

COMMITTEE SUBSTITUTE

FOR

**H. B. 3157**

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(BY DELEGATE(S) M. POLING, STOWERS, LAWRENCE,  
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EVANS AND WESTFALL)

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(Originating in the Committee on Finance)

[March 29, 2013]

A BILL to repeal §18-2-5g, §18-2-15, §18-2-15a, §18-2-18, §18-2-23, §18-2-30, §18-2-31, §18-2-36, §18-2-37 and §18-2-38 of the code of West Virginia, 1931, as amended; to repeal §18-2E-3c and §18-2E-3d of said code; to repeal §18-5-40 of said code; to repeal §18-9-2b, §18-9-5, §18-9-7 and §18-9-8 of said code; to repeal §18-9A-3a, §18-9A-3b, §18-9A-13, §18-9A-13a, §18-9A-13b, §18-9A-25 and §18-9A-26 of said code; to repeal §18-9B-11 and

§18-9B-16 of said code; to repeal §18A-3-2b of said code; to further amend said code by adding thereto a new section, designated §18-2E-5e; to further amend said code by adding thereto a new section, designated §18-8-6a; and to amend and reenact §18-9A-10 of said code, all relating to restoring the authority, flexibility, and capacity of schools and school systems to improve student learning; eliminating requirement for annual summary and submission of certain county board policies; eliminating requirement for biennial report on public schools and institutions; eliminating expired provisions for RESA study; eliminating expired provisions for study on staff fluctuations at certain schools; eliminating outdated provisions on comprehensive education program plans; eliminating requirement for statewide curriculum technology resource center; eliminating outdated provisions for automatic cost of living adjustment plan; eliminating outdated provisions for student learning abilities grant program; eliminating expired provisions on flood and property insurance study; eliminating expired provisions on study of school teams and committees; eliminating prescriptive summer reading and math grant program provisions; eliminating provisions pilot program for

operation on schools on semester basis; eliminating outdated provisions for transferring school funds from magisterial and independent school districts; eliminating outdated provisions related to the board of the school fund; eliminating outdated provisions related to supplemental aid to for districts with institutional home for orphans and homeless children; eliminating expired provisions for transition to new provisions on school finance; eliminating expired provisions for school finance in certain fiscal year; eliminating expired provisions for one-year transitional allocation appropriation for certain rural districts; eliminating expired provisions related to levies subsequent to passage of statewide uniform excess levy; eliminating inoperable provisions for legislative reserve fund; eliminating requirement for appropriation for teacher of the year salary; eliminating allowance for workers' compensation for unpaid work-based learning; eliminating outdated provisions related to board of school finance; eliminating provisions related to beginning teacher internship; making legislative findings on Goals for Education; making legislative findings on policy-oriented objectives in Goals for Education; making legislative findings on certain issues raised by

Efficiency Audit; making legislative findings on consistency of certain Audit conclusion and policy-oriented objectives of Goals for Education; stating purpose of section with respect to Goals for Education and policy-oriented objectives; requiring state board report on accountability supervisory method that does not affect school and district strategic plans in certain ways; requiring state board to provide clear and consistent expectations for reasonable period in certain ways; requiring state board to ensure certain school and school system capacity for professional development; requiring state board to evaluate its performance and progress on achieving goals and report to Legislative Oversight Commission on Education Accountability; eliminating state board approval of certain electronic strategic improvement plans; reducing percent of increase in local share added to allowance to improve instructional programs; requiring certain funds available for use for personnel to be used for only certain personnel subject to certain condition; increasing percent of increase in local share added to instructional technology purposes; changing purpose to county and school strategic improvement plans; and changing method of allocation to counties.

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

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

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

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

- 1        (a) The Legislature finds that the Goals for Education,
- 2        Vision 2020; An Education Blueprint for Two Thousand
- 3        Twenty, are set forth in section four, article one of this chapter

4 and among these Goals are policy-oriented objectives to be  
5 accomplished or attained to meet the Goals, including objectives  
6 for:

7 (1) Curriculum and engaging instruction;

8 (2) An accountability and accreditation system that is based  
9 on rigorous standards for student outcomes aligned with national  
10 and international standards;

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

14 (4) A personnel allocation, licensure and funding process  
15 that aligns with the needs of 21<sup>st</sup> Century school systems and is  
16 supported by a quality coordinated professional development  
17 delivery system; and

18 (5) A leadership recruitment, development and support  
19 continuum.

