

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 3157**

4 (By Delegates M. Poling, Stowers, Lawrence, Williams, Perry,
5 Pethtel, Tomblin, Young, Pasdon, Evans and Westfall)

6 (Originating in the Committee on Finance)

7 [March 29, 2013]

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10 A BILL to repeal §18-2-5g, §18-2-15, §18-2-15a, §18-2-18, §18-2-23,
11 §18-2-30, §18-2-31, §18-2-36, §18-2-37 and §18-2-38 of the
12 code of West Virginia, 1931, as amended; to repeal §18-2E-3c
13 and §18-2E-3d of said code; to repeal §18-5-40 of said code;
14 to repeal §18-9-2b, §18-9-5, §18-9-7 and §18-9-8 of said code;
15 to repeal §18-9A-3a, §18-9A-3b, §18-9A-13, §18-9A-13a,
16 §18-9A-13b, §18-9A-25 and §18-9A-26 of said code; to repeal
17 §18-9B-11 and §18-9B-16 of said code; to repeal §18A-3-2b of
18 said code; to further amend said code by adding thereto a new
19 section, designated §18-2E-5e; to further amend said code by
20 adding thereto a new section, designated §18-8-6a; and to
21 amend and reenact §18-9A-10 of said code, all relating to
22 restoring the authority, flexibility, and capacity of schools
23 and school systems to improve student learning; eliminating
24 requirement for annual summary and submission of certain
25 county board policies; eliminating requirement for biennial
26 report on public schools and institutions; eliminating expired

1 provisions for RESA study; eliminating expired provisions for
2 study on staff fluctuations at certain schools; eliminating
3 outdated provisions on comprehensive education program plans;
4 eliminating requirement for statewide curriculum technology
5 resource center; eliminating outdated provisions for automatic
6 cost of living adjustment plan; eliminating outdated
7 provisions for student learning abilities grant program;
8 eliminating expired provisions on flood and property insurance
9 study; eliminating expired provisions on study of school teams
10 and committees; eliminating prescriptive summer reading and
11 math grant program provisions; eliminating provisions pilot
12 program for operation on schools on semester basis;
13 eliminating outdated provisions for transferring school funds
14 from magisterial and independent school districts; eliminating
15 outdated provisions related to the board of the school fund;
16 eliminating outdated provisions related to supplemental aid to
17 for districts with institutional home for orphans and homeless
18 children; eliminating expired provisions for transition to new
19 provisions on school finance; eliminating expired provisions
20 for school finance in certain fiscal year; eliminating expired
21 provisions for one-year transitional allocation appropriation
22 for certain rural districts; eliminating expired provisions
23 related to levies subsequent to passage of statewide uniform
24 excess levy; eliminating inoperable provisions for legislative
25 reserve fund; eliminating requirement for appropriation for
26 teacher of the year salary; eliminating allowance for workers'

1 compensation for unpaid work-based learning; eliminating
2 outdated provisions related to board of school finance;
3 eliminating provisions related to beginning teacher
4 internship; making legislative findings on Goals for
5 Education; making legislative findings on policy-oriented
6 objectives in Goals for Education; making legislative findings
7 on certain issues raised by Efficiency Audit; making
8 legislative findings on consistency of certain Audit
9 conclusion and policy-oriented objectives of Goals for
10 Education; stating purpose of section with respect to Goals
11 for Education and policy-oriented objectives; requiring state
12 board report on accountability supervisory method that does
13 not affect school and district strategic plans in certain
14 ways; requiring state board to provide clear and consistent
15 expectations for reasonable period in certain ways; requiring
16 state board to ensure certain school and school system
17 capacity for professional development; requiring state board
18 to evaluate its performance and progress on achieving goals
19 and report to Legislative Oversight Commission on Education
20 Accountability; eliminating state board approval of certain
21 electronic strategic improvement plans; reducing percent of
22 increase in local share added to allowance to improve
23 instructional programs; requiring certain funds available for
24 use for personnel to be used for only certain personnel
25 subject to certain condition; increasing percent of increase
26 in local share added to instructional technology purposes;

1 changing purpose to county and school strategic improvement
2 plans; and changing method of allocation to counties.

