

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

Senate Bill 458

BY SENATORS COLE (MR. PRESIDENT) AND KESSLER

(BY REQUEST OF THE EXECUTIVE)

[Introduced February 2, 2106;

Referred to the Committee on Education; and then to
the Committee on Finance.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §18-5B-14; and to amend said code by adding thereto a new article,
 3 designated §18-5E-1, §18-5E-2, §18-5E-3, §18-5E-4 and §18-5E-5, all relating to
 4 Innovation in Education Schools and Innovation Zones; terminating funding for Innovation
 5 Zones and Local Solution Dropout Prevention and Recovery Innovation Zones; setting
 6 forth purpose of Innovation in Education Act; establishing and authorizing Innovation in
 7 Education school designation; setting forth components and requirements for Innovation
 8 in Education plan; requiring evaluations of Innovation in Education designated schools;
 9 authorizing amendment and suspension of components of Innovation in Education plans;
 10 authorizing termination of designation of a school as an Innovation in Education school;
 11 requiring promulgation of rule by state board; creating Innovation in Education Fund;
 12 authorizing expenditures from Innovation in Education Fund; and authorizing investment
 13 of Innovation in Education Fund moneys.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
 2 section, designated §18-5B-14; and that said code be amended by adding thereto a new article,
 3 designated §18-5E-1, §18-5E-2, §18-5E-3, §18-5E-4 and §18-5E-5, all to read as follows:

ARTICLE 5B. SCHOOL INNOVATION ZONES ACT.

**§18-5B-14. Termination of funding for School Innovation Zones and Local Solution
 Dropout Prevention and Recovery Innovation Zones.**

1 No school, group of schools, district, subdivision or department of a group of schools, or
 2 a subdivision or department of a school designated or to be designated as an Innovation Zone of
 3 Local Solution Dropout Prevention and Recovery Innovation Zone shall receive any funding
 4 pursuant to this article after June 30, 2016.

ARTICLE 5E. INNOVATION IN EDUCATION ACT.

§18-5E-1. Purpose.

1 The purpose of this act is to encourage and incentivize public schools to implement key
2 innovational education priorities and improve overall student outcomes. This act provides a
3 mechanism for a public school to redesign its delivery of instruction, operate under greater
4 flexibility and enhance student engagement to increase educational achievement.

§18-5E-2. Innovation in education school designation established.

1 (a) A school that demonstrates innovation in education in any of the following priority
2 areas: (1) Science, technology, engineering and math (STEM); (2) community school partnership;
3 (3) entrepreneurship; or (4) career pathways, may apply to be designated by the state board as
4 a STEM, community school partnership, entrepreneurship or career pathways innovation in
5 education school in accordance with this article. The state board may designate a school as a
6 STEM, community school partnership, entrepreneurship or career pathways innovation in
7 education school in accordance with this article.

8 (b) A STEM, community school partnership, entrepreneurship or career pathways
9 innovation in education school designated under this section shall operate according to an
10 innovation in education plan developed by the school faculty with input from the county board, the
11 county superintendent and the students of such school, if the school seeking designation is a high
12 school. Such plan shall address how the school will: (1) Increase overall student achievement;
13 (2) address dropout prevention; (3) transform school culture; and (4) articulate the areas of
14 autonomy and flexibility in curriculum, budget, school schedule and calendar, professional
15 development, and staffing policies and procedures which would require a waiver of policy or code.

16 (c) The innovation in education plan for a STEM, community school partnership,
17 entrepreneurship or career pathways innovation in education school shall include:

18 (1) Measurable goals to: (A) Increase overall student achievement and proficiency; (B)
19 address dropout prevention; and (C) transform school culture;

20 (2) A curriculum plan that includes a detailed description of the curriculum and related

21 programs for the proposed school and how the curriculum is expected to improve school
22 performance and student achievement;

23 (3) A budget plan that includes a detailed description of how funds will be used in the
24 proposed school to support school performance and student achievement that is or may be
25 different than how funds are used in other public schools in the district;

26 (4) A school schedule plan that includes a detailed description of the ways the program or
27 calendar of the proposed school may be enhanced or expanded;

28 (5) A staffing plan and professional development plan that includes a detailed description
29 of how the school may provide professional development to its administrators, teachers and other
30 staff;

31 (6) A policies and procedures plan that includes a detailed description of the unique
32 operational policies and procedures to be used by the school seeking designation and how the
33 procedures will support school performance and student achievement and any rule, policy or
34 statute exemptions the school is seeking: *Provided*, That a school may not request an exemption
35 nor may an exemption be granted from the following: an assessment program administered by
36 the West Virginia Department of Education; any provision of law or policy required by the Every
37 Student Succeeds Act of 2015 or other federal law; and

38 (7) Any other information the state board requires.