20 (b) The Legislature finds that, while the other policy-  
21 oriented objectives relating to the promotion of a healthy, safe  
22 and responsible school environment, equitable access to technol-  
23 ogy and alignment with post-secondary and workplace readiness

24 are equally important, embodied within these five listed objec-  
25 tives is the vision for a system of schools that:

26 (1) Has clear and consistent expectations for student learning  
27 upon which schools and school systems will be held account-  
28 able;

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

32 (3) Allows schools and school districts to create innovative  
33 approaches to instructional delivery and design that help students  
34 develop a deep understanding and ability to apply content to  
35 real-world situations;

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

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

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

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

47 (c) The Legislature finds further that among the major issues  
48 raised by the Efficiency Audit of West Virginia's Primary and  
49 Secondary Education System conducted by Public Works, LLC,  
50 is a description of West Virginia's system of schools as heavily  
51 regulated. The Audit report focuses on how the system can be  
52 better designed to meet the needs of students, elevate their  
53 aspirations, and prepare them for post-secondary education and  
54 careers. Among its general conclusions is the need to drive more  
55 educational decision-making down to the level closest to the  
56 students, to the classroom and building level - allowing princi-  
57 pals to lead and teachers to deliver the most effective curriculum  
58 for their students - and then holding them accountable for  
59 student success.

60 (d) The Legislature finds that the Audit's conclusion that  
61 more local flexibility is needed, and the responses to it expressed  
62 during the Legislature's several reviews, are consistent with the  
63 direction of policy-oriented objectives as set forth in the Goals  
64 for Education, Vision 2020: An Education Blueprint for Two



65 Thousand Twenty. Therefore, the purpose of this section is to  
66 establish the Goals and its policy-oriented objectives as set forth  
67 in section four, article one of this chapter as the primary avenue  
68 for restoring the authority, flexibility, and capacity of schools  
69 and school systems to improve student learning to meet or  
70 exceed the expectations established by the state board and  
71 Legislature. Pursuant to this purpose, in addition the plan to be  
72 submitted to the Legislative Oversight Commission on Educa-  
73 tion Accountability as provided in said section four, the state  
74 board shall:

75 (1) On or before November 1, 2013, report to the Legislative  
76 Oversight Commission on Education Accountability its recom-  
77 mendations, along with any recommended statutory changes  
78 necessary to effectuate its recommendations, a method for  
79 holding schools and school systems accountable for meeting or  
80 exceeding its expectations for student learning and for otherwise  
81 exercising its general supervisory authority that does not impede  
82 the ability of schools and school systems to plan strategically  
83 and implement strategies for improving student learning, does  
84 not utilize school and school system strategic plans as a mecha-

85 nism for regulatory compliance and does not subject them to  
86 state-level approval or annual updates to meet the state-level  
87 objectives;

88 (2) Provide clear and consistent expectations for student  
89 learning upon which schools and school systems may base their  
90 school improvement efforts by limiting the frequency of large  
91 scale revisions of curriculum standards and assessments to a  
92 reasonable period of years to the extent possible by integrating  
93 any new initiatives within the existing framework of standards  
94 and assessments;

95 (3) Ensure that the state's mechanism for professional  
96 development delivery allows adequate flexibility and resources  
97 for schools and school systems to address in a timely and  
98 focused manner the needed improvement in professional  
99 personnel performance identified through the evaluation process  
100 and strategic improvement plans; and

101 (4) Annually evaluate and report the results to the Legisla-  
102 tive Oversight Commission on Education Accountability its  
103 performance and progress on achieving the Goals for Education,  
104 Vision 2020: An Education Blueprint for Two Thousand Twenty  
105 and the associated policy-oriented objectives.

**ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.**

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

1        A county board that enters into a truancy program agreement  
2 with the circuit court of the county that (1) provides for the  
3 referral of truant juveniles for supervision by the court's  
4 probation office pursuant to section eleven, article five, chapter  
5 forty-nine of this code and (2) requires the county board to pay  
6 for the costs of the probation officer or officers assigned to  
7 supervise truant juveniles, shall be reimbursed for one-half of the  
8 costs of the probation officer or officers, subject to appropriation  
9 of the Legislature for this purpose to the West Virginia Depart-  
10 ment of Education. For any year in which the funds appropriated  
11 are insufficient to cover the reimbursement costs, the county's  
12 costs shall be reimbursed prorata.

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

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

- 1        (a) The total allowance to improve instructional programs  
2 shall be the sum of the following:
- 3        (1) For instructional improvement, ~~in accordance with~~  
4 ~~county and school electronic strategic improvement plans~~

5 ~~required by section five, article two-e of this chapter,~~ an  
6 amount equal to ~~fifteen~~ ten percent of the increase in the local  
7 share amount for the next school year above any required  
8 allocation pursuant to section six-b of this article shall be added  
9 to the amount of the appropriation for this purpose for the  
10 immediately preceding school year. The sum of these amounts  
11 shall be distributed to the counties as follows:

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

13 (B) Distribution to the counties of the remainder of these  
14 funds shall be made proportional to the average of each county's  
15 average daily attendance for the preceding year and the county's  
16 second month net enrollment.

