

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **Senate Bill 655**

BY SENATOR MANN

[Introduced March 18, 2017; Referred  
to the Committee on Education]

1 A BILL to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, relating  
 2 to adding digital literacy skills to the list of areas for which the state board is to adopt high-  
 3 quality education standards; and requiring the state board to provide online assessment  
 4 preparation for any online assessment.

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

1 That §18-2E-5 of the Code of West Virginia, 1931, as amended, be amended and  
 2 reenacted to read as follows:

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

**§18-2E-5. Process for improving education; education standards; statewide assessment program; accountability measures; Office of Education Performance Audits; school accreditation and school system approval; intervention to correct low performance.**

1 (a) *Legislative findings, purpose and intent.* — The Legislature makes the following  
 2 findings with respect to the process for improving education and its purpose and intent in the  
 3 enactment of this section:

4 (1) The process for improving education includes four primary elements, these being:

5 (A) Standards which set forth the knowledge and skills that students should know and be  
 6 able to perform as the result of a thorough and efficient education that prepares them for the  
 7 twenty-first century, including measurable criteria to evaluate student performance and progress;

8 (B) Assessments of student performance and progress toward meeting the standards;

9 (C) A system of accountability for continuous improvement defined by high-quality  
 10 standards for schools and school systems articulated by a rule promulgated by the state board  
 11 and outlined in subsection (c) of this section that will build capacity in schools and districts to meet  
 12 rigorous outcomes that assure student performance and progress toward obtaining the  
 13 knowledge and skills intrinsic to a high-quality education rather than monitoring for compliance  
 14 with specific laws and regulations; and

15 (D) A method for building the capacity and improving the efficiency of schools and school

16 systems to improve student performance and progress;

17 (2) As the Constitutional body charged with the general supervision of schools as provided  
18 by general law, the state board has the authority and the responsibility to establish the standards,  
19 assess the performance and progress of students against the standards, hold schools and school  
20 systems accountable and assist schools and school systems to build capacity and improve  
21 efficiency so that the standards are met, including, when necessary, seeking additional resources  
22 in consultation with the Legislature and the Governor;

23 (3) As the Constitutional body charged with providing for a thorough and efficient system  
24 of schools, the Legislature has the authority and the responsibility to establish and be engaged  
25 constructively in the determination of the knowledge and skills that students should know and be  
26 able to do as the result of a thorough and efficient education. This determination is made by using  
27 the process for improving education to determine when school improvement is needed by  
28 evaluating the results and the efficiency of the system of schools, by ensuring accountability and  
29 by providing for the necessary capacity and its efficient use;

30 (4) In consideration of these findings, the purpose of this section is to establish a process  
31 for improving education that includes the four primary elements as set forth in subdivision (1) of  
32 this subsection to provide assurances that the high-quality standards are, at a minimum, being  
33 met and that a thorough and efficient system of schools is being provided for all West Virginia  
34 public school students on an equal education opportunity basis; and

35 (5) The intent of the Legislature in enacting this section and section five-c of this article is  
36 to establish a process through which the Legislature, the Governor and the state board can work  
37 in the spirit of cooperation and collaboration intended in the process for improving education, to  
38 consult and examine the performance and progress of students, schools and school systems and,  
39 when necessary, to consider alternative measures to ensure that all students continue to receive  
40 the thorough and efficient education to which they are entitled. However, nothing in this section  
41 requires any specific level of funding by the Legislature.

42           (b) *Electronic county and school strategic improvement plans.* — The state board shall  
43 promulgate a rule consistent with the provisions of this section and in accordance with article  
44 three-b, chapter twenty-nine-a of this code establishing an electronic county strategic  
45 improvement plan for each county board and an electronic school strategic improvement plan for  
46 each public school in this state. Each respective plan shall be for a period of no more than five  
47 years and shall include the mission and goals of the school or school system to improve student,  
48 school or school system performance and progress, as applicable. The strategic plan shall be  
49 revised annually in each area in which the school or system is below the standard on the annual  
50 performance measures. The plan shall be revised when required pursuant to this section to  
51 include each annual performance measure upon which the school or school system fails to meet  
52 the standard for performance and progress, the action to be taken to meet each measure, a  
53 separate time line and a date certain for meeting each measure, a cost estimate and, when  
54 applicable, the assistance to be provided by the department and other education agencies to  
55 improve student, school or school system performance and progress to meet the annual  
56 performance measure.

