

1 **H. B. 4619**

2
3 (By Delegates M. Poling, Perry, Pethtel, Lawrence, Barrett,
4 Campbell, Rowan, Pasdon, Hamrick, Westfall and Ambler)
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6 [Originating in the Committee on Education]

7 (February 20, 2014)
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11 A BILL to amend the code of West Virginia, 1931, as amended, by
12 adding thereto a new section, designated §18-5B-13, relating
13 to authorizing innovation school districts; making
14 legislative findings and providing intent and purpose of
15 section; school system eligibility and application
16 categories; providing for application process, review,
17 content and periods; innovation school district plan purpose
18 and content; plan development, approval and submission to
19 state board; state board designation of innovation school
20 districts; affect of designation and process for waiver of
21 statutes, policies, rules and interpretations; limitation on
22 waivers; revision and extension of plans; revocation of
23 designation; affect of plan expiration on innovations;
24 requiring state board rule; and annual review.

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

1 That the code of West Virginia, 1931, as amended, be amended
2 by adding thereto a new section, designated §18-5B-13, to read as
3 follows:

4 **ARTICLE 5B. SCHOOL INNOVATION ZONES ACT.**

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

11 (a) Legislative findings:

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

16 (2) There are significant correlations between educational
17 attainment and labor market outcomes, greater labor force
18 participation rate, increased employment rates, improved health,
19 and decreased levels of poverty and crime. The negative impact on
20 these linkages is most evident in the absence of high school
21 completion;

22 (3) West Virginia as a state must improve in areas of
23 student achievement, graduation rate, attendance, the college
24 going rate and other indicators of academic success in public

1 schools;

2 (4) Research identifies a number of effective strategies for
3 engaging students that have the most positive impact on improving
4 student success and high school graduation. Some of these
5 strategies are school-community collaboration, safe learning
6 environments, family engagement, early literacy development,
7 mentoring and tutoring services, service learning opportunities,
8 alternative and nontraditional schooling, offering multiple
9 pathways and settings for attaining high school diplomas, after-
10 school opportunities, individualized instruction and career and
11 technical education;

12 (5) Among the major issues raised by the Efficiency Audit of West
13 Virginia's Primary and Secondary Education System conducted by Public
14 Works, LLC, is a description of West Virginia's system of schools as
15 heavily regulated. The report expresses the advantages of more local
16 autonomy to better meet the needs of students, elevate their
17 aspirations, and prepare them for post-secondary education and careers.
18 Among its general conclusions is the need to drive more educational
19 decision-making to the level closest to the students, to the classroom
20 and building level - allowing principals to lead and teachers to
21 deliver the most effective curriculum for their students - and then
22 holding them accountable for student success;

23 (6) The Goals for Education, Vision 2020: An Education
24 Blueprint for Two Thousand Twenty include policy-oriented
25 objectives for restoring the autonomy, authority, flexibility,

1 and capacity of local schools and county boards to improve
2 student learning to meet or exceed the expectations established
3 by the state board and Legislature;

4 (7) Allowing exceptions from certain statutes, policies,
5 rules and interpretations through the creation of innovation
6 school districts will restore the autonomy, authority,
7 flexibility, and capacity of local schools and county boards to
8 enable greater local autonomy and encourage innovation over the
9 important factors that impact student achievement and the
10 delivery of educational services to improve student learning; and

11 (8) When educators, parents, elected officials, business
12 leaders, faith-based leaders, human service personnel, judicial
13 personnel and civic leaders collectively work together, they are
14 often able to find innovative solutions to address school and
15 community problems and implement a variety of innovative
16 improvements that increase student engagement, develop more
17 flexible schedules, enhance student and teacher ownership of the
18 learning process and increase student achievement.

