceptual proposal. The
215 superintendent shall direct that a vote of all regularly employed
216 school employees in the county be conducted within fifteen days
217 of the meeting to determine the level of school employee support
218 for the conceptual proposal. The vote shall be by secret ballot
219 administered by the panels created in subsection (c). section six
220 of this article for each school and shall be administered in
221 accordance with that subsection. For the vote to be valid, ballots
222 must be cast by at least fifty percent of all regularly employed
223 school employees in the county. Before proceeding with the
224 succeeding subdivisions of this subsection, the conceptual
225 proposal must be approved by at least two-thirds ballots cast
226 voting to approve it. If not approved, the stakeholder committee
227 may revise the conceptual proposal and, subject to direction of
228 the county board, the superintendent shall repeat the steps set
229 forth in this subdivision for a revote;

230 (3) Make its conceptual proposal for an innovation school
231 district available to the public at least 20 days prior to the public
232 town hall meetings required under subdivision (4) of this
233 subsection. In order to comply with this public notice
234 requirement, the proposed plan shall be posted on the county
235 board's web site, as well as hard copies of the proposed plan
236 being made available at all county school sites and the county's
237 central office, for public viewing and copying;

238 (4) After the closure of the 20 day public review period,
239 conduct public town hall meetings in at least three schools in the
240 county, including at least one each at schools with separate
241 secondary, middle and elementary programmatic levels, or as
242 near as possible considering the county's facility infrastructure,

243 for the purpose of soliciting input from those in attendance on
244 the challenges affecting the quality of education in the county
245 and the potential strategies and priorities for addressing them;

246 (5) Direct the county superintendent to hold a meeting of the
247 innovation school district stakeholders committee following the
248 public town hall meetings for the purpose of reviewing the input
249 gathered at the meetings and developing an innovation school
250 district plan;

251 (6) Direct the county superintendent to hold a meeting of all
252 regularly employed school employees to provide them an
253 opportunity to examine and discuss the innovation school district
254 plan. The superintendent shall direct that a vote of all regularly
255 employed school employees in the county be conducted within
256 fifteen days of the meeting to determine the level of school
257 employee support for the innovation school district plan. The
258 vote shall be conducted as provided in subdivision (2) of this
259 subsection, except that for the vote to be valid, ballots must be
260 cast by at least sixty percent of all regularly employed school
261 employees in the county and the innovation school district plan
262 must be approved by at least two-thirds of the ballots cast voting
263 to approve it. If not approved, the stakeholder committee may
264 revise the plan and, subject to direction of the county board, the
265 superintendent shall repeat the steps set forth in this subdivision
266 for a revote; and

267 (7) The plan may then be submitted by the county
268 superintendent to the county board for a vote to submit the plan
269 to the state board. The authority of a county board to vote to
270 submit an innovation school district plan and the right to submit
271 the plan and be designated as an innovation school district, if
272 selected, in accordance with this section are not subject to or
273 affected by the approval status of the school system or
274 intervention in the authority of county board for school system
275 operation pursuant to section five, article two-e of this chapter.

276 (g) *State Board Designation of Innovation School Districts:*

277 The state board shall review the innovation school district
278 applications in accordance with the standards adopted by the
279 board, shall determine the highest rated applicants in each
280 category and shall determine whether to designate those
281 applicants as innovation school districts. The designation of an
282 applicant as an innovation school district is at the sole discretion
283 of the state board. The state board shall notify each applicant of
284 the board's determination within thirty days of the final
285 determinations.

286 (h) *Innovation School Districts:*

287 The designation of a school system as an innovation school
288 district authorizes the county board to submit requests to the
289 state board for exceptions to statutes, policies, rules and
290 interpretations that are required to permit implementation of the
291 innovative strategies contemplated in its innovation school
292 district plan. The designation as an innovation school district
293 authorizes the county board to submit multiple individual
294 requests for exceptions to permit implementation of different
295 strategies contemplated in the plan as the strategies are
296 developed. Each request for an exception shall be submitted and
297 may be approved by the state board subject to the following:

298 (1) The county board of a school system designated as an
299 innovation school district may request an exception to a statute,
300 policy, rule or interpretation by submitting an application to the
301 state board that contains the following information:

302 (A) A description of the program or initiative the school
303 system intends to implement at a school, group of schools or
304 district-wide as an innovative strategy to improve student
305 achievement if the request is approved by the state board;

306 (B) An explanation of the specific exception to a statute,
307 policy, rule or interpretation, in the singular or plural, that the

308 school system has identified as prohibiting or constraining the
309 implementation of the program or initiative and why the
310 exception is necessary;

311 (C) An explanation of how the program or initiative furthers
312 the activities contemplated in the innovation school district plan;

313 (D) A certification by the county superintendent that the
314 request for an exception was approved by a vote of the eligible
315 employees in accordance with the process for voting as set forth
316 in section six of this article; and

317 (E) Any other information the state board requires as set
318 forth in its rule to implement this section.