39 (d) In order to assess the proposed school across multiple measures of school
40 performance and student success, the innovation in education plan shall include measurable
41 annual goals, including, but not limited to, goals relating to the following:

42 (1) Student attendance;

43 (2) Student safety and discipline;

44 (3) Student promotion and graduation and dropout rates;

45 (4) Student performance on the state-wide summative assessment;

46 (5) Progress in areas of academic underperformance;

47 (6) Progress among subgroups of students, including low-income students and students
48 receiving special education; and

49 (7) Student growth among different subgroups of students.

§18-5E-3. Evaluation of Innovation in Education designated schools.

1 (a) Innovation in education schools authorized under this article shall be evaluated after
2 the second full year and third full year of the school's operation by the county superintendent. The
3 county superintendent shall submit the evaluation to the county board and the state
4 superintendent. The evaluation shall determine whether the school has met the annual goals
5 outlined in its innovation in education plan and assess the implementation of the innovation in
6 education plan at the school.

7 (b) The county superintendent may recommend in the evaluation to amend or suspend
8 one or more components of the innovation in education plan if the county superintendent
9 determines an amendment is necessary because of subsequent changes in the district that affect
10 one or more components of such innovation in education plan.

11 (c) Based on the county superintendent's evaluation and a data analysis conducted by the
12 West Virginia Department of Education, if it is determined that the school has substantially failed
13 to meet the goals outlined in the innovation in education plan, the state board may: (A) Amend or
14 recommend an amendment to one or more components of the innovation in education plan; (B)
15 suspend one or more components of the innovation in education plan; or (C) terminate the
16 Innovation in Education designation of the school: *Provided*, That the amendment or suspension
17 may not take place before the completion of the second full year of the school's operation and the
18 termination may not take place before the completion of the third full year of the school's
19 operation.

§18-5E-4. Application for school designation; state board rule.

1 The state board shall promulgate a rule, including an emergency rule if necessary, in
2 accordance with article three-b, chapter twenty-nine-a of this code to implement the provisions of

3 this article. The rule shall include provisions for a process for a school to apply for designation as
4 a STEM, community school partnership, entrepreneurship or career pathways innovation in
5 education school that encompasses at least the following:

6 (1) The manner, time and process for application submission; and

7 (2) Clear and concise application evaluation factors in rubric form, including standards for
8 the state board to review and determine innovation in education school designation.

9 The West Virginia Department of Education may independently assess applicants based
10 on the evaluation factors rubric and provide the state board with this assessment. The state board
11 shall consider the West Virginia Department of Education's rubric assessment in making any
12 innovation in education school designation determination.

§18-5E-5. Innovation in education fund.

1 There is hereby created in the State Treasury a special revenue fund to be known as the
2 "Innovation in Education Fund." The fund shall consist of all moneys received from whatever
3 source to further the purpose of this article. The fund shall be administered by the state board
4 solely for the purposes of this article, including providing grants and other financial assistance to
5 innovation in education designated schools to implement and carry out such schools innovation
6 in education plans. Any moneys remaining in the fund at the close of a fiscal year shall be carried
7 forward for use in the next fiscal year. Fund balances shall be invested with the state's
8 consolidated investment fund and any and all interest earnings on these investments shall be
9 used solely for the purposes that moneys deposited in the fund may be used pursuant to this
10 article.

NOTE: The purpose of this bill is to create Innovation in Education designated schools, which demonstrate innovation in STEM, community school partnership, entrepreneurship or career pathways. The bill provides for components and requirements of an Innovation in Education plan. The bill also requires evaluations of Innovation in Education schools and permits amendments to and suspension of Innovation in Education plan components when goals are not met. Additionally, the state board is authorized to terminate Innovation in Education school designations. The bill requires the state board to promulgate a rule relating to implementation and operation of the Innovation in Education program. The bill

creates the Innovation in Education Fund. The bill terminates funding for Innovation Zones and Local Solution Dropout Prevention and Recovery Innovation Zones after June 30, 2016.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.