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

20 In light of the foregoing findings, it is the intent of the
21 Legislature through this section to create a special category of
22 innovation zones entitled "Innovation School Districts" to
23 provide an additional tool for school systems in collaboration
24 with community and business partners to plan and implement new

1 approaches to improve the performance and progress of the
2 students, schools and school system. This section is intended to
3 establish a process that includes:

4 (1) Broad participation and collaboration in the
5 establishment of an innovation school district plan that includes
6 approaches to build the capacity of the district to improve the
7 performance and progress of its students, schools and school
8 system; and

9 (2) Provides multiple opportunities over a period of five
10 years for a school system designated as an innovation school
11 district to seek and receive exceptions to certain statutes,
12 policies, rules and interpretations applicable throughout the
13 county or at certain schools within the county as needed to best
14 meet the needs of its students as the system moves forward with
15 its partners toward fulfillment of its innovation school district
16 plan.

17 (c) *School System Eligibility:*

18 All county boards are eligible to apply for designation as
19 an innovation school district. The applications shall be taken
20 in four categories: Sparse Density County; Low Density County;
21 Medium Density County; and High Density County, as those terms
22 are defined in section two, article nine-a of this chapter. The
23 state board is authorized to designate two counties from each
24 category on a competitive basis as innovation school districts.

1 (d) Application for designation as Innovation School

2 District:

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

7 (1) The manner, time and process for the submission of
8 innovation school district applications. The initial application
9 deadline may not be prior to January 2015. If after
10 consideration of the applications submitted to it during an
11 application period, the state board in its sole discretion does
12 not designate the allotted number of school systems in each
13 density category as innovation school districts, the state board
14 may establish another application period to permit county boards
15 in a density category not filled to reapply. In addition, at any
16 time the number of designated innovation school districts in a
17 density category is less than the maximum two due to the
18 revocation or expiration of a designation, the state board may
19 establish an application period and may select on a competitive
20 basis new school systems to achieve the maximum two per density
21 category;

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

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

1 (B) A general description of the innovations the school
2 district seeks to institute as proposed in its innovation school
3 district plan;

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

7 (A) Support from teachers, staff, parents, students, the
8 county board of education, the local school improvement council
9 and school business partners; and

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

12 (4) Standards for the state board to review applications for
13 designation as an innovation school district and to make
14 determinations on the designation of a school system as an
15 innovation school district; and

16 (5) An innovation zone application review committee and
17 recommendation process which shall be the same committee and
18 process as used for all other innovation zones under this
19 article.

20 (e) *Innovation School District Plan:*

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

1 partners. The plan is not intended as a limit on the normal
2 school improvement activities that all school systems are
3 expected to pursue, nor is the plan intended as a restriction on
4 the ability of the school system or its schools to pursue other
5 innovative strategies in accordance with the other provisions of
6 this article. The innovation school district plan may include,
7 but are not limited to, the following proposals:

8 (1) Methods for providing schools and communities with
9 opportunities for greater collaboration to plan and implement
10 systemic approaches that include evidence-based solutions for
11 increasing graduation rates, increasing achievement and
12 educational outcomes and reducing the number of dropouts;

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

15 (3) Increased collaborative site-based decision-making
16 powers over the budgeting for and spending on programs and
17 services for students;

18 (4) Increased collaborative site-based decision-making
19 powers over teacher recruitment;

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

24 (6) Allowing a collaborative process which ensures

1 accountability and transparency to all stakeholders, provides
2 information and additional measures of the effects of specific
3 innovations upon which the success of the plan may be judged, and
4 documents student, school and school system success;

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

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

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

12 (10) Utilizing virtual school courses aligned with the
13 Southern Regional Education Board's Standards for Quality Online
14 Courses;

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

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

20 The innovation school district plan shall include a general
21 description of the innovations the county school district seeks
22 to institute, a proposed time line for implementation and
23 measures for judging the success of the innovation school
24 district plan.

1 (f) Innovation School District Plan - District Level

2 Approval:

3 Prior to submitting an innovation school district plan to
4 the state board, the county board shall:

5 (1) Form a broad based innovation school district
6 stakeholders committee which may include, but is not limited to,
7 educators, parents, elected officials, business leaders, faith-
8 based leaders, human service personnel, judicial personnel and
9 civic leaders, but at a minimum shall include the principals
10 employed within the county, the chairs of the faculty senates of
11 each school in the county, employee organization representatives,
12 a school service person from each work site and parent
13 representatives. The stakeholder committee shall compose a
14 conceptual proposal for the purpose of soliciting input on a
15 variety of approaches that may be undertaken within the county if
16 designated as an innovation school district and to guide
17 development of an innovation school district plan;