57           The department shall make available to all public schools through its website or the West  
58 Virginia Education Information System an electronic school strategic improvement plan  
59 boilerplate designed for use by all schools to develop an electronic school strategic improvement  
60 plan which incorporates all required aspects and satisfies all improvement plan requirements. ~~of~~  
61 ~~the No Child Left Behind Act.~~

62           (c) *High-quality education standards and efficiency standards.* — In accordance with the  
63 provisions of article three-b, chapter twenty-nine-a of this code, the state board shall adopt and  
64 periodically review and update high-quality education standards for student, school and school  
65 system performance and processes in the following areas:

66           (1) Curriculum;

67           (2) Digital literacy;

- 68           ~~(2)~~ (3) Workplace readiness skills;
- 69           ~~(3)~~ (4) Finance;
- 70           ~~(4)~~ (5) Transportation;
- 71           ~~(5)~~ (6) Special education;
- 72           ~~(6)~~ (7) Facilities;
- 73           ~~(7)~~ (8) Administrative practices;
- 74           ~~(8)~~ (9) Training of county board members and administrators;
- 75           ~~(9)~~ (10) Personnel qualifications;
- 76           ~~(10)~~ (11) Professional development and evaluation;
- 77           ~~(11)~~ (12) Student performance, progress and attendance;
- 78           ~~(12)~~ (13) Professional personnel, including principals and central office administrators, and
- 79 service personnel attendance;
- 80           ~~(13)~~ (14) School and school system performance and progress;
- 81           ~~(14)~~ (15) A code of conduct for students and employees;
- 82           ~~(15)~~ (16) Indicators of efficiency; and
- 83           ~~(16)~~ (17) Any other areas determined by the state board.

84           (d) *Comprehensive statewide student assessment program.* — The state board shall

85 establish a comprehensive statewide student assessment program to assess student

86 performance and progress in grades three through twelve. The assessment program is subject to

87 the following:

88           (1) The state board shall promulgate a rule in accordance with the provisions of article

89 three-b, chapter twenty-nine-a of this code establishing the comprehensive statewide student

90 assessment program;

91           (2) Prior to the 2014-2015 school year, the state board shall align the comprehensive

92 statewide student assessment for all grade levels in which the test is given with the college-

93 readiness standards adopted pursuant to section thirty-nine, article two of this chapter or develop

94 other aligned tests to be required at each grade level so that progress toward college readiness  
95 in English/language arts and math can be measured;

96 (3) The state board may require that student proficiencies be measured through the ACT  
97 EXPLORE and the ACT PLAN assessments or other comparable assessments, which are  
98 approved by the state board and provided by future vendors;

99 (4) The state board may require that student proficiencies be measured through the West  
100 Virginia writing assessment at any grade levels determined by the state board to be appropriate;  
101 and

102 (5) The state board may provide, through the statewide assessment program, other  
103 optional testing or assessment instruments applicable to grade levels kindergarten through grade  
104 twelve which may be used by each school to promote student achievement. The state board  
105 annually shall publish and make available, electronically or otherwise, to school curriculum teams  
106 and teacher collaborative processes the optional testing and assessment instruments; and

107 (6) For any online assessment, the state board shall provide online assessment  
108 preparation to ensure that students have the requisite digital literacy skills necessary to be  
109 successful on the assessment.

110 (e) *State annual performance measures for school and school system accreditation.* —

111 The state board shall promulgate a rule in accordance with the provisions of article three-  
112 b, chapter twenty-nine-a of this code that establishes a system to assess and weigh annual  
113 performance measures for state accreditation of schools and school systems. The state board  
114 also may establish performance incentives for schools and school systems as part of the state  
115 accreditation system. On or before December 1, 2013, the state board shall report to the Governor  
116 and to the Legislative Oversight Commission on Education Accountability the proposed rule for  
117 establishing the measures and incentives of accreditation and the estimated cost therefore, if any.  
118 Thereafter, the state board shall provide an annual report to the Governor and to the Legislative  
119 Oversight Commission on Education Accountability on the impact and effectiveness of the

120 accreditation system. The rule for school and school system accreditation proposed by the board  
121 may include, but is not limited to, the following measures:

122 (1) Student proficiency in English and language arts, math, science and other subjects  
123 determined by the board;

124 (2) Graduation and attendance rate;

125 (3) Students taking and passing AP tests;

126 (4) Students completing a career and technical education class;

127 (5) Closing achievement gaps within subgroups of a school's student population; and

128 (6) Students scoring at or above average attainment on SAT or ACT tests.