3 *Be it enacted by the Legislature of West Virginia:*

4 That §18-2-5g, §18-2-15, §18-2-15a, §18-2-18, §18-2-23,
5 §18-2-30, §18-2-31, §18-2-36, §18-2-37 and §18-2-38 of the code of
6 West Virginia, 1931, as amended, be repealed; that §18-2E-3c and
7 §18-2E-3d of said code be repealed; that §18-5-40 of said code be
8 repealed; that §18-9-2b, §18-9-5, §18-9-7 and §18-9-8 of said code
9 be repealed; that §18-9A-3a, §18-9A-3b, §18-9A-13, §18-9A-13a,
10 §18-9A-13b, §18-9A-25 and §18-9A-26 of said code be repealed; that
11 §18-9B-11 and §18-9B-16 of said code be repealed; that §18A-3-2b of
12 said code be repealed; that said code be further amended by adding
13 thereto a new section, designated §18-2E-5e; that said code be
14 further amended by adding thereto a new section, designated
15 §18-8-6a; and that §18-9A-10 of said code be amended and reenacted,
16 all to read as follows:

17 **ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.**

18 **18-2E-5e. Restoring the authority, flexibility, and capacity of**
19 **schools and school systems to improve student learning;**
20 **findings with respect to Goals for Education and Efficiency**
21 **Audit; state board reports.**

22 **(a) The Legislature finds that the Goals for Education, Vision**
23 **2020: An Education Blueprint for Two Thousand Twenty, are set forth**
24 **in section four, article one of this chapter and among these Goals**
25 **are policy-oriented objectives to be accomplished or attained to**

1 meet the Goals, including objectives for:

2 (1) Curriculum and engaging instruction;

3 (2) An accountability and accreditation system that is based
4 on rigorous standards for student outcomes aligned with national
5 and international standards;

6 (3) A statewide balanced assessment processes for state,
7 district, school and classroom decision-making that reflects
8 national and international rigorous performance standards;

9 (4) A personnel allocation, licensure and funding process that
10 aligns with the needs of 21st Century school systems and is
11 supported by a quality coordinated professional development
12 delivery system; and

13 (5) A leadership recruitment, development and support
14 continuum.

15 (b) The Legislature finds that, while the other policy-
16 oriented objectives relating to the promotion of a healthy, safe
17 and responsible school environment, equitable access to technology
18 and alignment with post-secondary and workplace readiness are
19 equally important, embodied within these five listed objectives is
20 the vision for a system of schools that:

21 (1) Has clear and consistent expectations for student learning
22 upon which schools and school systems will be held accountable;

23 (2) Encourages school and district self-analysis and strategic
24 planning and the implementation of research-based strategies to
25 achieve the expectations for student learning;

26 (3) Allows schools and school districts to create innovative

1 approaches to instructional delivery and design that help students
2 develop a deep understanding and ability to apply content to real-
3 world situations;

4 (4) Includes ongoing professional development activities
5 focused on enhancing student achievement and achieving specific
6 goals the school and district strategic plans;

7 (5) Provides schools the ability to access, organize and
8 deliver high quality embedded professional development that
9 provides staff with in-depth sustained and supported learning;

10 (6) Allows opportunities for staff to collectively learn, plan
11 and implement curricular and instructional improvements on behalf
12 of the students they serve; and

13 (7) Develops high quality leadership at the classroom, school
14 and district levels.

15 (c) The Legislature finds further that among the major issues
16 raised by the Efficiency Audit of West Virginia's Primary and
17 Secondary Education System conducted by Public Works, LLC, is a
18 description of West Virginia's system of schools as heavily
19 regulated. The Audit report focuses on how the system can be
20 better designed to meet the needs of students, elevate their
21 aspirations, and prepare them for post-secondary education and
22 careers. Among its general conclusions is the need to drive more
23 educational decision-making down to the level closest to the
24 students, to the classroom and building level - allowing principals
25 to lead and teachers to deliver the most effective curriculum for
26 their students - and then holding them accountable for student

1 success.