319 (2) The state board shall review the request in accordance
320 with the standards in its rule and shall determine whether to
321 approve or disapprove the request. The approval or disapproval
322 of a request is at the sole discretion of the state board in
323 accordance with the requirements of this section.

324 (3) Except as provided in subdivision (5) of this subsection,
325 the state board shall approve or disapprove the request within
326 sixty days of receipt, subject to the following:

327 (A) No exceptions to state board policies, rules or
328 interpretations are granted unless the state board approves the
329 request at least conditionally pursuant to subdivisions (2) and (5)
330 of this subsection; and

331 (B) If the request is disapproved, the state board shall
332 communicate its reasons for the disapproval to the county board
333 and shall make recommendations for improving the request. The
334 county board may amend and resubmit the request.

335 (4) Upon approval of the request by the state board, all of the
336 exceptions to state board policies, rules and interpretations that
337 were requested are granted;

338 (5) If a request, or a part thereof, may not be implemented
339 unless an exception to a statute is granted by an Act of the
340 Legislature, the state board may approve the request, or the part
341 thereof, only upon the condition that the Legislature acts to grant
342 the exception. If the state board approves a request on that
343 condition, the state board shall submit the request for an
344 exception to a statute, along with supporting reasons, to the
345 Legislative Oversight Commission of Education Accountability.
346 The commission shall review the request and make a
347 recommendation to the Legislature regarding the exception
348 requested; and

349 (6) An innovation school district may not request an
350 exception nor may an exception be granted from any of the
351 following:

352 (A) A required statewide assessment program administered
353 by the West Virginia Department of Education;

354 (B) Any provision of law or policy required by Public Law
355 94-142, Public Law No. 107-110 or other federal law;

356 (C) Sections two and seven, article two, chapter eighteen-a
357 of this code and sections seven-a, seven-b, eight and eight-b,
358 article four, chapter eighteen-a of this code, except that an
359 innovation school district may make a job posting for a teacher
360 vacancy in accordance with the procedures and the approval by
361 a vote of the teachers as provided in section eight of this article;
362 and

363 (D) Any statute, policy, rule or other requirements of the
364 state board or other agency related to the health and safety of
365 students or employees, any requirements imposed by ethics laws
366 or opinions, any requirements imposed by open records or open
367 meetings laws, any requirements related to financial or academic
368 reporting or transparency, or any requirements designed to
369 protect the civil rights of students or employees.

370 (i) *Revision, Extension and Revocation of Innovation School*
371 *District Plan:*

372 (1) The county board of a school system designated as an
373 innovation school district pursuant to this section may revise its
374 innovation school district plan and resubmit its plan to the state
375 board for approval after complying with all other applicable plan
376 requirements set forth in this section for initial plan approval.

377 (2) The designation of a school system as an innovation
378 school district shall be for a period of five years. The state board,
379 upon request of the county board, may extend the designation for
380 an additional two years if the school system has outstanding
381 items in its school system collaborative innovation zone plan
382 that it still wants to pursue and only for the purpose of pursuing
383 those outstanding items.

384 (3) The state board after periodic review of an established
385 innovation school district may, upon recommendation of the
386 innovation zone application review committee, revoke the school
387 district's designation as an innovation school district for
388 noncompliance or nonperformance.

389 (j) *Affect of Plan Expiration on Innovations:*

390 The expiration of a school system's designation as an
391 innovation school district does not negate any exceptions to
392 statutes, policies, rules or interpretations granted to the school
393 system unless and until specifically revoked, repealed or
394 modified by the state board or by the Legislature, as applicable.

395 (k) *State Board Rule and Annual Reviews:*

396 The state board shall adopt, in accordance with article three-
397 b, chapter twenty-nine-a of this code, a rule for the
398 implementation of this section. The state board or its designated
399 committee shall perform annual performance reviews and

400 provide annual reports in accordance with section seven of this
401 article.

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

Danny Wells
 Chairman, House Committee

[Signature]
 Member ~~Chairman~~ Senate Committee

Originating in the House.

In effect ninety days from passage.

Gregory A. Sneyd
 Clerk of the House of Delegates

Joseph M. Minard
 Clerk of the Senate

[Signature]
 Speaker of the House of Delegates

[Signature]
 President of the Senate

The within *is approved* this the *15th*
 day of *April*, 2014.

Carl Ray Tomblin
 Governor

PRESENTED TO THE GOVERNOR

MAR 28 2011

Time 10:45 AM