129 (f) *Indicators of efficiency.* — In accordance with the provisions of article three-b, chapter  
130 twenty-nine-a of this code, the state board shall adopt by rule and periodically review and update  
131 indicators of efficiency for use by the appropriate divisions within the department to ensure  
132 efficient management and use of resources in the public schools in the following areas:

133 (1) Curriculum delivery including, but not limited to, the use of distance learning;

134 (2) Transportation;

135 (3) Facilities;

136 (4) Administrative practices;

137 (5) Personnel;

138 (6) Use of regional educational service agency programs and services, including programs  
139 and services that may be established by their assigned regional educational service agency or  
140 other regional services that may be initiated between and among participating county boards; and

141 (7) Any other indicators as determined by the state board.

142 (g) *Assessment and accountability of school and school system performance and*  
143 *processes.* — In accordance with the provisions of article three-b, chapter twenty-nine-a of this  
144 code, the state board shall establish by rule a system of education performance audits which  
145 measures the quality of education and the preparation of students based on the annual measures

146 of student, school and school system performance and progress. The system of education  
147 performance audits shall provide information to the state board, the Legislature and the Governor,  
148 upon which they may determine whether a thorough and efficient system of schools is being  
149 provided. The system of education performance audits shall include:

150 (1) The assessment of student, school and school system performance and progress  
151 based on the annual measures established pursuant to subsection (e) of this section;

152 (2) The evaluation of records, reports and other information collected by the Office of  
153 Education Performance Audits upon which the quality of education and compliance with statutes,  
154 policies and standards may be determined;

155 (3) The review of school and school system electronic strategic improvement plans; and

156 (4) The on-site review of the processes in place in schools and school systems to enable  
157 school and school system performance and progress and compliance with the standards.

158 (h) *Uses of school and school system assessment information.* — The state board shall  
159 use information from the system of education performance audits to assist it in ensuring that a  
160 thorough and efficient system of schools is being provided and to improve student, school and  
161 school system performance and progress. Information from the system of education performance  
162 audits further shall be used by the state board for these purposes, including, but not limited to,  
163 the following:

164 (1) Determining school accreditation and school system approval status;

165 (2) Holding schools and school systems accountable for the efficient use of existing  
166 resources to meet or exceed the standards; and

167 (3) Targeting additional resources when necessary to improve performance and progress.

168 The state board shall make accreditation information available to the Legislature, the  
169 Governor, the general public and to any individual who requests the information, subject to the  
170 provisions of any act or rule restricting the release of information.

171 (i) *Early detection and intervention programs.* — Based on the assessment of student,



172 school and school system performance and progress, the state board shall establish early  
173 detection and intervention programs using the available resources of the Department of  
174 Education, the regional educational service agencies, the Center for Professional Development  
175 and the Principals Academy, or other resources as appropriate, to assist underachieving schools  
176 and school systems to improve performance before conditions become so grave as to warrant  
177 more substantive state intervention. Assistance shall include, but is not limited to, providing  
178 additional technical assistance and programmatic, professional staff development, providing  
179 monetary, staffing and other resources where appropriate.

180 (j) *Office of Education Performance Audits.* —

181 (1) To assist the state board in the operation of a system of education performance audits,  
182 the state board shall establish an Office of Education Performance Audits consistent with the  
183 provisions of this section. The Office of Education Performance Audits shall be operated under  
184 the direction of the state board independently of the functions and supervision of the state  
185 Department of Education and state superintendent. The Office of Education Performance Audits  
186 shall report directly to and be responsible to the state board in carrying out its duties under the  
187 provisions of this section.