2 (d) The Legislature finds that the Audit's conclusion that
3 more local flexibility is needed, and the responses to it expressed
4 during the Legislature's several reviews, are consistent with the
5 direction of policy-oriented objectives as set forth in the Goals
6 for Education, Vision 2020: An Education Blueprint for Two Thousand
7 Twenty. Therefore, the purpose of this section is to establish the
8 Goals and its policy-oriented objectives as set forth in section
9 four, article one of this chapter as the primary avenue for
10 restoring the authority, flexibility, and capacity of schools and
11 school systems to improve student learning to meet or exceed the
12 expectations established by the state board and Legislature.
13 Pursuant to this purpose, in addition the plan to be submitted to
14 the Legislative Oversight Commission on Education Accountability as
15 provided in said section four, the state board shall:

16 (1) On or before November 1, 2013, report to the Legislative
17 Oversight Commission on Education Accountability its
18 recommendations, along with any recommended statutory changes
19 necessary to effectuate its recommendations, a method for holding
20 schools and school systems accountable for meeting or exceeding its
21 expectations for student learning and for otherwise exercising its
22 general supervisory authority that does not impede the ability of
23 schools and school systems to plan strategically and implement
24 strategies for improving student learning, does not utilize school
25 and school system strategic plans as a mechanism for regulatory
26 compliance and does not subject them to state-level approval or

1 annual updates to meet the state-level objectives;

2 (2) Provide clear and consistent expectations for student
3 learning upon which schools and school systems may base their
4 school improvement efforts by limiting the frequency of large scale
5 revisions of curriculum standards and assessments to a reasonable
6 period of years to the extent possible by integrating any new
7 initiatives within the existing framework of standards and
8 assessments;

9 (3) Ensure that the state's mechanism for professional
10 development delivery allows adequate flexibility and resources for
11 schools and school systems to address in a timely and focused
12 manner the needed improvement in professional personnel performance
13 identified through the evaluation process and strategic improvement
14 plans; and

15 (4) Annually evaluate and report the results to the
16 Legislative Oversight Commission on Education Accountability its
17 performance and progress on achieving the Goals for Education,
18 Vision 2020: An Education Blueprint for Two Thousand Twenty and the
19 associated policy-oriented objectives.

20 **ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.**

21 **§18-8-6a. Incentive for county board participation in circuit**
22 **court juvenile probation truancy programs.**

23 A county board that enters into a truancy program agreement
24 with the circuit court of the county that (1) provides for the
25 referral of truant juveniles for supervision by the court's

1 probation office pursuant to section eleven, article five, chapter
2 forty-nine of this code and (2) requires the county board to pay
3 for the costs of the probation officer or officers assigned to
4 supervise truant juveniles, shall be reimbursed for one-half of the
5 costs of the probation officer or officers, subject to
6 appropriation of the Legislature for this purpose to the West
7 Virginia Department of Education. For any year in which the funds
8 appropriated are insufficient to cover the reimbursement costs, the
9 county's costs shall be reimbursed prorata.

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

11 **§18-9A-10. Foundation allowance to improve instructional programs.**

12 (a) The total allowance to improve instructional programs
13 shall be the sum of the following:

14 (1) For instructional improvement, ~~in accordance with county~~
15 ~~and school electronic strategic improvement plans required by~~
16 ~~section five, article two-e of this chapter,~~ an amount equal to
17 ~~fifteen~~ ten percent of the increase in the local share amount for
18 the next school year above any required allocation pursuant to
19 section six-b of this article shall be added to the amount of the
20 appropriation for this purpose for the immediately preceding school
21 year. The sum of these amounts shall be distributed to the
22 counties as follows:

23 (A) \$150,000 shall be allocated to each county; and

24 (B) Distribution to the counties of the remainder of these
25 funds shall be made proportional to the average of each county's
26 average daily attendance for the preceding year and the county's

1 second month net enrollment.

2 Moneys allocated by provision of this ~~section~~ subdivision
3 shall be used to improve instructional programs according to the
4 county and school ~~electronic~~ strategic improvement plans: ~~required~~
5 ~~by section five, article two-e of this chapter and approved by the~~
6 ~~state board:~~ *Provided*, That notwithstanding any other provision of
7 this code to the contrary, moneys allocated by provision of this
8 section may also be used in the implementation and maintenance of
9 the uniform integrated regional computer information system.

10 Up to twenty-five percent of this allocation may be used to
11 employ professional educators and service personnel in counties
12 after all applicable provisions of sections four and five of this
13 article have been fully utilized.