17 Moneys allocated by provision of this ~~section~~ subdivision  
18 shall be used to improve instructional programs according to the  
19 county and school ~~electronic~~ strategic improvement plans;  
20 ~~required by section five, article two-e of this chapter and~~  
21 ~~approved by the state board.~~ *Provided*, That notwithstanding any  
22 other provision of this code to the contrary, moneys allocated by  
23 provision of this section may also be used in the implementation  
24 and maintenance of the uniform integrated regional computer  
25 information system.

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

30 Prior to the use of any funds from this ~~section~~ subdivision  
31 for personnel costs, the county board must receive authorization  
32 from the state Superintendent of Schools. The state superinten-  
33 dent shall require the county board to demonstrate: (1) The need  
34 for the allocation; (2) efficiency and fiscal responsibility in  
35 staffing; (3) sharing of services with adjoining counties and the  
36 regional educational service agency for that county in the use of  
37 the total local district board budget; and (4) employment of  
38 technology integration specialists to meet the needs for imple-  
39 mentation of the West Virginia 21st Century Strategic Technol-  
40 ogy Learning Plan. County boards shall make application for  
41 ~~available funds~~ the use of funds for personnel for the next fiscal  
42 year by May 1 of each year. On or before June 1, the state  
43 superintendent shall review all applications and notify applying  
44 county boards of the ~~distribution of the allocation. The funds~~  
45 ~~shall be distributed~~ approval or disapproval of the use of funds

46 for personnel during the fiscal year appropriate. The state  
47 superintendent shall require the county board to demonstrate the  
48 need for an allocation for personnel based upon the county's  
49 inability to meet the requirements of state law or state board  
50 policy: *Provided*, That the funds available for personnel under  
51 this ~~section~~ subsection may not be used to increase the total  
52 number of professional noninstructional personnel in the central  
53 office beyond four: *Provided, however, That for the school year*  
54 beginning July 1, 2013, and thereafter, any funds available to a  
55 county for use for personnel above the amount available for the  
56 2012-2013 school year, may only be used for technology  
57 systems specialists until the state superintendent determines that  
58 the county has sufficient technology systems specialists to serve  
59 the needs of the county. The plan shall be made available for  
60 distribution to the public at the office of each affected county  
61 board; plus

62 (2) For the purposes of ~~the West Virginia 21st Century~~  
63 ~~Strategic Technology Learning Plan provided for in section~~  
64 ~~seven, article two-c of this chapter~~ improving instructional  
65 technology programs according to the county and school

66 strategic improvement plans, an amount equal to ~~fifteen~~ twenty  
67 percent of the increase in the local share amount for the next  
68 school year above any required allocation pursuant to section  
69 six-b of this article shall be added to the amount of the appropri-  
70 ation for this purpose for the immediately preceding school year.  
71 ~~The sum of these amounts shall be allocated to the counties as~~  
72 ~~provided in section seven, article two-e of this chapter to meet~~  
73 ~~the objectives of the West Virginia 21st Century Strategic~~  
74 ~~Technology Learning Plan~~ The sum of these amounts shall be  
75 distributed to the counties as follows:

76 (A) \$30,000 shall be allocated to each county; and  
77 (B) Distribution to the counties of the remainder of these  
78 funds shall be made proportional to the average of each county's  
79 average daily attendance for the preceding year and the county's  
80 second month net enrollment.

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

84 (3) One percent of the state average per pupil state aid  
85 multiplied by the number of students enrolled in dual credit,

86 advanced placement and international baccalaureate courses, as  
87 defined by the state board, distributed to the counties proportion-  
88 ate to enrollment in these courses in each county; plus

89 (4) An amount not less than the amount required to meet  
90 debt service requirements on any revenue bonds issued prior to  
91 January 1, 1994, and the debt service requirements on any  
92 revenue bonds issued for the purpose of refunding revenue bonds  
93 issued prior to January 1, 1994, shall be paid into the School  
94 Building Capital Improvements Fund created by section six,  
95 article nine-d of this chapter and shall be used solely for the  
96 purposes of that article. The School Building Capital Improve-  
97 ments Fund shall not be utilized to meet the debt services  
98 requirement on any revenue bonds or revenue refunding bonds  
99 for which moneys contained within the School Building Debt  
100 Service Fund have been pledged for repayment pursuant to that  
101 section.

102 (b) When the school improvement bonds secured by funds  
103 from the School Building Capital Improvements Fund mature,  
104 the state Board of Education shall annually deposit an amount  
105 equal to \$24,000,000 from the funds allocated in this section into



106 the School Construction Fund created pursuant to the provisions  
107 of section six, article nine-d of this chapter to continue funding  
108 school facility construction and improvements.

109 (c) Any project funded by the School Building Authority  
110 shall be in accordance with a comprehensive educational facility  
111 plan which must be approved by the state board and the School  
112 Building Authority.