188 (2) The office shall be headed by a director who shall be appointed by the state board and  
189 who serves at the will and pleasure of the state board. The annual salary of the director shall be  
190 set by the state board and may not exceed eighty percent of the salary of the state superintendent  
191 of Schools.

192 (3) The state board shall organize and sufficiently staff the office to fulfill the duties  
193 assigned to it by law and by the state board. Employees of the state Department of Education  
194 who are transferred to the Office of Education Performance Audits shall retain their benefits and  
195 seniority status with the Department of Education.

196 (4) Under the direction of the state board, the Office of Education Performance Audits shall  
197 receive from the West Virginia education Information System staff research and analysis data on

198 the performance and progress of students, schools and school systems, and shall receive  
199 assistance, as determined by the state board, from staff at the state Department of Education,  
200 the regional education service agencies, the Center for Professional Development, the Principals  
201 Academy and the School Building Authority to carry out the duties assigned to the office.

202 (5) In addition to other duties which may be assigned to it by the state board or by statute,  
203 the Office of Education Performance Audits also shall:

204 (A) Assure that all statewide assessments of student performance used as annual  
205 performance measures are secure as required in section one-a of this article;

206 (B) Administer all accountability measures as assigned by the state board, including, but  
207 not limited to, the following:

208 (i) Processes for the accreditation of schools and the approval of school systems; and

209 (ii) Recommendations to the state board on appropriate action, including, but not limited  
210 to, accreditation and approval action;

211 (C) Determine, in conjunction with the assessment and accountability processes, what  
212 capacity may be needed by schools and school systems to meet the standards established by  
213 the state board and recommend to the state board plans to establish those needed capacities;

214 (D) Determine, in conjunction with the assessment and accountability processes, whether  
215 statewide system deficiencies exist in the capacity of schools and school systems to meet the  
216 standards established by the state board, including the identification of trends and the need for  
217 continuing improvements in education, and report those deficiencies and trends to the state  
218 board;

219 (E) Determine, in conjunction with the assessment and accountability processes, staff  
220 development needs of schools and school systems to meet the standards established by the state  
221 board and make recommendations to the state board, the Center for Professional Development,  
222 the regional educational service agencies, the Higher Education Policy Commission and the  
223 county boards;

224 (F) Identify, in conjunction with the assessment and accountability processes, school  
225 systems and best practices that improve student, school and school system performance and  
226 communicate those to the state board for promoting the use of best practices. The state board  
227 shall provide information on best practices to county school systems; and

228 (G) Develop reporting formats, such as check lists, which shall be used by the appropriate  
229 administrative personnel in schools and school systems to document compliance with applicable  
230 laws, policies and process standards as considered appropriate and approved by the state board,  
231 which may include, but is not limited to, the following:

232 (i) The use of a policy for the evaluation of all school personnel that meets the  
233 requirements of sections twelve and twelve-a, article two, chapter eighteen-a of this code;

234 (ii) The participation of students in appropriate physical assessments as determined by  
235 the state board, which assessment may not be used as a part of the assessment and  
236 accountability system;

237 (iii) The appropriate licensure of school personnel; and

238 (iv) The appropriate provision of multicultural activities.

239 Information contained in the reporting formats is subject to examination during an on-site  
240 review to determine compliance with laws, policies and standards. Intentional and grossly  
241 negligent reporting of false information are grounds for dismissal of any employee.

242 (k) *On-site reviews.* —

243 (1) The system of education performance audits shall include on-site reviews of schools  
244 and school systems which shall be conducted only at the specific direction of the state board upon  
245 its determination that circumstances exist that warrant an on-site review. Any discussion by the  
246 state board of schools to be subject to an on-site review or dates for which on-site reviews will be  
247 conducted may be held in executive session and is not subject to the provisions of article nine-a,  
248 chapter six of this code relating to open governmental proceedings. An on-site review shall be  
249 conducted by the Office of Education Performance Audits of a school or school system for the

250 purpose of making recommendations to the school and school system, as appropriate, and to the  
251 state board on such measures as it considers necessary. The investigation may include, but is  
252 not limited to, the following:

253 (A) Verifying data reported by the school or county board;

254 (B) Examining compliance with the laws and policies affecting student, school and school  
255 system performance and progress;

256 (C) Evaluating the effectiveness and implementation status of school and school system  
257 electronic strategic improvement plans;

258 (D) Investigating official complaints submitted to the state board that allege serious  
259 impairments in the quality of education in schools or school systems;

260 (E) Investigating official complaints submitted to the state board that allege that a school  
261 or county board is in violation of policies or laws under which schools and county boards operate;  
262 and

263 (F) Determining and reporting whether required reviews and inspections have been  
264 conducted by the appropriate agencies, including, but not limited to, the State Fire Marshal, the  
265 Health Department, the School Building Authority and the responsible divisions within the  
266 Department of Education, and whether noted deficiencies have been or are in the process of  
267 being corrected.