14 Prior to the use of any funds from this ~~section~~ subdivision
15 for personnel costs, the county board must receive authorization
16 from the state Superintendent of Schools. The state superintendent
17 shall require the county board to demonstrate: (1) The need for
18 the allocation; (2) efficiency and fiscal responsibility in
19 staffing; (3) sharing of services with adjoining counties and the
20 regional educational service agency for that county in the use of
21 the total local district board budget; and (4) employment of
22 technology integration specialists to meet the needs for
23 implementation of the West Virginia 21st Century Strategic
24 Technology Learning Plan. County boards shall make application for
25 ~~available funds~~ the use of funds for personnel for the next fiscal
26 year by May 1 of each year. On or before June 1, the state

1 superintendent shall review all applications and notify applying
2 county boards of the ~~distribution of the allocation.~~ The funds
3 ~~shall be distributed~~ approval or disapproval of the use of funds
4 for personnel during the fiscal year appropriate. The state
5 superintendent shall require the county board to demonstrate the
6 need for an allocation for personnel based upon the county's
7 inability to meet the requirements of state law or state board
8 policy: *Provided*, That the funds available for personnel under
9 this ~~section~~ subsection may not be used to increase the total
10 number of professional noninstructional personnel in the central
11 office beyond four: *Provided, however, That for the school year*
12 beginning July 1, 2013, and thereafter, any funds available to a
13 county for use for personnel above the amount available for the
14 2012-2013 school year, may only be used for technology systems
15 specialists until the state superintendent determines that the
16 county has sufficient technology systems specialists to serve the
17 needs of the county. The plan shall be made available for
18 distribution to the public at the office of each affected county
19 board; plus

20 (2) For the purposes of ~~the West Virginia 21st Century~~
21 ~~Strategic Technology Learning Plan provided for in section seven,~~
22 ~~article two-e of this chapter~~ improving instructional technology
23 programs according to the county and school strategic improvement
24 plans, an amount equal to ~~fifteen~~ twenty percent of the increase in
25 the local share amount for the next school year above any required
26 allocation pursuant to section six-b of this article shall be added

1 to the amount of the appropriation for this purpose for the
2 immediately preceding school year. ~~The sum of these amounts shall~~
3 ~~be allocated to the counties as provided in section seven, article~~
4 ~~two-e of this chapter to meet the objectives of the West Virginia~~
5 ~~21st Century Strategic Technology Learning Plan~~ The sum of these
6 amounts shall be distributed to the counties as follows:

7 (A) \$30,000 shall be allocated to each county; and

8 (B) Distribution to the counties of the remainder of these
9 funds shall be made proportional to the average of each county's
10 average daily attendance for the preceding year and the county's
11 second month net enrollment.

12 Moneys allocated by provision of this subdivision shall be
13 used to improve instructional technology programs according to the
14 county and school strategic improvement plans; plus

15 (3) One percent of the state average per pupil state aid
16 multiplied by the number of students enrolled in dual credit,
17 advanced placement and international baccalaureate courses, as
18 defined by the state board, distributed to the counties
19 proportionate to enrollment in these courses in each county; plus

20 (4) An amount not less than the amount required to meet debt
21 service requirements on any revenue bonds issued prior to January
22 1, 1994, and the debt service requirements on any revenue bonds
23 issued for the purpose of refunding revenue bonds issued prior to
24 January 1, 1994, shall be paid into the School Building Capital
25 Improvements Fund created by section six, article nine-d of this
26 chapter and shall be used solely for the purposes of that article.

1 The School Building Capital Improvements Fund shall not be utilized
2 to meet the debt services requirement on any revenue bonds or
3 revenue refunding bonds for which moneys contained within the
4 School Building Debt Service Fund have been pledged for repayment
5 pursuant to that section.

6 (b) When the school improvement bonds secured by funds from
7 the School Building Capital Improvements Fund mature, the state
8 Board of Education shall annually deposit an amount equal to
9 \$24,000,000 from the funds allocated in this section into the
10 School Construction Fund created pursuant to the provisions of
11 section six, article nine-d of this chapter to continue funding
12 school facility construction and improvements.

13 (c) Any project funded by the School Building Authority shall
14 be in accordance with a comprehensive educational facility plan
15 which must be approved by the state board and the School Building
16 Authority.