18 (2) Direct the county superintendent to hold a meeting of
19 all regularly employed school employees to provide them an
20 opportunity to examine and discuss the conceptual proposal. The
21 superintendent shall direct that a vote of all regularly employed
22 school employees in the county be conducted within fifteen days
23 of the meeting to determine the level of school employee support
24 for the conceptual proposal. The vote shall be by secret ballot

1 administered by the panels created in subsection (c), section six
2 of this article for each school and shall be administered in
3 accordance with that subsection. For the vote to be valid,
4 ballots must be cast by at least fifty percent of all regularly
5 employed school employees in the county. Before proceeding with
6 the succeeding subdivisions of this subsection, the conceptual
7 proposal must be approved by at least two-thirds ballots cast
8 voting to approve it. If not approved, the stakeholder committee
9 may revise the conceptual proposal and, subject to direction of
10 the county board, the superintendent shall repeat the steps set
11 forth in this subdivision for a revote;

12 (3) Make its conceptual proposal for an innovation school
13 district available to the public at least 20 days prior to the
14 public hearings required under subdivision (2) of this
15 subsection. In order to comply with this public notice
16 requirement, the proposed plan shall be posted on the county
17 board's web site, as well as hard copies of the proposed plan
18 being made available at all county school sites and the county's
19 central office, for public viewing and copying;

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

1 the purpose of soliciting input from those in attendance on the
2 challenges affecting the quality of education in the county and
3 the potential strategies and priorities for addressing them;

4 (5) Direct the county superintendent to hold a meeting of
5 the innovation school district stakeholders committee following
6 the public town hall meetings for the purpose of reviewing the
7 input gathered at the meetings and developing an innovation
8 school district plan;

9 (6) Direct the county superintendent to hold a meeting of
10 all regularly employed school employees to provide them an
11 opportunity to examine and discuss the innovation school district
12 plan. The superintendent shall direct that a vote of all
13 regularly employed school employees in the county be conducted
14 within fifteen days of the meeting to determine the level of
15 school employee support for the innovation school district plan.
16 The vote shall be conducted as provided in subdivision (2) of
17 this subsection, except that for the vote to be valid, ballots
18 must be cast by at least sixty percent of all regularly employed
19 school employees in the county and the innovation school district
20 plan must be approved by at least two-thirds of the ballots cast
21 voting to approve it. If not approved, the stakeholder committee
22 may revise the plan and, subject to direction of the county
23 board, the superintendent shall repeat the steps set forth in
24 this subdivision for a revote; and

1 (7) The plan may then be submitted by the county
2 superintendent to the county board for a vote to submit the plan
3 to the state board. The authority of a county board to vote to
4 submit an innovation school district plan and the right to submit
5 the plan and be designated as an innovation school district, if
6 selected, in accordance with this section are not subject to or
7 affected by the approval status of the school system or
8 intervention in the authority of county board for school system
9 operation pursuant to section five, article two-e of this
10 chapter.

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

12 The state board shall review the innovation school district
13 applications in accordance with the standards adopted by the
14 board, shall determine the highest rated applicants in each
15 category and shall determine whether to designate those
16 applicants as innovation school districts. The designation of an
17 applicant as an innovation school district is at the sole
18 discretion of the state board. The state board shall notify each
19 applicant of the board's determination within thirty days of the
20 final determinations.

21 (h) *Innovation School Districts:*

22 The designation of a school system as an innovation school
23 district authorizes the county board to submit requests to the
24 state board for exceptions to statutes, policies, rules and

1 interpretations that are required to permit implementation of the
2 innovative strategies contemplated in its innovation school
3 district plan. The designation as an innovation school district
4 authorizes the county board to submit to submit multiple
5 individual requests for exceptions to permit implementation of
6 different strategies contemplated in the plan as the strategies
7 are developed. Each request for an exception shall be submitted
8 and may be approved by the state board subject to the following:

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

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

17 (B) An explanation of the specific exception to a statute,
18 policy, rule or interpretation, in the singular or plural, that
19 the school system has identified as prohibiting or constraining
20 the implementation of the program or initiative and why the
21 exception is necessary;

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

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

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

7 (2) The state board shall review the request in accordance
8 with the standards in its rule and shall determine whether to
9 approve or disapprove the request. The approval or disapproval
10 of a request is at the sole discretion of the state board in
11 accordance with the requirements of this section.