268 (2) The Director of the Office of Education Performance Audits shall notify the county  
269 superintendent of schools five school days prior to commencing an on-site review of the county  
270 school system and shall notify both the county superintendent and the principal five school days  
271 before commencing an on-site review of an individual school: *Provided*, That the state board may  
272 direct the Office of Education Performance Audits to conduct an unannounced on-site review of  
273 a school or school system if the state board believes circumstances warrant an unannounced on-  
274 site review.

275 (3) The Office of Education Performance Audits shall conduct on-site reviews which are

276 limited in scope to specific areas in which performance and progress are persistently below  
277 standard as determined by the state board unless specifically directed by the state board to  
278 conduct a review which covers additional areas.

279 (4) The Office of Education Performance Audits shall reimburse a county board for the  
280 costs of substitutes required to replace county board employees who serve on a review team.

281 (5) At the conclusion of an on-site review of a school system, the director and team leaders  
282 shall hold an exit conference with the superintendent and shall provide an opportunity for  
283 principals to be present for at least the portion of the conference pertaining to their respective  
284 schools. In the case of an on-site review of a school, the exit conference shall be held with the  
285 principal and curriculum team of the school and the superintendent shall be provided the  
286 opportunity to be present. The purpose of the exit conference is to review the initial findings of the  
287 on-site review, clarify and correct any inaccuracies and allow the opportunity for dialogue between  
288 the reviewers and the school or school system to promote a better understanding of the findings.

289 (6) The Office of Education Performance Audits shall report the findings of an on-site  
290 review to the county superintendent and the principals whose schools were reviewed within thirty  
291 days following the conclusion of the on-site review. The Office of Education Performance Audits  
292 shall report the findings of the on-site review to the state board within forty-five days after the  
293 conclusion of the on-site review. A school or county that believes one or more findings of a review  
294 are clearly inaccurate, incomplete or misleading, misrepresent or fail to reflect the true quality of  
295 education in the school or county or address issues unrelated to the health, safety and welfare of  
296 students and the quality of education, may appeal to the state board for removal of the findings.  
297 The state board shall establish a process for it to receive, review and act upon the appeals.

298 (7) The Legislature finds that the accountability and oversight of some activities and  
299 programmatic areas in the public schools are controlled through other mechanisms and agencies  
300 and that additional accountability and oversight may be unnecessary, counterproductive and  
301 impair necessary resources for teaching and learning. Therefore, the Office of Education

302 Performance Audits may rely on other agencies and mechanisms in its review of schools and  
303 school systems.

304 (l) *School accreditation.* —

305 (1) The state board shall establish levels of accreditation to be assigned to schools. The  
306 establishment of levels of accreditation and the levels shall be subject to the following:

307 (A) The levels will be designed to demonstrate school performance in all the areas outlined  
308 in this section and also those established by the state board;

309 (B) The state board shall promulgate legislative rules in accordance with the provisions of  
310 article three-b, chapter twenty-nine-a of this code to establish the performance and standards  
311 required for a school to be assigned a particular level of accreditation; and

312 (C) The state board will establish the levels of accreditation in such a manner as to  
313 minimize the number of systems of school recognition, both state and federal, that are employed  
314 to recognize and accredit schools.

315 (2) The state board annually shall review the information from the system of education  
316 performance audits submitted for each school and shall issue to every school a level of  
317 accreditation as designated and determined by the state board.

318 (3) The state board, in its exercise of general supervision of the schools and school  
319 systems of West Virginia, may exercise any or all of the following powers and actions:

320 (A) To require a school to revise its electronic strategic plan;

321 (B) To define extraordinary circumstances under which the state board may intervene  
322 directly or indirectly in the operation of a school;

323 (C) To appoint monitors to work with the principal and staff of a school where extraordinary  
324 circumstances are found to exist and to appoint monitors to assist the school principal after  
325 intervention in the operation of a school is completed;

326 (D) To direct a county board to target resources to assist a school where extraordinary  
327 circumstances are found to exist;

328 (E) To intervene directly in the operation of a school and declare the position of principal  
329 vacant and assign a principal for the school who will serve at the will and pleasure of the state  
330 board. If the principal who was removed elects not to remain an employee of the county board,  
331 then the principal assigned by the state board shall be paid by the county board. If the principal  
332 who was removed elects to remain an employee of the county board, then the following procedure  
333 applies:

334 (i) The principal assigned by the state board shall be paid by the state board until the next  
335 school term, at which time the principal assigned by the state board shall be paid by the county  
336 board;

337 (ii) The principal who was removed is eligible for all positions in the county, including  
338 teaching positions, for which the principal is certified, by either being placed on the transfer list in  
339 accordance with section seven, article two, chapter eighteen-a of this code, or by being placed  
340 on the preferred recall list in accordance with section seven-a, article four, chapter eighteen-a of  
341 this code; and

342 (iii) The principal who was removed shall be paid by the county board and may be  
343 assigned to administrative duties, without the county board being required to post that position  
344 until the end of the school term; and

345 (F) Other powers and actions the state board determines necessary to fulfill its duties of  
346 general supervision of the schools and school systems of West Virginia.

347 (4) The county board may take no action nor refuse any action if the effect would be to  
348 impair further the school in which the state board has intervened.

349 (m) *School system approval.* — The state board annually shall review the information  
350 submitted for each school system from the system of education performance audits and issue  
351 one of the following approval levels to each county board: Full approval, temporary approval,  
352 conditional approval or nonapproval.

353 (1) Full approval shall be given to a county board whose schools have all been given full,

354 temporary or conditional accreditation status and which does not have any deficiencies which  
355 would endanger student health or safety or other extraordinary circumstances as defined by the  
356 state board. A fully approved school system in which other deficiencies are discovered shall  
357 remain on full accreditation status for the remainder of the approval period and shall have an  
358 opportunity to correct those deficiencies, notwithstanding other provisions of this subsection.

359 (2) Temporary approval shall be given to a county board whose education system is below  
360 the level required for full approval. Whenever a county board is given temporary approval status,  
361 the county board shall revise its electronic county strategic improvement plan in accordance with  
362 subsection (b) of this section to increase the performance and progress of the school system to  
363 a full approval status level. The revised plan shall be submitted to the state board for approval.

364 (3) Conditional approval shall be given to a county board whose education system is below  
365 the level required for full approval, but whose electronic county strategic improvement plan meets  
366 the following criteria:

367 (A) The plan has been revised in accordance with subsection (b) of this section;

368 (B) The plan has been approved by the state board; and

369 (C) The county board is meeting the objectives and time line specified in the revised plan.

370 (4) Nonapproval status shall be given to a county board which fails to submit and gain  
371 approval for its electronic county strategic improvement plan or revised electronic county strategic  
372 improvement plan within a reasonable time period as defined by the state board or which fails to  
373 meet the objectives and time line of its revised electronic county strategic improvement plan or  
374 fails to achieve full approval by the date specified in the revised plan.

375 (A) The state board shall establish and adopt additional standards to identify school  
376 systems in which the program may be nonapproved and the state board may issue nonapproval  
377 status whenever extraordinary circumstances exist as defined by the state board.

378 (B) Whenever a county board has more than a casual deficit, as defined in section one,  
379 article one of this chapter, the county board shall submit a plan to the state board specifying the



380 county board's strategy for eliminating the casual deficit. The state board either shall approve or  
381 reject the plan. If the plan is rejected, the state board shall communicate to the county board the  
382 reason or reasons for the rejection of the plan. The county board may resubmit the plan any  
383 number of times. However, any county board that fails to submit a plan and gain approval for the  
384 plan from the state board before the end of the fiscal year after a deficit greater than a casual  
385 deficit occurred or any county board which, in the opinion of the state board, fails to comply with  
386 an approved plan may be designated as having nonapproval status.