12 (3) Except as provided in subdivision (5) of this
13 subsection, the state board shall approve or disapprove the
14 request within thirty days of receipt, subject to the following:

15 (A) No exceptions to state board policies, rules or
16 interpretations are granted unless the state board approves the
17 request at least conditionally pursuant to subdivisions (2) and
18 (5) of this subsection; and

19 (B) If the request is disapproved, the state board shall
20 communicate its reasons for the disapproval to the county board
21 and shall make recommendations for improving the request. The
22 county board may amend and resubmit the request.

23 (4) Upon approval of the request by the state board, all of
24 the exceptions to state board policies, rules and interpretations

1 that were requested are granted;

2 (5) If a request, or a part thereof, may not be implemented
3 unless an exception to a statute is granted by an Act of the
4 Legislature, the state board may approve the request, or the part
5 thereof, only upon the condition that the Legislature acts to
6 grant the exception. If the state board approves a request on
7 that condition, the state board shall submit the request for an
8 exception to a statute, along with supporting reasons, to the
9 Legislative Oversight Commission of Education Accountability.
10 The commission shall review the request and make a recommendation
11 to the Legislature regarding the exception requested; and

12 (6) An innovation school district may not request an
13 exception nor may an exception be granted from any of the
14 following:

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

17 (B) Any provision of law or policy required by Public Law
18 94-142, Public Law No. 107-110 or other federal law;

19 (C) Sections two and seven, article two, chapter eighteen-a
20 of this code and sections seven-a, seven-b, eight and eight-b,
21 article four, chapter eighteen-a of this code, except that an
22 innovation school district may make a job posting for a teacher
23 vacancy in accordance with the procedures and the approval by a
24 vote of the teachers as provided in section eight of this

1 article; and

2
3 (D) Any statute, policy, rule or other requirements of the
4 state board or other agency related to the health and safety of
5 students or employees, any requirements imposed by ethics laws or
6 opinions, any requirements imposed by open records or open
7 meetings laws, any requirements related to financial or academic
8 reporting or transparency, or any requirements designed to
9 protect the civil rights of students or employees.

10 (1) Revision, Extension and Revocation of Innovation School
11 District Plan:

12 (1) The county board of a school system designated as an
13 innovation school district pursuant to this section may revise
14 its innovation school district plan and resubmit its plan to the
15 state board for approval after complying with all other
16 applicable plan requirements set forth in this section for
17 initial plan approval.

18 (2) The designation of a school system as an innovation
19 school district shall be for a period of five years. The state
20 board, upon request of the county board, may extend the
21 designation for an additional two years if the school system has
22 outstanding items in its school system collaborative innovation
23 zone plan that it still wants to pursue and only for the purpose
24 of pursuing those outstanding items.

1 (3) The state board after periodic review of an established
2 innovation school district may, upon recommendation of the
3 innovation zone application review committee, revoke the school
4 district's designation as an innovation school district for
5 noncompliance or nonperformance.

6 (m) Affect of Plan Expiration on Innovations:

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

12 (o) State Board Rule and Annual Reviews:

13 The state board shall adopt, in accordance with article
14 three-b, chapter twenty-nine-a of this code, a rule for the
15 implementation of this section. The state board or its
16 designated committee shall perform annual performance reviews and
17 provide annual reports in accordance with section seven of this
18 article.

Note: The purpose of this bill is to authorize eight county school systems to be designated as Innovation School Districts through a competitive application process to the State Board. Two school systems each may be selected from each of the four student population density categories (sparse, low, medium and high). The district must develop a plan for the innovations it seeks to implement and it must be approved at the local level. If selected by the State Board, the district is authorized to seek waivers of statutes, policies, rules and interpretations over a five-year period as it progresses with implementation of its plan.

This section is new, therefore the entire section is underscored.