387 (C) Whenever nonapproval status is given to a school system, the state board shall  
388 declare a state of emergency in the school system and shall appoint a team of improvement  
389 consultants to make recommendations within sixty days of appointment for correcting the  
390 emergency. When the state board approves the recommendations, they shall be communicated  
391 to the county board. If progress in correcting the emergency, as determined by the state board,  
392 is not made within six months from the time the county board receives the recommendations, the  
393 state board shall intervene in the operation of the school system to cause improvements to be  
394 made that will provide assurances that a thorough and efficient system of schools will be provided.  
395 This intervention may include, but is not limited to, the following:

396 (i) Limiting the authority of the county superintendent and county board as to the  
397 expenditure of funds, the employment and dismissal of personnel, the establishment and  
398 operation of the school calendar, the establishment of instructional programs and rules and any  
399 other areas designated by the state board by rule, which may include delegating decision-making  
400 authority regarding these matters to the state superintendent;

401 (ii) Declaring that the office of the county superintendent is vacant;

402 (iii) Declaring that the positions of personnel who serve at the will and pleasure of the  
403 county superintendent as provided in section one, article two, chapter eighteen-a of this code, are  
404 vacant, subject to application and reemployment;

405 (iv) Delegating to the state superintendent both the authority to conduct hearings on

406 personnel matters and school closure or consolidation matters and, subsequently, to render the  
407 resulting decisions and the authority to appoint a designee for the limited purpose of conducting  
408 hearings while reserving to the state superintendent the authority to render the resulting decisions;

409 (v) Functioning in lieu of the county board of education in a transfer, sale, purchase or  
410 other transaction regarding real property; and

411 (vi) Taking any direct action necessary to correct the emergency including, but not limited  
412 to, the following:

413 (I) Delegating to the state superintendent the authority to replace administrators and  
414 principals in low performing schools and to transfer them into alternate professional positions  
415 within the county at his or her discretion; and

416 (II) Delegating to the state superintendent the authority to fill positions of administrators  
417 and principals with individuals determined by the state superintendent to be the most qualified for  
418 the positions. Any authority related to intervention in the operation of a county board granted  
419 under this paragraph is not subject to the provisions of article four, chapter eighteen-a of this  
420 code.

421 (n) Notwithstanding any other provision of this section, the state board may intervene  
422 immediately in the operation of the county school system with all the powers, duties and  
423 responsibilities contained in subsection (m) of this section, if the state board finds the following:

424 (1) That the conditions precedent to intervention exist as provided in this section; and that  
425 delaying intervention for any period of time would not be in the best interests of the students of  
426 the county school system; or

427 (2) That the conditions precedent to intervention exist as provided in this section and that  
428 the state board had previously intervened in the operation of the same school system and had  
429 concluded that intervention within the preceding five years.

430 (o) *Capacity*. — The process for improving education includes a process for targeting  
431 resources strategically to improve the teaching and learning process. Development of electronic

432 school and school system strategic improvement plans, pursuant to subsection (b) of this section,  
433 is intended, in part, to provide mechanisms to target resources strategically to the teaching and  
434 learning process to improve student, school and school system performance. When deficiencies  
435 are detected through the assessment and accountability processes, the revision and approval of  
436 school and school system electronic strategic improvement plans shall ensure that schools and  
437 school systems are efficiently using existing resources to correct the deficiencies. When the state  
438 board determines that schools and school systems do not have the capacity to correct  
439 deficiencies, the state board shall take one or more of the following actions:

440 (1) Work with the county board to develop or secure the resources necessary to increase  
441 the capacity of schools and school systems to meet the standards and, when necessary, seek  
442 additional resources in consultation with the Legislature and the Governor;

443 (2) Recommend to the appropriate body including, but not limited to, the Legislature,  
444 county boards, schools and communities methods for targeting resources strategically to  
445 eliminate deficiencies identified in the assessment and accountability processes. When making  
446 determinations on recommendations, the state board shall include, but is not limited to, the  
447 following methods:

448 (A) Examining reports and electronic strategic improvement plans regarding the  
449 performance and progress of students, schools and school systems relative to the standards and  
450 identifying the areas in which improvement is needed;

451 (B) Determining the areas of weakness and of ineffectiveness that appear to have  
452 contributed to the substandard performance and progress of students or the deficiencies of the  
453 school or school system and requiring the school or school system to work collaboratively with  
454 the West Virginia Department of Education State System of Support to correct the deficiencies;

455 (C) Determining the areas of strength that appear to have contributed to exceptional  
456 student, school and school system performance and progress and promoting their emulation  
457 throughout the system;

458 (D) Requesting technical assistance from the School Building Authority in assessing or  
459 designing comprehensive educational facilities plans;

460 (E) Recommending priority funding from the School Building Authority based on identified  
461 needs;

462 (F) Requesting special staff development programs from the Center for Professional  
463 Development, the Principals Academy, higher education, regional educational service agencies  
464 and county boards based on identified needs;

465 (G) Submitting requests to the Legislature for appropriations to meet the identified needs  
466 for improving education;

467 (H) Directing county boards to target their funds strategically toward alleviating  
468 deficiencies;

469 (I) Ensuring that the need for facilities in counties with increased enrollment are  
470 appropriately reflected and recommended for funding;

471 (J) Ensuring that the appropriate person or entity is held accountable for eliminating  
472 deficiencies; and

473 (K) Ensuring that the needed capacity is available from the state and local level to assist  
474 the school or school system in achieving the standards and alleviating the deficiencies.

475 (p) *Building leadership capacity* — To help build the governance and leadership capacity  
476 of a county board during an intervention in the operation of its school system by the state board,  
477 and to help assure sustained success following return of control to the county board, the state  
478 board shall require the county board to establish goals and action plans, subject to approval of  
479 the state board, to improve performance sufficiently to end the intervention within a period of not  
480 more than five years. The state superintendent shall maintain oversight and provide assistance  
481 and feedback to the county board on development and implementation of the goals and action  
482 plans. At a minimum, the goals and action plans shall include:

483 (A) An analysis of the training and development activities needed by the county board and

484 leadership of the school system and schools for effective governance and school improvement;

485 (B) Support for the training and development activities identified which may include those  
486 made available through the state superintendent, regional education service agencies, Center for  
487 Professional Development, West Virginia School Board Association, Office of Education  
488 Performance Audits, West Virginia Education Information System and other sources identified in  
489 the goals and action plans. Attendance at these activities included in the goals and action plans  
490 is mandatory as specified in the goals and action plans; and

491 (C) Active involvement by the county board in the improvement process, working in  
492 tandem with the county superintendent to gather, analyze and interpret data, write time-specific  
493 goals to correct deficiencies, prepare and implement action plans and allocate or request from  
494 the State Board of Education the resources, including board development training and coaching,  
495 necessary to achieve approved goals and action plans and sustain system and school  
496 improvement.

497 At least once each year during the period of intervention, the Office of Education  
498 Performance Audits shall assess the readiness of the county board to accept the return of control  
499 of the system or school from the state board and sustain the improvements, and shall make a  
500 report and recommendations to the state board supported by documented evidence of the  
501 progress made on the goals and action plans. The state board may end the intervention or return  
502 any portion of control of the operations of the school system or school that was previously  
503 removed at its sole determination. If the state board determines at the fifth annual assessment  
504 that the county board is still not ready to accept return of control by the state board and sustain  
505 the improvements, the state board shall hold a public hearing in the affected county at which the  
506 attendance by all members of the county board is requested so that the reasons for continued  
507 intervention and the concerns of the citizens of the county may be heard. The state board may  
508 continue the intervention only after it holds the public hearing and may require revision of the  
509 goals and action plans.

510           Following the termination of an intervention in the operation of a school system and return  
511 of full control by the state board, the support for governance education and development shall  
512 continue as needed for up to three years. If at any time within this three years, the state board  
513 determines that intervention in the operation of the school system is again necessary, the state  
514 board shall again hold a public hearing in the affected county so that the reasons for the  
515 intervention and the concerns of the citizens of the county may be heard.

NOTE: The purpose of this bill is to add digital literacy skills to the list of areas for which the state board is to adopt high-quality education standards. The bill requires the state board to provide online assessment preparation for any online assessment.

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